

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SMALL BUSINESS
JOINTLY WITH
COMMITTEE ON TECHNOLOGY

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September 26, 2019
Start: 10:18 a.m.
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HELD AT: Committee Room - City Hall

B E F O R E: Mark Gjonaj
Chairperson
Committee on Small Business

Robert F. Holden
Chairperson
Committee on Technology

COUNCIL MEMBERS: Committee on Small Business
Bill Perkins
Daniel Dromm
Helen K. Rosenthal
Mark Gjonaj
Stephen T. Levin

Committee on Technology
Brad S. Lander
Costa G. Constantinides
Diana Ayala

Eric A. Ulrich
Kalman Yeger
Peter A. Koo
Robert F. Holden

Margaret S. Chin

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

Ann Del Castillo
Commissioner
Mayor's Office of Media and Entertainment

Dean McCann
Deputy Commissioner
Office of Film, Theater, and Broadcasting
Mayor's Office of Media and Entertainment

Laurie Barrett Peterson
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Nancy Sogozarich

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Christine Agodata

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Rudy Caligari

Marny Majorel

@

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PEDRO LUGO: Sound check, sound check.

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This is the sound check on Committee on Small

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Business. Today's date is September 26, 2019,

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location is committee room, and recording done by

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Pedro Lugo.

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CHAIRPERSON HOLDEN: Good morning. I am

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Council Member Holden, chair of the Committee on

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Technology. I want to welcome you all to our

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hearing. We are pleased to be joined today by the

11

Committee on Small Business, chaired by the gentleman

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to my right, Council Member Mark Gjonaj. Today we

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will focus on the expansion of the film industries

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and how it affects New York City's communities,

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residents, and economy. The hearing will also focus

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on the following six bills: Intro 158, sponsored by

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Council Member Levin, would update the fees on

18

filming permits on city property. Introduction 937,

19

sponsored by Council Member Eugene would require film

20

companies to provide residents with at least 72 hours

21

notice when film shoots will disrupt parking in the

22

area. Introduction 1495, sponsored by Council Member

23

Barron, would create a local community and media bill

24

of rights, addressing the issues that communities

25

face during film and television production. Intro

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2 1515, also sponsored by Council Member Barron, would
3 create a task force to produce an action plan on film
4 and television production to improve the economic
5 impact on local communities in New York City. And
6 Intro 1700, of which I am a sponsor, would establish
7 a 14-day notification requirement for movie making,
8 telecasting, and photography permit applications when
9 special parking requests are required. And finally
10 we will hear testimony on Intro 1722, also sponsored
11 by myself, which would require that certain
12 applicants for film and television production permits
13 pay a fee of \$800 to cover the city's costs of
14 providing such permits and would provide that these
15 permits would expire 30 days after the date they are
16 issued. New York City has experienced both positive
17 and negative impacts from the film industry.
18 Positive has been certainly job creation, tax
19 revenue, but the negative disruption of operations,
20 complaints from residents and small businesses, which
21 includes, but not limited to, parking, noise,
22 congestion, and lack of notice. With the film
23 industry's continued growth we hope to work together
24 with the Mayor's Office of Media and Entertainment to
25 see more done by the agencies in mitigating any

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2 negative impact on our communities. We also look
3 forward to hearing valuable testimonies from the
4 administration, industry experts, community boards,
5 civic associations, residents, businesses, and
6 others. The testimony today is crucial for
7 understanding the present problems and for building
8 better solutions for our constituents. And I'd like
9 to recognize joining us is Council Member Chin from
10 Manhattan and to my right, obviously, I mentioned
11 Mark Gjonaj, Council Member Gjonaj. I would like to
12 acknowledge the staff of the Committee on Technology,
13 my counsel, Irene Bahofsky, policy analyst Charles
14 Kim, finance analyst Sebastian Bocky, and former
15 policy analyst Patrick Mulvahill. I also would like
16 to thank my own staff, Daniel Cozina and
17 communications director Ryan Kelly, for their
18 valuable assistance in preparation for today's
19 hearing. I will now turn it over to my cochair of
20 the committee today, Mark Gjonaj.

21 CHAIRPERSON GJONAJ: Thank you, Chairman.
22 Good morning. I am Councilman Mark Gjonaj, chair of
23 the Committee on Small Business, and I'd to welcome
24 you to our joint hearing with the Committee on
25 Technology, chaired by my good friend, Council Member

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2 Robert Holden. Our hearing today focuses on the film
3 industry expansion and its impact on the New York
4 City economy, city residents, and our small
5 businesses. New York City is one of the most sought-
6 after cities for film schools in the world. From our
7 city's iconic skyline to our diversity of locations,
8 New York City is an attractive location for film and
9 television shoots. Since the early 2000s the film
10 and television industries have expanded in the city.
11 The rise in popularity of streaming services like
12 Netflix, Amazon, and Hulu has further increased
13 demand for new content and stimulated a large surge
14 in television productions in New York City. The
15 expansion of the film industry has certainly had
16 positive impacts on the New York City economy. Film
17 production has helped contribute over 12 billion to
18 the city in 2018. The film industry has also
19 provided new employment opportunities for city
20 residents. To the associates, representatives, and
21 members of the film industry that are here today, I
22 thank you for choosing New York City. I hope you
23 have had the opportunity to enjoy our lively city and
24 vibrant culture and contribute to our local economy.
25 Mom and pop shops are obviously at the center of what

2 makes New York City great. While I welcome of the
3 film industry, I want to make sure small businesses
4 are benefitting from the expansion, too. Our small
5 businesses operate in an increasingly harsh
6 environment, from the rise of e-commerce to big box
7 store competition, consumer behavior changes, or
8 government regulations our small businesses are
9 facing more and more hurdles. The expansion of the
10 film industry should not be another obstacle that mom
11 and pop shops have to worry about. Small businesses
12 rely on foot traffic. Block a small business's
13 visibility or closing down a street can be a massive
14 hindrance to the daily small business operations.
15 Similarly, small businesses are not being given
16 proper notice of when filming will be occurring in
17 their neighborhoods. The administration must do a
18 better job at notifying small businesses and
19 communities of when film making will occur on their
20 streets. Small businesses rely on delivery to their
21 stores and mom and pop restaurants depend on their
22 customers being able to park near their store to grab
23 a quick slice, sandwich, or food of their choice.
24 The administration's closing down of streets and the
25 lack of warning given to small businesses makes it

2 harder for small businesses to keep their doors open.
3 That includes things like preparing for reduction in
4 foot traffic by scheduling fewer staff, to arranging
5 commercial deliveries. Without enough notices
6 businesses may be over-scheduling staff or preparing
7 to receive deliveries that may not be able to get
8 down the block at all. Some neighborhoods of the
9 city are used more frequently for film schools.
10 These hot spot areas may experience greater
11 disruptions, with some areas receiving permits almost
12 every other day. In one such instance, West 48th
13 Street and Sixth Avenue Manhattan was granted almost
14 200 permits in 2018. That's almost two-thirds of the
15 entire year. No city resident should feel that they
16 are living in the parking lot of a Hollywood film
17 shoot. While some areas of the city may not be more
18 desirable than others for production, inundated
19 neighborhoods with shoots can hurt the quality of
20 life for city residents and our small businesses. We
21 need to develop a more fairer system in issuing
22 permits to provide businesses and residents the
23 relief from the constant noise and disruption from
24 film shoots. Although many productions play by the
25 rules, not all do. It is essential that we value and

2 are clear about the recourse communities have when
3 they feel film shoots go too far. The administration
4 needs to value resident and small business voices and
5 communicate better between all parties. Residents
6 and small businesses need to know what to expect from
7 film shoots, what impacts may be anticipated, and
8 what is improper behavior. Finally, I implore film
9 productions to shop locally. Our small businesses
10 are in the central aspect of the New York City
11 culture and economy. Allow them to benefit from your
12 expansion, and small businesses and the film industry
13 can thrive together. Before concluding, I'd like to
14 recognize my fellow council members, Council Member
15 Chin, and my colleague, Holden, for the work that was
16 put into this hearing and the concerns. I will turn
17 it over to Council Member Barron, oh, she's not here.
18 I do want to recognize the hard work that the City
19 Council staff has put into this in working with the
20 administration and industry and stakeholders, from
21 Irene to Stephanie, and including my staff. I want
22 to thank them all for their commitment and
23 dedication. I pass it on to you, Chair Holden.

24 CHAIRPERSON HOLDEN: Thank you, Council
25 Member Gjonaj. We are joined by Council Member

2 Ayala, she just walked in, thank you, and counsel
3 will now swear in the first panel.

4 COUNSEL: Good morning. Do you affirm to
5 tell the truth and answer honestly to council member
6 questions?

7 ANN DEL CASTILLO: [inaudible]

8 COUNSEL: Thank you.

9 ANN DEL CASTILLO: It's not on. Shall I
10 start again? OK. My apologies. I do work in media,
11 I should know that that goes on. [laughter] Good
12 morning, Chair Holden, Chair Gjonaj, and members of
13 the City Council Committees on Technology and Small
14 Business. My name is Ann Del Castillo and I'm the
15 commissioner of the Mayor's Office of Media and
16 Entertainment. I'm joined here at the table by my
17 colleague, Dean McCann, who is MOME's deputy
18 commissioner of the Office of Film, Theater, and
19 Broadcasting, and Laurie Barrett Peterson, our
20 general counsel, as well as my senior leadership
21 team, seated to the right of me. I want to thank you
22 for giving me the opportunity the opportunity to be
23 here to discuss the impact of the film and television
24 production in New York City. Before I had the
25 privilege of being MOME consumer, I had the privilege

2 of being born a New Yorker, and over the years I have
3 witnessed first-hand the changing landscape of our
4 city and the growth of film and television production
5 in particular. So I do get it. Film and television
6 productions can be disruptive to New Yorkers,
7 including local businesses. In fact, once when I was
8 moving a film crew made me park my truck around the
9 corner from where I was moving into and believe me, I
10 got some exercise that day. But that is not the
11 entire story. Film and television production is a
12 New York success story. It is a story born of more
13 than half a century of strategic thinking,
14 collaboration, and engagement among city agencies,
15 communities, industry, and other stakeholders, and of
16 course with the advice and input of City Council.
17 Think of what we've done together. New York City was
18 the first in the country to establish a Cultural
19 Affairs Commission and a Film Commission. We need
20 strategic investments to draw businesses and jobs to
21 increase opportunities for New Yorkers in the
22 creative economy. Through our collective efforts we
23 now have a thriving creative economy and good-paying
24 jobs, expansion of other tech and innovation
25 industries, increased tourism, and a global

2 reputation as a world-class center for creativity and
3 culture. When governments from other municipalities,
4 states, and countries want to see how this is done
5 they look to New York City. So I sit here before you
6 filled with pride and gratitude in our shared
7 success. Of course, growth comes with challenges,
8 especially in a city of 8.6 million people that runs
9 24/7. At MOME we are acutely aware of the
10 inconveniences New Yorkers and local businesses face
11 when the film and television production industry
12 comes to their neighborhoods. But when we look at
13 those challenges we must also consider what the term
14 production industry actually means. The first
15 thought that comes to mind is the big studios, but
16 New York City's production industry is also comprised
17 of 130,000 New Yorkers. They are freelancers,
18 artists, artisans, union members, and small business
19 owners. They are our family, our neighborhoods, our
20 friends, and they are all New Yorkers who are earning
21 a living in their city. Each year in the course of
22 doing their jobs this industry spends almost 9
23 billion dollars right here in New York City. So they
24 aren't just helping themselves. They are
25 contributing to our shared success. MOME is here to

2 ensure that New Yorkers can continue to have these
3 opportunities in film production and at the same time
4 cause minimum disruption to neighborhood residents
5 and small businesses. MOME engages in a
6 collaborative, flexible, and responsive approach with
7 communities, productions, productions, and our sister
8 agencies to anticipate and mitigate problems before
9 they arise. By the time a crew lands, a production
10 in a given area alone has already limited that
11 production schedule, size, and location according to
12 the specific needs and characteristics of that
13 particular community and surrounding neighborhoods,
14 because every community, every street, and every
15 production is different. Last year we issued more
16 than 14,500 permits. By contrast, the number of
17 inquiries we received from the public amounted to
18 less than 10% of that number. Nevertheless, there is
19 always room for improvement. That is why in my first
20 five months of office I have made it a priority to
21 meet individually with each of the members of the
22 council. I've met with about a third of you so far,
23 and these conversations have been critical to
24 understanding the ebb and flow of your respective
25 districts and what other projects are occurring,

2 whether public works, transit, block parties, or
3 other street activities and how we can work together
4 more effectively to offset the impact of production
5 in particular. These conversations have set the
6 foundation for collaborative solution seeking as
7 issues arise. For example, there was an instance
8 recently where production landed in a neighborhood
9 and residents expressed concerns about parking. The
10 council member in that district reached out to my
11 office, actually me directly, and we were able to
12 identify a mutually agreeable solution for production
13 parking for the remaining days of that production.
14 In addition to troubleshooting, these conversations
15 also help inform our office for productions. There
16 are countless churches, schools, parks, and nonprofit
17 organizations throughout the city that have hosted
18 productions and benefitted from location fees and
19 community give-backs. Materials for the arts is an
20 example of an organization that has received
21 countless donations from the sets that are built and
22 recycled materials to the benefit of nonprofit
23 organizations throughout the city. The parks
24 department also reported that it received more than
25 360,000 in donations, \$360,000 in donations from

2 productions. Productions participating in the Made
3 in New York marketing credit program, which only
4 captures a fragment of the films made here,
5 contributed more than \$170,000 to cultural
6 organizations across the five boroughs last year
7 alone. The increase in production activity has also
8 resulted in increased demand for local talent. To
9 that end, the Made in New York production assistant
10 training program was established to provide free
11 training for underemployed and unemployed New Yorkers
12 seeking work in production. Over the last 10-plus
13 years more than 800 people have graduated from the
14 program and secured jobs in the industry. That
15 program also served as a model for more recent Made in
16 New York post-production training program, which has
17 graduated dozens of New Yorkers in the fields of
18 editing, animation, motion graphics, and visual
19 effects. Graduates from these programs are now
20 working in production and are also hiring their
21 successor graduates from these programs. These
22 programs were developed in consultation with
23 employers to ensure that the participants gained
24 relevant skills so that we can build a strong
25 pipeline of New York City talent to continue to build

2 our local industry. Overall, MOME has created
3 educational and training programs that reach 6000 New
4 Yorkers a year. The benefits of our thriving film
5 and television production sector ripple out far
6 beyond the boundaries of any given location shoot.
7 Film and television production creates jobs and
8 opportunities for New Yorkers who have never set foot
9 on a set. We hear many stories from local business
10 owners who tell us how business generated by
11 productions has helped them grow and thrive. I'd
12 actually like you to hear just two of these stories
13 from local entrepreneurs themselves. We just have to
14 very short videos I promised to play. So if we can
15 pull those up. Do we have those?

16 FIRST VIDEO: When I started Melba's
17 Restaurant and Catering here in Harlem I was really
18 thinking about my Grandma Amelia. She taught me the
19 best way to take care of people was through food.
20 Now I take care of the film industry week in and week
21 out. They know what they want and it's got to be
22 good. Production catering is a big part of our
23 business and that means more chefs, more servers,
24 more jobs in the neighborhood. My business works in

2 New York because the film business works for New
3 York.

4 SECOND VIDEO: My family and I started
5 this business 25 years ago in the Manhattan flower
6 market. Since working with film and television we've
7 grown our business and become a daily destination for
8 set designers. I'm a florist and I work with set
9 decorators for TV and movies. I love working in New
10 York because there's resources like this right around
11 the corner. I'm always running in and out of here
12 every day. I think the best ideas come out of New
13 York and we're proud to be in that mix. My business
14 works in New York. Because the film business works
15 for New York.

16 ANN DEL CASTILLO: These success stories
17 are possible because of the drive, talent, and hard
18 work of small business owners themselves, film
19 productions that spend money with them, and also the
20 collaborative responsive and flexible approach that
21 city government has taken with respect to production.
22 We all should be proud of what we have achieved
23 together. Decades ago we were the first city in the
24 nation to set up a governmental entity to make film
25 and television production work for everyone, and look

2 where we are now - 130,000 New Yorkers working in
3 production that supports 300,000 other jobs in
4 related industries outside production. Together
5 that's approximately 10% of New York City's total
6 employment. The freelancers, union members, and
7 small business owners, the artists who work in film
8 and television productions spend almost 9 billion a
9 year directly in our city and generate 400 million in
10 tax revenue. They create images of our city that are
11 unforgettable. Each time someone somewhere sees an
12 image of New York City on a computer, television, or
13 at a movie theater our position as a world capital
14 grows. I look forward to working closely with the
15 council to ensure that this great city, this great
16 New York City success story continues. I'm happy to
17 answer your questions. Thank you.

18 CHAIRPERSON HOLDEN: Thank you,
19 Commissioner. We've been joined by Council Member
20 Lander and Council Member Barron. I understand
21 Council Member Barron would like to make a statement
22 on her two bills.

23 COUNCIL MEMBER BARRON: Thank you to the
24 chair and thank you to the panel, and thank you to
25 the public for coming. This is a very important

2 issue because New York City is seeing more and more
3 instances of neighborhoods being bombarded with film
4 crews coming in, taking up space, making their films,
5 and we want to make sure that the communities are
6 being respected. So I've proposed two bills. One
7 talks about establishing a bill of rights for the
8 communities and we've met and we've talked about the
9 intent and that objective of that bill, and the other
10 one talks about, without trying to extort money from
11 film companies, what can we expect film companies to
12 do to make sure that there's some kind of reciprocity
13 and benefit for the communities where they are
14 inconveniencing people who live there for whatever
15 number of hours or days that they're there. So
16 that's the intent of the two bills and we want to
17 look to see how we can shape that so that communities
18 benefit from allowing themselves to be the site for
19 these wonderful films that are being made in New York
20 City. Thank you, Mr. Chair.

21 CHAIRPERSON GJONAJ: Thank you, Council
22 Member. We understand that the film industry is very
23 important in New York City and the productions and we
24 certainly understand that. However, when it's on
25 the, the people that pay the most for these film

2 shoots, aside, we understand the billions it brings
3 into the city, that's what we're told and that's what
4 we hear. However, on the front lines when
5 productions take over an entire commercial district
6 it seems like this administration is willing to say
7 let these small businesses suffer. They're going to
8 put up with no parking in their, in front of their
9 stores for many times, several days, if not weeks,
10 and nobody actually reaches out to them. You have a
11 code of conduct in your MOME, in the MOME Code of
12 Conduct. I'm reading that the film companies or
13 production companies are supposed to notify the
14 community boards and the council members. I've never
15 got a call from a production company in advance of
16 shooting. I don't know if any council member here
17 has gotten a call from a production company, but I
18 never have. We get the flash notice two days before
19 and then we get the frantic, when the signs go up in
20 the neighborhood that there's going to be a film
21 shoot and no parking for an extended period of time,
22 the administration is essentially saying fend for
23 yourselves, find your parking at your own expense.
24 Same thing with the businesses. There's no outreach.
25 We hope that changes under your leadership. However,

2 we haven't seen it and the straw that broke the
3 camel's back for me was a film shoot on my two
4 commercial districts, the week before Christmas, and
5 dozens of cones went out, actually the day before.
6 The day before the permit the film companies were
7 brazen, right before Christmas, to take over the
8 entire district and to put parking earlier than they
9 were supposed to. So the oversight, I question the
10 oversight from this administration. I would hope
11 that your office would have more people, because we
12 were checking with your office many times before your
13 predecessor and we didn't get answers. We got more
14 cooperation from the film production companies, to be
15 honest. They actually worked with us, if we reached
16 out to them. But there's a host of other problems.
17 The permits that are listed on the poles, they ask
18 you to call a phone number. The number doesn't work
19 many times, it'll just ring and ring and then hang up
20 after ten rings. Nobody's at the phone. So I had so
21 many businesses call me and say we couldn't get our
22 deliveries. How dare the city schedule a film shoot
23 right before Christmas, the most lucrative time of
24 the year. Many businesses were telling me they lost
25 \$15,000 at least in a couple of days of shooting and,

2 again, the administration is willing to say sorry,
3 it's a benefit of all New Yorkers that this happens,
4 but you guys will have to take the hit. So that's
5 why, I mean, your Kumbaya little video was fine, a
6 commercial, but it wasn't really, it's not reality
7 because yes, you paid somebody to do that or you had
8 somebody do it. That is not reality on the front
9 lines, at least in my district, and in speaking to my
10 fellow council members that's the same feeling. We
11 understand the contributions to the city. However,
12 we need more done. I don't know if your office can
13 figure out something. I tried with legislation. We
14 could reimburse the businesses if they lose parking,
15 or give them other avenues to recoup the money, but
16 there has to be something figured out, that you're
17 just willing to say sorry, this is going to happen in
18 front of your business and you have nothing to say.
19 You could reach out to a number that doesn't, nobody
20 answers. You could call the council member, but we
21 don't get the calls from the production companies.
22 They don't notify the community boards. They don't
23 notify the BIDs or the LDCs. They don't. We asked
24 if any of them have received calls. So if they're
25 not, if the production companies historically are not

2 going to follow your code of conduct then where are
3 we? Then they, then they take more and more parking.
4 Yes, they do. I've seen it, I've, want to show some
5 photographs?

6 ANN DEL CASTILLO: If I may, Councilman.

7 CHAIRPERSON GJONAJ: Yes.

8 ANN DEL CASTILLO: Ah, Chair, ah, it's
9 actually one of the reasons why I reached out to your
10 office within my, when I was even acting in February,
11 I've literally spent the first five months of my
12 tenure trying to meet with every single one of you.
13 There are 51 districts throughout the city and we
14 know that there are issues. I'm not going to sit
15 here and pretend that there aren't improvements that
16 we need to make. I actually have worked in the
17 industry for a greater portion of my career and I
18 understand how these things can land. I also care a
19 lot about the city. We really are focused on making
20 sure that we can play well in the sand box together
21 and so that is why I've taken, I've dedicated this
22 first five months to meeting with you as well as the
23 productions to say hey, we need to be doing better.
24 We absolutely need you to be doing better outreach to
25 the council districts and the communities where

2 you're filming. That said, I do think it's important
3 to draw a distinction. There are situations where
4 there are small films and they're just going to land
5 for a day, whereas there, and then there are larger
6 films that may land for a more significant amount of
7 time. Those are the ones that we're focused on.
8 Those are the ones where we're working, making a
9 concerted effort to work with them, to reach out to
10 you and the community boards before they land. I
11 definitely know we can do better and I do remember
12 that incident and that what was predicated the
13 meeting with you, so we really are working hard to
14 make sure that we are doing outreach and really
15 looking to you to help us understand the ebb and flow
16 of your respective communities. You know, when I say
17 there are 51 council districts I say that to point
18 out that there's such a diversity of neighborhoods,
19 and so what may work in your council district may not
20 work in another one. And in order to better
21 understand how that works for the city so that we can
22 land productions well in neighborhoods and work well
23 with the community, I need to have this open dialogue
24 with you, and I think we're off to a good start.
25 I've met with about a third of you so far and that is

2 just one part of a multi-approach strategy that we're
3 taking to do better with working with production and
4 the local communities.

5 CHAIRPERSON GJONAJ: You see a photo up
6 now of, this is a catering truck in front of a diner.
7 Now that's against your code of conduct. Who's
8 enforcing it? So if your office is going to be
9 reactive that means somebody has to complain, but
10 nobody goes out apparently because I don't think you
11 have enough staff to actually go out and check or
12 visit each site. I understand that. However, we
13 need someone and whether it's the production
14 companies themselves going around saying, you know,
15 somebody is in charge of this, saying we can't do
16 this.

17 ANN DEL CASTILLO: Absolutely.

18 CHAIRPERSON GJONAJ: We can't block a
19 fire hydrant. I saw cables, I don't know if we have
20 that photo, of very, with no trip hazard, it was a
21 trip hazard, no covering on, cables going across a
22 bus stop. So people can get off a bus and trip over
23 these huge cables on the commercial strip. There's
24 so many violations, and this is what happens when
25 there's lack of oversight. So that's why, that's

2 what we're providing here, because we pointed out,
3 and when I spoke to the previous consumer and
4 mentioned this production company, and I'll tell you
5 the company that was shooting, it was Billions, they
6 were shooting it on my commercial district right
7 before Christmas, violated almost every part of, or
8 every issue, numbers of the code of conduct. Every
9 single one. And we said what is going on? And,
10 again, I got, oh, this is a 9.8 billion-dollar
11 industry and you're benefitting, you're a taxpayer.
12 Nobody wants to hear that when we have specific
13 problems that we're bringing to MOME, and we never
14 got them addressed, by the way.

15 ANN DEL CASTILLO: Hmm.

16 CHAIRPERSON GJONAJ: The production
17 companies, and we still, we're still not getting them
18 addressed. They're still violating codes of conduct.
19 Why have it if you're not going to enforce it? And
20 nobody is looking at this. So it's not up to us. We
21 have many things to do in the office, in our council
22 offices, but dealing with every production, which is
23 happening every week, we get a two-day notice, and
24 then we get the calls from residents who can't find
25 parking because for two days and businesses that

2 can't get deliveries and nobody is reaching out to
3 them, and that's what has to change. And that's what
4 I hope under your leadership that will change.

5 ANN DEL CASTILLO: Absolutely,
6 absolutely.

7 CHAIRPERSON GJONAJ: I want to just
8 recognize, do you want to...?

9 LAURIE BARRETT PETERSON: Yeah.

10 CHAIRPERSON GJONAJ: OK. Kalman Yeger,
11 Council Member Yeger, is joining us. Anybody else?
12 OK.

13 COUNCIL MEMBER YEGER: Thank you,
14 Chairman. You did a stellar job of explaining some
15 of the issues that our communities, residents, small
16 businesses are facing and Commissioner, part, the
17 beginning of something is acknowledging there's a
18 problem. And we hope that the problem solution is
19 the next step or discussion. And I just want to put
20 things into perspective, using your own numbers.
21 Last year you issued 14,500 permits, some large, some
22 shorter in time and duration. How many staffers do
23 you have?

24 ANN DEL CASTILLO: We have about 20
25 staffers at the film office.

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2 COUNCIL MEMBER YEGER: I'm sorry?

3 ANN DEL CASTILLO: Twenty staff at the
4 film office.

5 COUNCIL MEMBER YEGER: I didn't hear
6 that.

7 ANN DEL CASTILLO: Twenty at the film
8 office.

9 COUNCIL MEMBER YEGER: Twenty.

10 ANN DEL CASTILLO: You know, our agency
11 covers several portfolios, but in the Office of Film,
12 Theater, and Broadcasting in particular we have 20.

13 COUNCIL MEMBER YEGER: Of the 20, how
14 many leave the office that have responsibilities of
15 oversight?

16 ANN DEL CASTILLO: Four.

17 COUNCIL MEMBER YEGER: Four. So let's do
18 some math.

19 ANN DEL CASTILLO: Five, five, sorry,
20 five.

21 COUNCIL MEMBER YEGER: Five?

22 ANN DEL CASTILLO: Yes, yes.

23 COUNCIL MEMBER YEGER: OK, so the 14,500
24 permits, the year is 365 days a year, well, assuming
25 that they're doing this on weekends as well and night

2 and 24 hours, we won't take into consideration the
3 shifts that your employees have, which will make the
4 number a lot worse, but that would mean there's 40
5 permits today on average, 14,500, divide that by 365,
6 of the 40 that are going on today as an average that
7 would mean you have five employees, that there are
8 eight sites throughout the city that each employee is
9 responsible for oversight. Now...

10 ANN DEL CASTILLO: To be clear, those 40
11 permits are not all large-scale productions. I mean,
12 sometimes in the case of a student film shoot it's a
13 van that's parking, you may not even realize it's
14 there. So I just want to, I think it's important to
15 draw that distinction. But I'm not going to sit here
16 and pretend that, you know, the volume is not quite
17 significant and we definitely need to do better about
18 making sure that our team is getting out there. I
19 think that's also why I'm saying it's important for
20 us to get to know these communities better so that we
21 can get ahead of some of the problems, and then the
22 communication with your office and the local
23 communities is helpful in making sure that we're
24 responding immediately to the issues on the ground.

2 CHAIRPERSON GJONAJ: So, Commissioner,
3 can you tell us where the 40 permits, and I'm
4 assuming just average, that have been issued as of
5 today, effective today, where they are in the city
6 and what period of time they'll be doing their film
7 shoots?

8 ANN DEL CASTILLO: Not right now, I mean,
9 I could certainly get back to you with that
10 information, but yes.

11 CHAIRPERSON GJONAJ: I expect we'll be
12 here for a while, so maybe you can help us
13 understand, maybe you can have someone look into
14 while we're continuing the hearing. That will give a
15 real picture of what is happening in the daily lives
16 of New Yorkers.

17 DEAN MCCANN: Thank you. That was a great
18 question. One thing to add to what the Commissioner
19 said, in addition to our staff that go out and do
20 site visits and check on those things, we also have
21 an NYPD movie unit that's very well versed on what
22 the rules are and a lot of the sets that we, you
23 know, when we have actors in police uniform walking
24 down the street for Blue Buzz we have a real officer

2 there. So there are other sets that have either
3 the...

4 CHAIRPERSON GJONAJ: You aren't sworn in,
5 can we swear him in?

6 COUNSEL: He was here.

7 CHAIRPERSON GJONAJ: We did it?

8 COUNSEL: Yes, yes.

9 CHAIRPERSON GJONAJ: OK, thank you.

10 DEAN MCCANN: I don't lie. [laughter]

11 But, you know, we have, we have sergeants that are on
12 24 hours. I, you know, communicate with the
13 sergeants often. We have officers that are assigned
14 specifically to the sets. We know which sets the
15 officers are assigned to. So our field reps may
16 prioritize and go to the sets where they're shooting
17 an interior and then inspect how the truck packages
18 landed and, you know, what literally is happening on
19 the ground. So we prioritize with our staff which
20 sets we know NYPD is not going to be assigned, in
21 addition to checking on the sets that NYPD is
22 assigned to. We have people that check on things at
23 night. We have people that check on things very
24 early in the morning. You know, we do everything
25 that we can do to get to every single set. So, you

2 know, it's, we'd love to have a hundred people out on
3 the street every day inspecting sets, but, you know,
4 that's not the way the system was originally built.
5 We weren't budgeted for that. But, you know, there's
6 no doubt that we can get more bodies out there. We
7 just need to hire them. And I could I just, to one
8 point that you made in your statement? The number of
9 permits that were issued for 48th Street and Sixth
10 Avenue is because there's a film, a studio there.
11 There's a show that broadcasts live from the studio
12 every day and every day they get permits because
13 they're going to have the florist, box truck pull up,
14 drop off props, you know, set up trees and things.
15 So that's why that number is so high. And they're
16 only there for a couple of hours. It's like a pull
17 up, offload, they shoot the live show on the plaza,
18 and then they load everything back into the truck and
19 it's gone. But I just wanted to make that point.

20 CHAIRPERSON GJONAJ: I want to thank you
21 for that, Mr. McCann.

22 DEAN MCCANN: Yes, sir.

23 CHAIRPERSON GJONAJ: Help me, the idea is
24 we, the idea is to have a complete understanding and
25

2 what you've just described now is you have NYPD, a
3 specific unit that's responsible for oversight.

4 DEAN MCCANN: No, they contribute...

5 CHAIRPERSON GJONAJ: Contribute?

6 DEAN MCCANN: To our oversight.

7 ANN DEL CASTILLO: Yes.

8 DEAN MCCANN: So we have more bodies than
9 just the four that are eyeballing what's happening on
10 the sets. You also have to remember...

11 CHAIRPERSON GJONAJ: OK.

12 DEAN MCCANN: We know who the bad players
13 are. You know, there are, these shows, many of them
14 are extremely conscientious. You have shows that
15 know that they want to go back to the same location
16 potentially a month later, or they know that, you
17 know, CBS might shoot on Monday and NBC is going to
18 want to be there the following Tuesday, and they
19 don't want to ruin it for the other shows. So, you
20 know, we know who the good players are and we know
21 who the bad players are, and again that's what we
22 prioritize, you know.

23 CHAIRPERSON GJONAJ: I want to, I
24 appreciate your response. I just want to have a

2 clear picture. So the NYPD assistance that you
3 receive, what is the phone number to that division?

4 DEAN MCCANN: I could get you that phone
5 number.

6 CHAIRPERSON GJONAJ: Have it with you, I
7 mean, I would imagine that you guys are the...

8 DEAN MCCANN: I have the sergeant's cell
9 phones, because usually that's my first point of
10 contact. I have the lieutenant's cell phone because
11 I don't know always which officer is assigned to
12 which shoot. They also have an office that's, um, 24
13 hours, theoretically, where they, you know, the
14 productions will request NYPD coverage that we
15 collaborate with, and then they have a 24-hour number
16 that, you know, when the sergeant comes on duty at 10
17 o'clock he checks the voice mail in his office to see
18 if there's any changes for production or if they
19 received a call with a complaint. So, I mean, I have
20 all the sergeants' cell phone numbers. We could
21 provide, and we have actually on occasions. There
22 was a period of time we tried it, but we used to put
23 the NYPD's phone number on the signage and then we
24 were told take that off.

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2 COUNCIL MEMBER GJONAJ: Why do you think
3 that happened.

4 DEAN MCCANN: Because they wanted
5 everyone to call 311.

6 COUNCIL MEMBER GJONAJ: Oh, yup, perfect.

7 DEAN MCCANN: It was the innovation of
8 311 and they wanted citywide services calls to go to
9 311 so they could track it.

10 COUNCIL MEMBER GJONAJ: So how many calls
11 did 311 receive last year? Specific complaints to
12 movie shoots?

13 DEAN MCCANN: Oh, gosh, I...

14 ANN DEL CASTILLO: We had less than, what
15 was it, [inaudible] calls to 311? We don't have the
16 exact number, but it was...

17 DEAN MCCANN: I think it was like 800.

18 ANN DEL CASTILLO: It was less than 900,
19 total for the year.

20 COUNCIL MEMBER GJONAJ: Total for the
21 year was what number?

22 ANN DEL CASTILLO: Less than 900.

23 COUNCIL MEMBER GJONAJ: Less than 900, so
24 roughly three a day.

25

2 ANN DEL CASTILLO: Yes, but they're not
3 all complaints. Some of them are also, you know,
4 we're tracking by inquiries, we're not, like that's
5 the total number of inquiries.

6 COUNCIL MEMBER GJONAJ: I received a 311
7 breakdown for my district, for example, it was broken
8 down by category. I've never seen a category that's
9 specific to movie shoots.

10 ANN DEL CASTILLO: Right, that's what I'm
11 saying. So that's just like the calls to our office.

12 COUNCIL MEMBER GJONAJ: To your office or
13 311?

14 ANN DEL CASTILLO: Well, that get
15 directed from 311 to our office.

16 DEAN MCCANN: 311 doesn't really, I mean,
17 if they can answer the question they answer the
18 question, but 311 directly routes the caller to our
19 office.

20 COUNCIL MEMBER GJONAJ: I've made those
21 calls. I've never been rerouted to anyone's office.
22 They've taken the complaint as a noise complaint.

23 DEAN MCCANN: No, we get, I get a lot of
24 calls routed from 311, and then, you know, when our
25 office, you know, all of our coordinators, we have

2 seven permit coordinators. They're all assigned a
3 specific job. So there's one person that does Law
4 and Order. There's one person that does Blue Bloods.
5 If we get a call regarding Blue Bloods, whether it's
6 before they've landed or when they're on the ground,
7 that call will be routed immediately to the
8 production coordinator that supervisors that show in
9 our office and they will call Blue Bloods
10 immediately, speak to the production, and address the
11 issue.

12 COUNCIL MEMBER GJONAJ: Great. So let's
13 stay on that for a moment. I call 311 now. How long
14 before 311 contacts you to let you know there's a
15 complaint?

16 DEAN MCCANN: I was under the impression
17 it's in real time.

18 COUNCIL MEMBER GJONAJ: Are you open
19 24/7?

20 DEAN MCCANN: Ah, no, but we're...

21 COUNCIL MEMBER GJONAJ: So who's
22 answering that call tonight at midnight?

23 DEAN MCCANN: Well, I check the
24 voicemail, I mean, you know we stagger it a little
25 bit. I'll call the general voice mail.

2 COUNCIL MEMBER GJONAJ: Let's acknowledge
3 the real problem. Let's acknowledge there's a
4 concern here and a potential for a 311 call that's
5 made that has a real impact on a business or a
6 community or a resident that doesn't get acknowledge
7 safely until after the shoot is done. You yourself
8 acknowledged that right now there's, there are movie
9 shoots that are being done that are a short time in
10 duration. They can be out there for just a few
11 hours. But that few hours there'll be no one
12 responding to an issue. It could be life-
13 threatening...

14 ANN DEL CASTILLO: Well, if it's life-
15 threatening it'll get responded to.

16 COUNCIL MEMBER GJONAJ: It could be an
17 inconvenience, I'm sorry?

18 ANN DEL CASTILLO: If it's life-
19 threatening I would imagine it would get responded
20 to. So I think it's the, it's the...

21 COUNCIL MEMBER GJONAJ: So, the cables
22 that were across a bus stop that my colleague just
23 mentioned, how long do you think before someone could
24 receive that notification and responded to it?

2 ANN DEL CASTILLO: So I can cite an
3 example where we had another situation at 10 o'clock.
4 I was out and I got a call because there was a
5 situation in a neighborhood and there was a concern.
6 So that call came directly to me. I then called Dean
7 and he called the local precinct and we resolved the
8 issue that night. So that's how quickly it can get
9 resolved.

10 COUNCIL MEMBER GJONAJ: I want to be a
11 part of the solution, and I just, I don't want to
12 villanize, make the industry a villain, that's not my
13 intent. I want to acknowledge and I was hoping that
14 we would both acknowledge...

15 ANN DEL CASTILLO: Yes.

16 COUNCIL MEMBER GJONAJ: There's real
17 issues and then say what are we going to do to
18 correct these conditions?

19 ANN DEL CASTILLO: Right.

20 COUNCIL MEMBER GJONAJ: That's the whole
21 idea.

22 ANN DEL CASTILLO: Right.

23 COUNCIL MEMBER GJONAJ: The idea would be
24 a 24/7 hot line that live, someone will answer, that
25 there will be a direct number that someone can call

2 and expect an immediate response, whether it be as
3 something as minor as perhaps they're blocking my
4 driveway to the lights are gleaming into my apartment
5 and my newborn can't sleep to the noise that's
6 impacting me where I'm not going to be able to get
7 the rest that I need to go to work tomorrow, to the I
8 have a scheduled delivery coming in that cannot be
9 stop. I have a scheduled grand opening of my
10 business that cannot be rescheduled, that only
11 happens once. That's the idea of the these hearings,
12 that we identify a problem and collectively come up
13 with a solution.

14 ANN DEL CASTILLO: Yes.

15 COUNCIL MEMBER GJONAJ: What commitment
16 can we hear from this administration, from you, you
17 in particular, that will alleviate at a minimum a
18 person of contact 24/7 that will be responsible to
19 receive the phone call and address the issue?

20 ANN DEL CASTILLO: Respectfully, I think
21 what I'm trying to express to this committee here is
22 that we are working to be responsive, and we have
23 been responsive, time and again when issues have come
24 across our desk, and so, you know, part of this is
25 the beginning of a conversation to really understand

2 what some of the issues are and come up solutions
3 that are attainable and feasible given the current
4 structure of not just our office but the way that the
5 city is working. There are many, many challenges
6 with street activity in New York, not just
7 production. And so we are all trying to work around
8 those challenges and again I think that's why these
9 conversations with the local communities directly are
10 critical to understanding how to prioritize some of
11 the issues that are arising. Again, some of, there
12 are certain communities that may tend to be more
13 impacted than others just due to the location of
14 production activity and so we want to address those.
15 There are other communities that are asking for
16 production that need support to understand how to
17 land production in those communities. So, so that's,
18 that's the broad, when you say that you want a
19 complete picture, that is the complete picture. We
20 are trying to be all places throughout the city to
21 work with the local communities, to best understand
22 how to land production there, and then we're working
23 with the productions of varying sizes. Again,
24 student films up through big blockbuster productions

2 to make sure that we are managing that activity
3 properly.

4 COUNCIL MEMBER GJONAJ: I thank you for
5 that, Commissioner.

6 ANN DEL CASTILLO: Thank you.

7 COUNCIL MEMBER GJONAJ: But I'm asking a
8 specific question. And I'm hopeful that we can come
9 up with, this is probably the most simplest of issues
10 that we can address, a 24/7 live answer phone number.
11 Wouldn't cost much. Sprint offers a \$25 a month
12 unlimited phone calls, just [inaudible] to pick up.

13 ANN DEL CASTILLO: I want to make sure
14 that whatever solutions we put in, ah, will truly
15 address the issue and in this case, you know, we have
16 multiple productions so even if we have one person
17 answering that phone we still have to reach the
18 appropriate staff or the appropriate production. So
19 I think, you know, at the moment the way that it's
20 working is they're coming to Dean or myself and we
21 know who's on the ground and which staffer is working
22 on that production and that has been the most
23 efficient way to resolve the issues immediately.

24 COUNCIL MEMBER GJONAJ: So, Commissioner,
25 I appreciate that, Commissioner. So then based on

2 what that statement that you just made, can I have a
3 list of the 40 permits that on average are issued
4 today that are going out in New York City, I'm
5 hopeful that someone can pull that out of the office.
6 I'd like to know how many officers are on those
7 permitted sites and who's responsive. And we can do,
8 and I can go as far as doing a quick test on any one
9 of these sites now and we can really have an
10 understanding of the breakdown. I'm really trying to
11 help shape the direction that we're going on and not
12 make it that much more difficult.

13 DEAN MCCANN: I'm sorry, will excuse me?
14 I'll call my office [inaudible].

15 COUNCIL MEMBER GJONAJ: That would be
16 great. Absolutely. So while you're looking into the
17 40 permits to find out how many officers have been
18 assigned to those sites right now, and we're so quick
19 to respond at the City Council, hopefully there's one
20 locally that a City Council staff member can run out
21 there now and see who's on site. We're good. But I
22 pass it back to my colleague in the meantime.

23 CHAIRPERSON HOLDEN: All right, I'm going
24 to have some more questions, but I want to just get
25

2 some colleagues involved. My colleagues, Council
3 Member Chin has some questions.

4 COUNCIL MEMBER CHIN: Thank you, Chair.
5 Thank you, Commissioner. We still have not met.

6 ANN DEL CASTILLO: I know [inaudible].

7 COUNCIL MEMBER CHIN: And in my district
8 lots of production going on every single day. You
9 guys, we're the oldest part of Manhattan, everybody
10 comes down there. I mean, I agree with you that the
11 production, the film industry, is making a lot of
12 contribution to our city. Everybody love to see
13 their neighborhood in the movies and, you know, we
14 love the revenues that's generated. But we just want
15 to make sure that our neighborhoods are not, you
16 know, getting disturbed constantly. Just to give you
17 an example. Right here, not too far, on Reed Street
18 between West Broadway and Church, just in this year
19 film production was there three days in January,
20 three days in February, they were there in March,
21 they were there in May, and they're back again in
22 September. And Reed Street is a very narrow street.
23 And they also use that street as staging area. So a
24 lot of family lives there, people, families with
25 stroller, and it's just creating a havoc, and that's

2 just one example. This goes on all over, Chinatown,
3 Soho, Tribeca, financial district. Yeah, we all love
4 Law and Order, OK, [laughs], but like come on, enough
5 is enough, and I know that from your predecessor we
6 can ask for a moratorium.

7 ANN DEL CASTILLO: Um-hmm.

8 COUNCIL MEMBER CHIN: Right? So you could
9 get a short break and then they come back again, and
10 some of my colleague, you know, raise the issue about
11 the disruption and all those wiring that you have to
12 walk across and it's dangerous, because when I walk
13 along my district I have to be very careful. Just a
14 couple days ago there was a film shoot going on on
15 Center Street. They're using one of the old
16 building, but they took up the whole block, you know,
17 with their trailers and all the wiring, all over. We
18 have a lot of seniors in lower Manhattan and it's
19 really dangerous, and so who is really doing the
20 oversight? And that should not be my office.

21 ANN DEL CASTILLO: No, I agree.

22 COUNCIL MEMBER CHIN: That's when the
23 constituent calls and complain to us we have to do a
24 lot of work. We have to call the production manager.
25 We have to call NYPD. We have to call the NCO

2 officers. A lot of time, you know, there very
3 helpful. But we have to do a lot of calling and that
4 should not...

5 ANN DEL CASTILLO: No.

6 COUNCIL MEMBER CHIN: How my staff should
7 be spending the time.

8 ANN DEL CASTILLO: Actually...

9 COUNCIL MEMBER CHIN: And we do call
10 MOME.

11 ANN DEL CASTILLO: I was going to say...

12 COUNCIL MEMBER CHIN: I mean, we call
13 your staff, too.

14 ANN DEL CASTILLO: We, we would be doing
15 that.

16 COUNCIL MEMBER CHIN: Yeah.

17 ANN DEL CASTILLO: For you. I mean,
18 that's really what our office is intended to be.

19 COUNCIL MEMBER CHIN: Yeah, but it
20 doesn't happen, Commissioner.

21 ANN DEL CASTILLO: OK, well.

22 COUNCIL MEMBER CHIN: And that's why for
23 today's hearing we told a lot of people in the
24 neighborhood and they've submitted testimony. Some
25 of them are here today, because it is something that

2 is really hurting their quality of life. Like it
3 just can't be so often that they come in. And with
4 the small businesses, there's a lot of disruption and
5 film shoots happening not just during the day but
6 also at night. I was in, it was a couple weeks ago,
7 we were walking home. We usually just cross Columbus
8 Park and we were told, no, you cannot cross because
9 they're filming there. We had to go somewhere else.

10 ANN DEL CASTILLO: Huh, OK.

11 COUNCIL MEMBER CHIN: Yes, there's a lot
12 of production company, big and small. Ah, oftentimes
13 there are no bilingual staff. So one of your code of
14 conduct talks about get to know the neighborhood.
15 Well, you know the neighborhood speaks Spanish or
16 Chinese, you should have some staff politely tell
17 people, ah, there's a production going on and you
18 have to go this way. That goes a long way.

19 ANN DEL CASTILLO: Absolutely.

20 COUNCIL MEMBER CHIN: Rather than, there
21 was one incident which my staff complained where
22 somebody was making fun of the people and said, oh,
23 why are they so scared of us, do they think that
24 we're ICE?

25 ANN DEL CASTILLO: Ah, I mean...

2 COUNCIL MEMBER CHIN: We took the name of
3 the person, we filed a complaint, he had to go to a
4 sensitivity training session. I mean, it's kind of
5 like you are in someone's neighborhood be nice.

6 ANN DEL CASTILLO: Agreed.

7 COUNCIL MEMBER CHIN: Right? And support
8 the local businesses. And I know the complaint that
9 we have, you know, from a lot of local businesses,
10 they see the catering, that they have the big spread
11 out there and mean while you've got all these local
12 restaurants that the production company can
13 patronize, and there are production company that does
14 that.

15 ANN DEL CASTILLO: Yes.

16 COUNCIL MEMBER CHIN: They give vouchers.

17 ANN DEL CASTILLO: Yes.

18 COUNCIL MEMBER CHIN: You know, to the
19 staff and they go and they support the local
20 businesses. And that's great, and we should really
21 mandate more of that. The other thing is that those
22 humungous trailer, we have a law in New York City
23 that you're not supposed to idle for more than five
24 minutes. [applause] A lot of those trailers are
25 idling and it's causing pollution. I mean, nobody is

2 checking on that. But there were good production
3 company. You know what they did? They actually
4 rented some of the hotel rooms for their actors to
5 change and do whatever they need to do so they don't
6 have to have those big trailer. Right? And then
7 there are good production company that actually go
8 around, talk to the neighborhood, talk to the small
9 business, and they do compensate the small
10 businesses. So the good things do happen. There
11 are, as you say, good actors, right, and we need more
12 of those...

13 ANN DEL CASTILLO: Yes.

14 COUNCIL MEMBER CHIN: And maybe in your
15 code of conducts or whatever you need to sort of
16 encourage more of those. Because once you come into
17 a neighborhood we want to make sure that everyone
18 benefits, not just seeing the picture in the screen
19 or the TV, but actually the small businesses can also
20 benefit, you know, from the production, and sometimes
21 there they're for a long time. So we really want to
22 work with you and see how we can turn this positive
23 thing into something that everyone...

24 ANN DEL CASTILLO: Yes.

25

2 COUNCIL MEMBER CHIN: ...can benefit and
3 so that my office will not get these constant
4 complaint.

5 ANN DEL CASTILLO: Yes.

6 COUNCIL MEMBER CHIN: I know we have, I
7 don't have the exact number, I'm sure we can look it
8 up and I'm sure you can tell me in terms of District
9 1, lower Manhattan, the number of film shoots permit
10 that was given out every year. I mean, you know we
11 love our neighborhood but we do need a break.

12 ANN DEL CASTILLO: Yes.

13 COUNCIL MEMBER CHIN: And so does the
14 moratorium there still go into effect? I mean, can
15 neighborhood request a moratorium?

16 ANN DEL CASTILLO: We do put certain
17 locations on hiatus, and that is a decision where,
18 you know, we look closely at the circumstances
19 because when we're doing them were obviously taking a
20 location off the map for productions to film, but we
21 have worked with your office to do that in certain
22 cases. So there's a sort of number of factors that
23 we look at when we are determining whether or not to
24 put a neighborhood on hiatus and so we'll look at the
25 amount of construction in the area, you know, road

2 work, other activities that are happening in addition
3 to production. Production is one of those factors.
4 But, yes, if there are specific issues in a community
5 I would welcome the opportunity to discuss those with
6 you so that we can figure if the [inaudible] is the
7 appropriate way to go or if there are other ways that
8 we can be staging and landing productions in your
9 districts, and you are correct, I have yet to meet
10 with you, but I will be coming to your office. It's,
11 you know, I've been in office for five months and
12 I've been trying to meet with everyone and so I will
13 be coming to your office to have these conversations.

14 COUNCIL MEMBER CHIN: Well, we definitely
15 look forward to meeting with you and thank you,
16 Chair, for hosting this meeting. My staff was so
17 excited and they kept, you know, spreading the word
18 out there and I think some of the testimony will come
19 in because people's quality of life are, you know,
20 being affected. But ultimately I think for our small
21 businesses...

22 ANN DEL CASTILLO: Yes.

23 COUNCIL MEMBER CHIN: There's so much
24 ways that, I mean, I know your show is great. That
25 should be all the small business. They should

2 welcome the film shoot, right? If they are coming
3 into the neighborhood and they patronize the small
4 business there that is a great thing. And we do not
5 get calls from the production company.

6 ANN DEL CASTILLO: OK.

7 COUNCIL MEMBER CHIN: OK?

8 ANN DEL CASTILLO: Yep.

9 COUNCIL MEMBER CHIN: Maybe once in a
10 blue moon, ah, one production company would call and
11 ask us, oh, they're coming in...

12 ANN DEL CASTILLO: Right.

13 COUNCIL MEMBER CHIN: Are there
14 organization in the community that they should make a
15 donation to, and we refer them to the community
16 board. But we definitely don't get any notice.

17 ANN DEL CASTILLO: OK.

18 COUNCIL MEMBER CHIN: I mean, we get
19 emails from your office.

20 ANN DEL CASTILLO: Right.

21 COUNCIL MEMBER CHIN: And that's about
22 it.

23 ANN DEL CASTILLO: So one thing I just, I
24 want to be sure that I'm making clear to the council
25 is I really am committed to making this work. I

2 really do want to make sure that we are working in
3 lock step with you. I think we both share a desire
4 to make sure that this industry works well and that
5 we are minimizing the impacts to the communities.
6 The best way for us to do that is to understand the
7 specific needs of each of the communities and also to
8 highlight the good actors and set them up as good
9 examples. That is something that I have been doing
10 in all of my conversations with productions as well
11 as in my conversations with our colleagues in City
12 Council. You know, some of the things that we've
13 been talking about is really working with the
14 productions to do outreach to the community boards,
15 the borough president, the council members, and
16 really be proactive in working with them from the
17 start. You know, we do have a variety of productions
18 that work in New York City. So I also don't want to
19 be misunderstood that like every single production
20 that comes to a community is going to reach out to
21 your office because, truly, if they're only there for
22 a day and like half a day or whatever that it's not
23 the same kind of investment that we're looking at,
24 but for those that have recurring locations or have
25 big shoots, absolutely, we are going to be working

2 with them more concertedly to make sure that they're
3 working with you and us to address these concerns.

4 CHAIRPERSON GJONAJ: Well, to that,
5 consumer, I think your office should require a
6 checklist that is sent to the production companies
7 and you have to get it back with the production
8 company checking off each item that they actually
9 completed, you know, notifying the community board,
10 the local BIDs, LDCs, ah, and the council members,
11 and just checking in, like checking in, like the
12 council member said, to make sure that there's the
13 outreach. Because, again, I want to recognize
14 Council Member Levin, who just walked in, who has a
15 lot of film shoots in his district, we know of that
16 because I work in downtown Brooklyn. And I don't
17 know if they're still shooting in Brooklyn Heights,
18 which it was a hotbed for production and it actually
19 caused problems. I remember 2013 there was a
20 moratorium because the neighbors were just under
21 constant film shoots.

22 ANN DEL CASTILLO: Yes.

23 COUNCIL MEMBER GJONAJ: But I just want
24 to move on to Council Member Barron, who actually has

2 a couple of bills that we want to get your feedback
3 on also, Commissioner.

4 COUNCIL MEMBER BARRON: Thank you to the
5 chairs. And I'll be brief because I have another
6 committee hearing across the hall they I have to be
7 in and they're ending soon. So my question will be
8 very brief. Thank you for having the meeting prior.
9 And in our meeting we talked about having a bill of
10 rights, and you indicated that you do have a code of
11 conduct which is presently in place which governs how
12 it is that the film companies are supposed to conduct
13 themselves. And what I'm saying to you a code of
14 conduct is really targeted to the companies, and
15 we're looking to establish a bill of rights which
16 would be targeted and addressing the issues of the
17 community and the residents. So what is your
18 response to that?

19 ANN DEL CASTILLO: The code of conduct is
20 in place for the productions to work well in the
21 communities. The community bill of rights, while I
22 certainly appreciate where that is coming from, each
23 community is going to be different, and so my concern
24 about codifying such a code is that we won't be able
25 to deal with the specific needs of each of the

2 communities. So I'm happy to look at that more
3 closely. But I think what we really need to be
4 focused on is enforcing the code of conduct to the
5 specific needs of each of the communities, because...

6 COUNCIL MEMBER BARRON: Do you agree with
7 the code of conduct is for companies?

8 ANN DEL CASTILLO: It's for the
9 production...

10 COUNCIL MEMBER BARRON: Even though it's
11 their behavior, right, production companies.

12 ANN DEL CASTILLO: Absolutely.

13 COUNCIL MEMBER BARRON: Right. A bill of
14 rights is for individuals and community
15 organizations. There's a different focus, there's a
16 different target. So we perhaps can draw from this
17 code of conduct, but I certainly believe that
18 individuals in a community who have all the issues
19 that are hearing about need to know there's a
20 document specifically targeting what their issues and
21 concerns are, and this bill of rights would be
22 produced from your office and we would be able to
23 have it with a comment period for 90 days after,
24 we're allowing you to produce it because you're the
25 office that does it, so we're asking you to draft it

2 and then it would go to the community for a 90-day
3 comment period and then it would be finalized. So it
4 would draw in fact from the code of conduct, goes to
5 film companies, but would focus on the individuals
6 who are the people who are saying that they're being
7 abused, they're not being respected, their
8 communities are being, ah, left in conditions that
9 are not appropriate. And yes, each community is
10 different. But there's a generic basic understanding
11 of what all communities are entitled to.

12 ANN DEL CASTILLO: Right. Respectfully,
13 Council Member, if the communities are feeling that
14 they have, their rights haven't been respected, it
15 would be because a code of conduct or...

16 COUNCIL MEMBER BARRON: Precisely.

17 ANN DEL CASTILLO: ...was violated.

18 COUNCIL MEMBER BARRON: Correct.

19 ANN DEL CASTILLO: And so that, I guess
20 that's why I'm a little bit hesitant to understand
21 the need for two documents governing the...

22 COUNCIL MEMBER BARRON: Because this one
23 is not what is in agreement between the media, your
24 office, and residents. This is for film companies,
25 and it says that the production manager signs this,

2 so even though it talks about the residents and what
3 the film companies should do to respect the
4 residents, there's nothing here that talks about
5 residents knowing what their entitlements are. So
6 that's the difference. And, again, I would think
7 that this would serve as listing eight, ten, twelve,
8 whatever, very precise entitlements residents and
9 communities have.

10 ANN DEL CASTILLO: I think it would be
11 helpful to go through and see how they track against
12 each other and then, absolutely, I'm happy to...

13 COUNCIL MEMBER BARRON: OK.

14 ANN DEL CASTILLO: ...look at that with
15 you.

16 COUNCIL MEMBER BARRON: Very good, thank
17 you. Um, and part of the issues that we're hearing
18 about is inability for traffic to go through because
19 these streets are designated. What provisions do you
20 make for school buses that might be needing to get
21 into that block to drop off children, or for Access-
22 A-Ride with handicapped people to be able to get into
23 those blocks?

24 ANN DEL CASTILLO: When we're permitting
25 productions we're not closing streets. We're

2 designating parking, but by and large there is
3 supposed to be accessible pedestrian and traffic
4 flow. The rare instances in which we will close a
5 block is if there's going to be like an explosion or
6 something where, you know, we are concerned about
7 public safety, but there's, through traffic is
8 supposed to, is what's required.

9 COUNCIL MEMBER BARRON: OK. OK.

10 DEAN MCCANN: Productions themselves
11 aren't allowed to close streets.

12 COUNCIL MEMBER BARRON: OK.

13 DEAN MCCANN: When we have a request like
14 that, that's one of the scenarios where we would
15 assign one of the movie unit police officers to be
16 there and what we'll do, say there's a walk and talk
17 with a show, the officer will intermittently hold
18 traffic. But obviously if there's a school bus...

19 COUNCIL MEMBER BARRON: OK.

20 DEAN MCCANN: ...he'll pull that right
21 through.

22 COUNCIL MEMBER BARRON: Great. And my
23 second bill is a, that I'm proposing, is establishing
24 a task force. We've heard about many of the
25 situations and conditions that communities are being

2 subjected to and this would establish a task force
3 to, in a very organized way, look at all of the
4 issues that exist and gather data for the situations
5 and conditions that have been, um, brought forth and
6 to suggest how communities might be able to benefit
7 in some tangible way from the inconveniences that are
8 done. For example, as has been said, local, local
9 businesses, I believe it says that the film companies
10 are encouraged to use local businesses. But perhaps
11 if we have a task force we could explore how in fact
12 we might want to set some minimal percentage or
13 target or goal, we don't like to say, so we set a
14 goal that we want to establish in terms of
15 interacting and pouring some of that revenue directly
16 back into the community that's being inconvenienced.
17 So what is your opinion about that?

18 ANN DEL CASTILLO: So we did discuss this
19 a bit and, you know, again, I appreciate the spirit
20 of setting up such a task force. I think, however,
21 given the resources of the agency I would prefer to
22 see that, those resources focused on building the
23 relationships in the communities so that we can
24 address some of the concerns that the task force is
25 looking to...

2 COUNCIL MEMBER BARRON: Could that be a
3 part of what the task force would do?

4 ANN DEL CASTILLO: I'm sorry?

5 COUNCIL MEMBER BARRON: Your objective
6 could be a part of what the task force would include
7 in their study and in their research?

8 ANN DEL CASTILLO: When we're talking
9 about a task force, are we talking about dedicating
10 MOME resources to a particular team that would focus
11 on those issues?

12 COUNCIL MEMBER BARRON: We're talking
13 about representatives being appointed from the mayor,
14 the public advocate, from your office, ah, to look at
15 all of the problems that exist to gather data, to do
16 a survey of the general public and local businesses
17 in particular to see what it is that we can do that
18 would bring some of the financial benefits that these
19 companies are experiencing and set a way for the
20 community to be able to benefit. We don't want to,
21 when we spoke you said, well, we don't want to have
22 an extortionist kind of policy. That's absolutely
23 right. But a task force might look to examine what
24 it is that economically we can these companies should
25

2 do to benefit the communities where they're
3 operating.

4 ANN DEL CASTILLO: Right. Again, so long
5 as we would, the focus of our resources could be,
6 like, again, my focus on MOME resources is to really
7 like address head on some of these other issues that
8 we're trying to manage effectively. But certainly if
9 we feel that a task force would better inform those
10 practices I'm more than happy to work with you on
11 that.

12 COUNCIL MEMBER BARRON: Very good. Thank
13 you so much again, appreciate your time. Thank you
14 to the chairs.

15 COUNCIL MEMBER HOLDEN: Thank you,
16 Council Member. Council Member Yeger.

17 COUNCIL MEMBER YEGER: Mr. Chairman.
18 Good morning Commissioner.

19 ANN DEL CASTILLO: Good morning.

20 COUNCIL MEMBER YEGER: Can a
21 neighborhood, well, let me start with something else.
22 Has your agency ever said no to a film production?
23 What I mean by no is not the date but to the
24 location?

2 ANN DEL CASTILLO: Um-hmm. We say no a
3 lot actually.

4 COUNCIL MEMBER YEGER: OK.

5 ANN DEL CASTILLO: By the time you see a
6 permit we've probably said no a lot.

7 COUNCIL MEMBER YEGER: OK.

8 ANN DEL CASTILLO: Productions come to us
9 with crazy ideas about what they want to do and so we
10 spend a lot of time negotiating with them to make
11 sure that we are landing productions appropriately.

12 COUNCIL MEMBER YEGER: Does your no
13 involve simply curtailing to a shorter space the area
14 that they need or to simply moving them out of the
15 neighborhood that they've chosen?

16 ANN DEL CASTILLO: It really depends, and
17 I'm not trying, you know, I mean, it really depends
18 on the scenario. I mean, we've had productions that
19 say that they want to shut down the Brooklyn Bridge
20 because they want to do a chase scene. We're
21 obviously not going to let them do that.

22 COUNCIL MEMBER YEGER: OK.

23 ANN DEL CASTILLO: We're not going to
24 shut down the Brooklyn Bridge. There are certain
25 areas of New York where productions just really can't

2 function, depending on the size and scale of the
3 production they won't work and so we will direct them
4 to another location. But it really is a case by case
5 basis and, but yes, we say no all the time and Dean
6 can probably speak more to that.

7 DEAN MCCANN: We, um, deny thousands of
8 proposals every year. But one of our philosophies is
9 to work with the production. Sometimes it just needs
10 a modification. Sometimes it needs a complete change
11 of venue. We sort of adopt the same rationale as the
12 police department, which is time, place, and manner,
13 and if they don't satisfy those three criteria for
14 us, you know, we'll work with the show or the feature
15 film. I mean, we just did it with a Steven Spielberg
16 movie. They're making a remake of West Side Story.
17 Fifteen of their proposals they had for where they
18 wanted to film giant dance sequences were all denied.
19 So they readjusted. They rescouted, found the places
20 that were appropriate that they could still execute
21 the creative vision, but it wasn't going to be
22 inconvenient or a huge traffic nightmare for the
23 police department. So, you know, in answer to your
24 question the only time we will really will flat out
25 reject a permit is most often because they've come to

2 the wrong agency. You know, we might have an entity
3 that came to us because they're filming something,
4 but what they're filming is a promotional event with
5 branding and a marketing stunt. So in that
6 circumstance we will flat out reject it and transfer
7 them over to the Street Activity Permit Office so
8 they can assess the appropriate fees and issue the
9 permit, because that's their jurisdiction. So that's
10 really the few circumstances that we reject, but we
11 work to, you know, modify to make things work for our
12 constituents, but also get the creative vision that
13 they need for the show.

14 COUNCIL MEMBER YEGER: OK. If a
15 neighborhood, its community board or its council
16 member should decide through its own conversations
17 that they wanted its neighborhood, that neighborhood,
18 to simply not have productions, not 12 days a year,
19 not 20 days a year, but 365 days, just go somewhere
20 else, don't come to our neighborhood, can they make
21 that request to you and it be adhered to?

22 DEAN MCCANN: Sure.

23 LAURIE BARRETT PETERSON: Let me explain
24 the grounds under which our hot spot policy is based.
25 Our hot spot policy is based on our film permit rules

2 and the specific regulation is 43RCNY9-02B7, and that
3 sets forth six grounds under which we may deny a film
4 permit, and it's those grounds that inform the hot
5 spot policy. I'm not going to read all of those
6 grounds to you, but let me use one of those grounds
7 to illustrate an example. One of the grounds is that
8 use of the location would interfere unreasonably with
9 the operation of city functions. So in some cases we
10 know ahead of time, for example, that the New York
11 City Department of Transportation is planning on
12 doing road work in an area and we're able to forecast
13 ahead of time that we'll have to deny any film
14 permits that come in for that particular area. So we
15 put that area on the hot spot list, and the hot spot
16 list goes to production companies so that they know
17 that they shouldn't apply for a permit in that area.
18 There are five other grounds in that rule that we
19 consider, and so when we hear from communities we
20 have to base our determination on whether to place an
21 area on the hot spot list based on what the law says.

22 COUNCIL MEMBER YEGER: What are those
23 five grounds? Well, that's not the law, that's, just
24 to be clear.

25 LAURIE BARRETT PETERSON: No.

2 COUNCIL MEMBER YEGER: That's not the
3 law, the law is the administrative code, that's your
4 rule. Right? That's a promulgated rule of your
5 agency.

6 LAURIE BARRETT PETERSON: A promulgated
7 rule is a law.

8 COUNCIL MEMBER YEGER: A promulgated rule
9 is not a law. A promulgated rule is the
10 interpretation of the agency and its right to create
11 a rule based on the administrative code and the
12 charter, but it can be changed by you any time, so
13 let's hear what the other five rules are.

14 LAURIE BARRETT PETERSON: I'll explain...

15 COUNCIL MEMBER YEGER: OK.

16 LAURIE BARRETT PETERSON: ...the other
17 five grounds. One ground is that conditions exist
18 that may pose a danger or a threat to participants,
19 onlookers, or the general public. The next is the
20 location sought is not suitable because the proposed
21 use cannot reasonably be accommodated in the proposed
22 location. The date and time requested for a
23 particular location is not available because one, a
24 permit has been previously issued for such date and
25 time, or two, the permit request is the subject of a

2 new project account application, and then there's an
3 internal site, or three, another city agency has
4 issued a permit for such date or time. The fourth
5 ground is that the film office has concluded based on
6 specific information that the applicant is unlikely
7 to comply with the material terms of the requested
8 permit. The fifth is the use of the location or the
9 proposed activity at the location would otherwise
10 violate any law, ordinance, statute, or regulation.
11 And I've already explained the sixth one.

12 COUNCIL MEMBER YEGER: OK. So if I were
13 to tell you that I just don't want you to issue
14 permits in my neighborhood, that's not covered by
15 your rule.

16 LAURIE BARRETT PETERSON: No, it's no.

17 COUNCIL MEMBER YEGER: Would you consider
18 adopting a rule that would say that any community
19 board can declare itself a safe space from the, from
20 the film production permitting issuance that you do?

21 LAURIE BARRETT PETERSON: The film permit
22 rules take into consideration First Amendment rights
23 of film makers that use the city streets.

24 COUNCIL MEMBER YEGER: Just to, just to
25 be clear, the First Amendment is not for commercial

2 purposes. The First Amendment is when Law and Order
3 decides that it wants to shut down some streets
4 because it wants to film an outdoor scene of
5 Detective Stablers chasing somebody, there's no First
6 Amendment in there.

7 LAURIE BARRETT PETERSON: There is a First
8 Amendment right, and the city government can regulate
9 First Amendment protected rights for the safety. But
10 saying that there's no First Amendment right is
11 incorrect.

12 COUNCIL MEMBER YEGER: OK. OK. Can my
13 neighborhood declare itself to be exempt from film
14 production permitting with your support with a rule
15 that says that any neighborhood that decides that it
16 wants chart its own destiny and be exempt from having
17 filming done in its neighborhood can so declare?

18 LAURIE BARRETT PETERSON: If you're, I
19 think...

20 COUNCIL MEMBER YEGER: Would your agency
21 promulgate or consider promulgating such a rule?

22 LAURIE BARRETT PETERSON: It would be
23 irresponsible for me to sit here and tell you what we
24 could or couldn't do without discussing.

2 COUNCIL MEMBER YEGER: All right. Your
3 testimony indicates that filming produces, that the
4 filming industry spends 9 billion dollars a year and
5 produces 400 million dollars in tax revenue. I don't
6 know where that 9 billion dollars a year gets spent,
7 but I can tell you that when a company decides to
8 shut down six blocks and take up six blocks of
9 parking they don't use our dry cleaners, they don't
10 use our caterers, they don't use our food stores,
11 they don't use our local bodegas or groceries to even
12 buy a Diet Coke. They spend no money in the
13 neighborhood. They bring everything on their own.
14 If anybody working on that scene wants to get a drink
15 they don't walk into a store and buy a drink. They
16 walk into the truck and get their drink for free.
17 They spend no money in the neighborhood. They just
18 bring chaos. And I recognize that 9 billion dollars
19 is a lot of spending to be done in the city and 400
20 million dollars in revenue is great to have on our
21 books. But if you give me the city's budget and a
22 red pen and a half hour I could save us 400 million
23 dollars. So I'm not that concerned with whether or
24 not we lose 400 million dollars in revenue. But I am
25 concerned with some of what I've seen in my time in

2 office and on a community board for 18 years before I
3 took office, when they come into a neighborhood they
4 don't bring anything but bad. They just don't. And
5 maybe in other neighborhoods they bring excellent.
6 But in my neighborhoods when they show up they're not
7 bringing anything good with them. They're just
8 bringing chaos. They're bringing, they're bringing
9 loss of parking. They're bringing it at times that
10 are inconvenient to our neighborhoods for not just,
11 for terms of permanent operation of a neighborhood
12 like any other neighborhood in the city, but also
13 because that, you know, if they want to film on a
14 Saturday people have to move their cars in some parts
15 of my neighborhood on Friday, and find parking, and
16 we've had, as you know, situations, I don't know if,
17 it wasn't actually under you, it was under your
18 predecessor, where the signage went up so late that
19 people had already parked their cars on Friday and
20 then sundown comes and they're no longer in a
21 position to move. Here comes the signs, here come
22 the tow-trucks, and the cars are gone, and come
23 Saturday and all the great cameras are showing up, so
24 that's a problem and I'm not blaming you for it, but
25 what I'm saying is that I think that if they just

2 simply stayed out of some neighborhoods that were
3 declared safe spaces then I think we could alleviate
4 a lot of this problem, and I'm not suggesting that
5 they all go camp out in Council Member Chin's
6 district either, but these are our streets, they're
7 not their streets. These streets belong to the
8 taxpayers of the city. They don't belong to the film
9 production companies. I'm a big, big fan of Law and
10 Order. And I recognize how much of what they do is
11 on the streets of New York City. I just don't want
12 them to film in my neighborhood. And I think that we
13 ought to be able to figure a way to make certain
14 residential neighborhoods exempt from the burdens
15 that come along with the permitting that you issue
16 and if you're not able to promulgate a rule that
17 would allow a community board to chart its own
18 destiny and to make its neighborhood safe from the
19 obstructionism that comes along with these, ah, with
20 these productions then perhaps we ought to consider
21 that here in the council, because I don't agree with
22 your assessment that a statute or a rule along those
23 lines would violate the United States Constitution.
24 That wasn't really a question, so I'm good. Mr.

1 COMMITTEE ON TECHNOLOGY
AND COMMITTEE ON SMALL BUSINESS

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2 Chairman, thank you very much for your time. I yield
3 back.

4 CHAIRPERSON HOLDEN: Thank you, Council
5 Member. Council Member Ayala.

6 COUNCIL MEMBER AYALA: Hi, good
7 afternoon, Commissioner. I actually did have the
8 pleasure of meeting with you just yesterday. Um, my
9 question, really, I just, I want to just piggyback on
10 Council Member Yeger's comment about the small
11 businesses not really making any money when these
12 production sites are in our communities. Ah, I
13 believe that is an accurate statement and I don't
14 know what if anything you'd be able to do about it,
15 but I think, you know, we definitely want to go on
16 record to say that we support our small businesses
17 and we encourage and hope that anyone that's
18 patronizing or using our streets as a means of, you
19 know, promoting anything, ah, it's also helping, you
20 know, those local businesses to thrive. I wonder,
21 however, regarding the small businesses, there is
22 some compensation that is provided to small
23 businesses by some of the production companies when
24 they're on a specific block. Do you know how the

25

2 amount of, the amount that that compensation equals
3 out to is negotiated? Is that by neighborhood?

4 ANN DEL CASTILLO: It varies from
5 production to production. You know, the productions
6 have their own budgets and so it depends on, you
7 know, what the production is able to do in specific
8 communities. So as I mentioned the size and scale
9 and scope of the productions that we're permitting
10 range in size and so those are business decisions on
11 the part of the productions. That said, however, we
12 have been, we have had a number of success stories
13 where we've worked with the productions to really
14 work with the neighborhoods to do walk-away lunches,
15 to hire locally. You know, we've had a couple of
16 productions just in the recent, um, recent months
17 that have been very effective at doing that, and so
18 what we are doing is working with them and having
19 them model that the other productions that are
20 coming in.

21 COUNCIL MEMBER AYALA: I guess because my
22 concern is that one of the complaints that I have, I
23 actually, these came to mind after our meeting
24 yesterday, from the small businesses is the
25 compensation equals to a couple of hundred dollars.

2 And the loss of revenue is a lot higher than that for
3 a day's worth of work. And so I think that there
4 needs to be more oversight to ensure that, you know,
5 whatever compensation is equal to whatever the loss
6 of revenue is for the day for that business, and
7 every business is different.

8 ANN DEL CASTILLO: Right.

9 COUNCIL MEMBER AYALA: But I'm also
10 concerned about what the compensation looks like for
11 street vendors, because they're also impacted by
12 these, ah, these productions and they get even less
13 compensation than the brick and mortar businesses.
14 So I wonder, that's a conversation that you've had at
15 any point and if there is any plan to kind of address
16 this?

17 ANN DEL CASTILLO: Thank you, and I do
18 appreciate the picture of what's happening in your
19 district and that's why again I think it's really
20 important for us to engage in these one-on-one
21 discussions so that we can really get a clearer
22 picture of what's happening in these different
23 neighborhoods. I can't stress enough it's always a
24 challenge to figure out how to do street activity in
25 this city that has so many diverse neighborhoods and

2 I think the best approach to that is to really work
3 hand in hand with you to see how we can address those
4 when we are landing a production in your specific
5 community, because the needs in that community may
6 look very different in another one and we just want
7 to make sure that we're calibrating appropriately and
8 that we're being flexible in our approach, so that we
9 can have a better win situation for everyone
10 involved.

11 COUNCIL MEMBER AYALA: So I would add if
12 the code of conduct sheet was shared with my
13 colleagues, there are 51 of us, I think that only a
14 few of us that sit on this committee, it would be
15 really helpful. It would have been helpful to me two
16 years ago to have a better understanding of what this
17 was and how it impacted my community, and the, you
18 know, the last comment is really around the schools
19 and I would ask that special sensitivity be given to
20 production companies that are granted permits around
21 schools. A lot of my schools company that they lose
22 parking during the day. A lot of our school
23 teachers, unfortunately, travel far to be able to
24 teach at these schools and parking is very limited as
25 is. So when production companies come in and take up

2 what little bit of space we do have available, it
3 poses a huge problem for our, you know, our public
4 school teachers and so I would ask that you please,
5 please, please consider that when you're issuing
6 permits between schools, that the schools'
7 operational hours.

8 ANN DEL CASTILLO: Absolutely. And I'm
9 going to, I do want my colleague to talk more
10 specifically about that. But one thing that I think
11 is just important to realize is that when my team is
12 permitting productions throughout the city they're
13 just looking at a map, right? But that map doesn't
14 tell us what's on the block necessarily and it
15 doesn't tell us even the ebb and flow, because you
16 could still say that there's a school, but maybe it's
17 a school that doesn't, that's like under renovation
18 or something like that and we don't know, so again
19 this is why, like I can't stress enough, like the
20 conversations I've had with each of you and that I
21 will continue to have with each of you are really
22 critical, and it's not just me. My team is getting
23 to know each of the communities are well. We are,
24 you know, restructuring the office a bit to ensure
25 that we can engage in these ongoing conversations to

2 really better understand what's happening on the
3 ground. But, that said, I think it would be helpful
4 to have Dean talk about the schools question in
5 particular.

6 DEAN MCCANN: We are very hypersensitive
7 about productions around schools. One of the things
8 that we do, and it comes with all authorized parking.
9 You know, we have a show that just, um, vouchered all
10 the district attorneys' parking so they could film in
11 a [inaudible]. When they submit a permit and it says
12 request permission to clear this street, they have to
13 stipulate on the permit what the parking regs are, no
14 standing, 7 to 7 commercial vehicles, and if there's
15 any authorized parking on that request and it
16 references that they're trying to take school parking
17 in order for us to sanction that that have to get the
18 principal to sign off on it, and then what the
19 production do with either voucher all the teachers to
20 go into a parking lot and pay for that, or what
21 sometimes we do so it's not inconvenient, like not
22 every neighborhood has parking lots, so what we'll do
23 is we'll allocate a different space for the teachers
24 to relocate to that's within striking distance of the
25 school, but only if the school approves it.

2 COUNCIL MEMBER AYALA: I think that the
3 issue is that the keyword here is authorized parking.
4 And not the city no longer issues authorized parking
5 for schools, and so if a school had a limited, maybe
6 four or five spaces in front of the school building
7 that's all that they have, but it doesn't mean that
8 the school teachers are not parking in the immediate
9 vicinity of that school building. So I, I don't know
10 how you would be able to ascertain whether or not
11 you're, you know, displacing teachers because if
12 you're only looking at the authorized parking
13 criteria then it's flawed.

14 ANN DEL CASTILLO: OK, so that's a
15 circumstance in which it would be helpful to sort of
16 sit with you, as we're sort of looking at production
17 that's landing in that neighborhood to work with you
18 to figure out what is a more viable alternative to
19 stage that parking.

20 COUNCIL MEMBER AYALA: Yeah, thank you, I
21 appreciate it.

22 ANN DEL CASTILLO: Thank you.

23 CHAIRPERSON HOLDEN: We've been joined by
24 Council Member Levine, and I want to recognize now
25 for questions Mark Levin, I mean Steve Levin.

2 COUNCIL MEMBER LEVIN: Thank you very
3 much, Chair. Hi, Commissioner, how are you, to see
4 you all. Um, I just want to ask about the
5 legislation that I am sponsoring, 158, related to
6 the, ah, updating the fees for permits to film on
7 city property. Can you explain a little bit, and I
8 apologize for arriving late. Can you explain a
9 little about the fee structure...

10 ANN DEL CASTILLO: Sure, yes.

11 COUNCIL MEMBER LEVIN: Because the issue
12 that we see is that, as Dean mentioned before, West
13 Side Story, Steven Spielberg, very large production,
14 um, ah, they are able to afford to be able to pay,
15 you know, reasonable fees or, um, for the size of the
16 production, and also there are film shoots that have
17 to get permits as well that are student productions
18 or independent productions that are much smaller, and
19 it's my understanding that they are, the same fee
20 applies to, um, permits of all size, and so that
21 doesn't, you know, obviously that doesn't quite make
22 a lot of sense, and in reality because of the tax
23 benefit, ah, that is provided to the film industry,
24 which I think has been very successful in ensuring
25 that the film industry stays in New York and has been

2 able to grow in New York, but as a result we are, um,
3 because of where the fees are now we're not really
4 seeing the revenue generated to the city in a way
5 that is, um, you know, is really commensurate with
6 the size of the, of the film economy basically. So
7 if you would speak to that a little bit.

8 ANN DEL CASTILLO: There are two, I'd
9 like to make two points in response to your question,
10 and thank you, it's been great working with you to
11 sort of troubleshoot these issues because you do have
12 a lot of them in your district, I recognize.

13 COUNCIL MEMBER LEVIN: Yes, yes.

14 CHAIRPERSON HOLDEN: Could you pull the
15 mic a little closer?

16 ANN DEL CASTILLO: I'm sorry, yes, yes,
17 sorry, I'm not really used to being on this side of
18 the camera, microphone, what have you. But with
19 respect to the tax credit, I think it's important to
20 note that the New York State tax credit is unique and
21 actually very thoughtful in the way that it was set
22 up because it is set up to reimburse below the line
23 costs, and what that means in production speak is
24 we're not paying for luxury items for like the A
25 list, like whatever, like chocolate habit. We are

2 paying for, we are incentivizing the creation of
3 jobs, so below the line costs, it's like your grips,
4 your electrics, your hair and makeup and wardrobe and
5 all of the people that build the sets and learn
6 really strong trades and that can then turn around
7 and make significant investments in their communities
8 right here in New York City. So I think it's one of
9 the stronger credits that I've seen. In terms of the
10 fees, you know, the fees we recognize and I totally
11 appreciate and I'm looking forward to working with
12 you on this bill, because our fee structure was set
13 up over 10 years ago and at that time we were just
14 trying to draw production to New York and there
15 hadn't been any fees, um, if any of you were here I
16 think you'll remember there was a pretty significant
17 discussion around it because there was a question
18 about how we were going to structure the fees in a
19 way that was fair and equitable, to take into account
20 the huge diversity of film making that occurs here in
21 New York. The way that they arrived at the fee was
22 that it was an application fee. It's not a permit
23 fee on property. It's an application, it's a
24 processing fee for the actual permit application and
25 so we do recognize, my office has recognized it, we

2 need to revisit that. We're in a totally different
3 time now. I think the studios have recognized as
4 well. We need to revisit that and so we have been
5 working very closely with Legal because there are
6 certain legal requirements for what we can charge in
7 terms of fees.

8 COUNCIL MEMBER LEVIN: Right.

9 ANN DEL CASTILLO: Budgetary
10 requirements, justifications that we have to make,
11 and so we are absolutely in support of that and look
12 forward to working with you on that. The amount and
13 the structure and how that gets set...

14 COUNCIL MEMBER LEVIN: Right, right.

15 ANN DEL CASTILLO: I think we do need to
16 take into account the legal requirements, the
17 budgetary policy, as well as how the industry
18 functions and how the city functions, so that we can
19 make sure that it's appropriately structured.

20 COUNCIL MEMBER LEVIN: Great, great,
21 because certainly we don't want anything to be
22 arbitrary and it shouldn't be up to just one person's
23 judgment about, you know, how much a production
24 should be, ah, should be paying for an application.

25 ANN DEL CASTILLO: Correct.

2 COUNCIL MEMBER LEVIN: But at the same
3 time, you know, we do recognize that there's a large
4 economy here and it is using public resources and,
5 ah, in light of that it's, the city is, you know, the
6 entity of the public in this instance and so it makes
7 sense to...

8 ANN DEL CASTILLO: I agree, there does
9 need to be restructuring of it for sure. We've been
10 working on that. I look forward to sharing those
11 notes with you and Chairman Holden...

12 COUNCIL MEMBER LEVIN: OK.

13 ANN DEL CASTILLO: ...to see how we can
14 move that conversation along. Um, you know, I think,
15 look, at the end of the day everybody wants a certain
16 level of predictability, right?

17 COUNCIL MEMBER LEVIN: Um-hmm.

18 ANN DEL CASTILLO: The industry wants it,
19 we want it, as New Yorkers we want to know what to
20 expect and I think by revisiting that structure and
21 coming up with a sound structure we can do that.

22 COUNCIL MEMBER LEVIN: That would be
23 great. And I look forward to also working with the
24 industry as well, because obviously they're an
25

2 important part of this conversation, so thanks so
3 much.

4 ANN DEL CASTILLO: Thank you.

5 CHAIRPERSON GJONAJ: OK, Council Member
6 Levine.

7 COUNCIL MEMBER LEVINE: If I just may,
8 Chair, I just want to know whenever you have that
9 information that was requested?

10 CHAIRPERSON HOLDEN: I have, um, I have
11 it.

12 COUNCIL MEMBER LEVINE: OK, then I'm
13 going to come back to you. I just want to make sure
14 you have it.

15 CHAIRPERSON HOLDEN: Oh, I have it.
16 [laughter]

17 COUNCIL MEMBER LEVINE: Thank you so much
18 Chairs Holden and Gjonaj for convening this very
19 important hearing, and great to see you again,
20 Commissioner. You know, I represent a district in
21 northern Manhattan that may be home, if not the most
22 productions, certainly one of the most heavily used
23 by the production industry. I also represent a
24 district which is home to, I would estimate,
25 thousands of people who work in this industry as

2 well. Not the big executive types, but, ah, union
3 members, people who are on the job, for whom this is
4 really a wonderful and meaningful career. So on the
5 one hand I, I'm always pushing for ways to lessen the
6 impact on neighborhoods where these productions are
7 taking place, whether it's, I know, smaller trucks,
8 ah, whether it's turning to local merchants for food
9 as opposed to bringing everything in, um, finding
10 ways to bring local young people in, ah, as mentors
11 and proteges to learn about this incredible
12 industry. I think there's a lot we can do and should
13 do to continue to push, ah, to reduce the adverse
14 impact on communities and expand the benefits. And
15 there are good productions which have done this. We
16 just finished in the Heights, uptown, and it was a
17 very large-scale production. I think it went on for
18 like two months. It was pretty intense. But they
19 really did a good job at community outreach and, um,
20 we had very, very few complaints relative to most
21 productions of that size. Regarding some of the
22 legislation here today, I know that he's gone, I do
23 commend, ah, Council Member Levin for reconsidering
24 the fee structure and I have no problem with charging
25 Steven Spielberg a little bit more to process the

2 paperwork. But I would be really sensitive to the
3 impact on smaller productions, and to the possible
4 inconsistency in a city where we have the policy of
5 tax credits to the tunes of hundreds of millions of
6 dollars to promote the growth of the industry here,
7 but on the other hand looking to increase fees feels
8 a little contradictory. And then regarding the
9 proposal Intro 1700, which would require a 14-day
10 advisory period, um, what little I know about the
11 production industry, man, that's going to be really
12 hard to implement in practice. [applause] Um, I
13 mean, these guys are working with scripts that are
14 being written three time zones away in LA often,
15 where the changes can be day to day. That can
16 totally impact a production schedule. These folks
17 are dealing with weather conditions and a storm might
18 up-end the filming schedule and you don't have 14
19 days accurate weather forecasts. I would be worried
20 that this would be the kind of thing that would push
21 some people to produce in other cities.

22 ANN DEL CASTILLO: Yes. [applause]

23 COUNCIL MEMBER LEVINE: And I don't think
24 any of us want that. I don't think there's any
25 council member or any, ah, person who cares about the

2 city who wants that. I love Toronto. I don't want
3 this film production going to Toronto. Again, I
4 think we can work around the margins to find ways to
5 lessen impacts on neighborhoods. But I just worry
6 that a 14-day advisory period would have severe
7 unintended consequences. And I don't know if the
8 administration has taken a position. I didn't see
9 any remarks. I apologize, I didn't hear you deliver
10 them.

11 ANN DEL CASTILLO: I thank you.

12 COUNCIL MEMBER LEVINE: OK.

13 ANN DEL CASTILLO: And I actually do
14 share your concerns about the 14-day notification
15 period. Um, we are a television town and television
16 functions on a very different schedule. The benefit
17 of being in a television town is that they are
18 regular jobs, like the schedule is more regular than,
19 say, features. That's not to say I don't want
20 features to come in. We had three lovely features
21 that came in and created a lot of job opportunities
22 for New Yorkers. But as television is more
23 serialized and more regular that provides, again, a
24 level of predictability for New Yorkers to have jobs
25 and support their local economy. I think it's

2 probably better, as some of my colleagues will tell,
3 some of the, ah, our partners in industry can attest
4 to the fact that the way that television works is,
5 ah, the demands for content are so great now, ah,
6 particularly in the streaming, and that's what I'm
7 hearing across the board. It's not just New York.
8 It's in LA, but it's worldwide this demand for
9 content is happening and decisions about productions
10 are being made very quickly. The turnaround time on
11 these is very quick. So someone today is writing a
12 script for what they're going to shoot in a week,
13 right? And so we're working with them to figure out
14 how they're going land that. Fourteen days will
15 definitely kill the industry. I mean, I just, I
16 can't mince words about that. That's not how
17 television works and they will go away. And I
18 definitely don't want to see that. I also understand
19 that communities want a level of predictability and
20 certainty about when productions are going to happen.
21 And that is why we have tailored the notification
22 period to when we know things are going to happen
23 with utmost accuracy. I know we don't like to be
24 inconvenienced in New York and so I don't want people
25 to be making plans unnecessarily to change things up

2 only to have that shift later on and so the 48 hours
3 that we provide is in line with a lot of our other
4 city projects that happen. A lot of street
5 activities are permitted within that timeframe and
6 then in terms of industry practice that is the
7 standard for these kinds of productions. That allows
8 us to be sure that what's going to happen within that
9 time period, we can predict the weather a little bit
10 better, we can be sure that when we're telling
11 communities that this is going to happen that it's
12 really going to happen. So thank you for that.

13 COUNCIL MEMBER LEVINE: OK, I appreciate
14 you saying that, and I'll wrap up. I'm just, I'm
15 glad that, Mr. Chairman, we have the Small Business
16 Committee here as well because there's a whole
17 ecosystem of small businesses around this and, um,
18 you know we're wringing our hands a lot right now in
19 the City Council about how hard it is...

20 ANN DEL CASTILLO: Yes.

21 COUNCIL MEMBER LEVIN: ...for small
22 business in New York City today, and we shouldn't be
23 making it any tougher, and so I do want to go on
24 record with my opposition to the 14-day, ah,
25 requirement and I do appreciate your thoughts on this

2 and I want to thank both the chairs for allowing me
3 to go a little bit longer on time.

4 ANN DEL CASTILLO: Thank you.

5 COUNCIL MEMBER LEVINE: Thank you,
6 Commissioner, and thank you to the chairs.

7 CHAIRPERSON HOLDEN: We see other cities,
8 though, for three- to five-day requirement. We
9 understand that. Ah, but the 14-day is really an
10 offshoot of the lack of oversight from the
11 administration. Again, it's putting the small
12 businesses on the frontlines to take the brunt of
13 the, any impact of filming for several days in front
14 of their businesses. So this is, again, we have to
15 look at extending it. It has to be longer than the
16 48 hours because we're not getting cooperation from
17 MOME or the administration and we're not getting the
18 outreach from the production companies, which we
19 established is in your code of conduct yet it's, I
20 never get a call from a production company. Maybe
21 you do. Maybe other council members do. But we
22 haven't heard one today that gets a regular call from
23 a production company in advance of shooting, which is
24 required. So that, you're seeing now a reaction from
25 council members who are saying something needs to be

2 done. If you want, if you want to keep the 48 hours
3 then you have to provide the outreach...

4 ANN DEL CASTILLO: Outreach, absolutely.

5 CHAIRPERSON HOLDEN: ...and checking that
6 everyone is playing by the rules, and our small
7 businesses and our communities are not on the front
8 lines bearing the brunt. But I want to just ask a
9 question. You said you issued 14,500 permits in
10 2018. According to the open data portal we have
11 9000? 9004. That's on the, in the open portal. So
12 what's, do you have an explanation as to why the
13 discrepancy?

14 ANN DEL CASTILLO: I would have to look
15 and see what that data...

16 CHAIRPERSON HOLDEN: OK. Of those 14,500
17 how many were denied? Or are those just all the
18 permits that were issued?

19 ANN DEL CASTILLO: Permits that were
20 issued.

21 CHAIRPERSON HOLDEN: And how many
22 applications did you get for permits?

23 ANN DEL CASTILLO: That I would have
24 to...

2 CHAIRPERSON HOLDEN: You don't have that?
3 OK.

4 ANN DEL CASTILLO: Correct.

5 CHAIRPERSON HOLDEN: You wanted to say
6 something on the numbers, right? Council Member
7 Gjonaj.

8 CHAIRPERSON GJONAJ: Thank you, Chairman.
9 I would really hope that in preparing for this type
10 of hearing, the first of its kind, again that we
11 would be prepared with, if we approved 14,500 how
12 many were applied for and how many were denied.

13 ANN DEL CASTILLO: Actually, can I, so at
14 the point which someone applies for a permit that's
15 really at the end of the conversations that we've
16 had. It's not, it's a little bit difficult to
17 explain, but it's not like I want to make a film, I'm
18 going to go New York, I'm just going to file a
19 permit. Like there's so much information that the
20 permit requires that they have to have conversations
21 with our office before they actually file that
22 application. Um, there's insurance requirements,
23 there's a whole host of requirements that go into
24 submitting that application. So at the point at
25 which they're submitting their application they're

2 actually, like we've ironed out most of the issues
3 that they're going to, it's not like the application
4 would get rejected. The project proposal would get
5 rejected before the application even gets submitted.

6 CHAIRPERSON GJONAJ: Do you think we have
7 enough time to figure out how many applications were
8 denied in all of 2018?

9 ANN DEL CASTILLO: But that's what I'm
10 saying, there's no denial of an application because
11 at the time that they're applying for the permit any
12 proposals that we would have rejected we've already
13 rejected. They're not going to apply for a permit
14 unless they know that they're going to get a permit,
15 and the only way that they're going to know that they
16 get a permit is if they have a conversation with our
17 office to iron out all of those details.

18 CHAIRPERSON GJONAJ: Then I'm not
19 understanding.

20 CHAIRPERSON HOLDEN: Yeah, me too.

21 CHAIRPERSON GJONAJ: So when they make,
22 would they actually notify you of the intent of and
23 the desire to apply for a permit?

24 DEAN MCCANN: Well, there's multiple
25 phone calls that will take place, you know, we want

2 to do a driving sequence. Um, can you recommend
3 where we could do it, or they'll present a scenario
4 where they want to do the driving sequence. Then
5 they'll go scout it with NYPD. NYPD might set forth
6 conditions. NYPD might say no, we're going to do it
7 on this avenue instead of this avenue. Then they
8 have a production meeting in our office, you know,
9 weeks before they start production. We'll sit there
10 with a one-liner that breaks down every shooting day
11 for the film. They'll present maps. They'll show
12 where they want to park, what's for picture. So at
13 that production meeting we may look at everything and
14 say, ah, no, I know this block well, in Councilman
15 Chin's block, and, um, it's not going to be a place
16 we're going to let you park. Or they may have
17 proposed something that was in our hot zone. So
18 we're going to tell them at the production meeting
19 that's not going to work. Sometimes NYPD actually
20 comes to the meeting if it's a complex job, you know,
21 like in the Heights or West Side Story, so they can
22 get answers in real time. So by the time, like the
23 Commissioner said, by the time they actually press
24 submit they've already had their proposals modified

2 to a place that works for our constituents, works for
3 our office, and gets them their creative.

4 CHAIRPERSON GJONAJ: I don't want to cut
5 you short. Have you identified earlier on that there
6 are some bad actors?

7 DEAN MCCANN: Bad actors?

8 CHAIRPERSON GJONAJ: Yes.

9 DEAN MCCANN: Yes.

10 CHAIRPERSON GJONAJ: What have you done
11 to go after those bad actors? Have they been
12 blackballed? Have they...

13 DEAN MCCANN: Well, you know...

14 CHAIRPERSON GJONAJ: ...been informed that
15 they'll no longer get a...

16 DEAN MCCANN: I mean, years, you know,
17 one extreme example was, you know, we don't let,
18 sanction crew cars on the set, and we had a very big
19 movie and we revoked their permits and we wouldn't
20 let them film in New York the next day, which cost
21 them about \$450,000. The thing you have to remember,
22 too, is that, you know, these shows are not one-offs.
23 They're here 26 episodes. They're on the ground for
24 10 months. If they mess up on Monday they're going
25 to have a hard time working with us.

2 CHAIRPERSON GJONAJ: Thank you, Mr.
3 McCann. Did you get that list of today's permits?

4 DEAN MCCANN: Yes, I was just going to
5 email it to you. I was hoping that there was a show
6 like Law and Order filming right around the block on
7 60 Center Street that we could go work at, or look
8 at, that an officer was assigned to. I'm sending it
9 to you now. Um, everything is uptown. Columbus
10 Avenue, 78th Street, but I'm emailing it to you right
11 now, sir.

12 CHAIRPERSON GJONAJ: So how many permits
13 are there currently issued for today?

14 DEAN MCCANN: Um, I'll tell you in one
15 second. Do you want that list also? It's pretty
16 significant. Or do you want me to just count them
17 out?

18 CHAIRPERSON GJONAJ: Just give me a
19 number, and then we hope to verify it on your portal,
20 but.

21 DEAN MCCANN: How many? 58? 58 permits
22 were issued for today. There's another part to this,
23 though, is you have a show, and I'll use Law and
24 Order because their name has come up several times.
25 But we issue one permit per day per job. But

2 sometimes those permits may have two locations on
3 them, or three locations on it. You know, Law and
4 Order shoots interior bodega, then they come outside,
5 they do a walk and talk a block away, exterior in a
6 brownstone, and then they might company move to their
7 stage on Chelsea Piers. So the numbers are
8 deceiving. It's not something that we wanted, but
9 that's how the programmers of the citywide event
10 database created it years ago.

11 CHAIRPERSON GJONAJ: Of the, you emailed
12 me the 58, because we're going to try to figure how
13 to evaluate those 58 permits, and I have staff
14 standing by that are willing to run out to one of the
15 sites and illustrate what they see live stream and
16 then I'll show you the breakdown.

17 ANN DEL CASTILLO: You know, I think...

18 CHAIRPERSON GJONAJ: This is the
19 importance of, and I'm not vilifying, Commissioner,
20 the industry. I want to point out again we
21 identified a problem and now it's about solutions.

22 ANN DEL CASTILLO: Absolutely.

23 CHAIRPERSON GJONAJ: And if we can't get
24 a 24/7 live person to answer that phone to address
25 any of the issues and concerns it is a breakdown. Of

2 the 58 I dare to imagine how many of them have
3 notified the community board. How many of them have
4 notified the City Council, the block and merchant
5 associations in which they are filming at least 48
6 hours in advance of the shoot.

7 ANN DEL CASTILLO: I am reasonably
8 confident that you will see a noticeable change
9 within this next six months of my tenure here. I
10 have, as I said, made a concerted effort to meet with
11 each of you to understand the needs of the
12 communities to work with production to be more
13 proactive and, ah, just knowing the industry, I know
14 how it works and so I feel like I can be a good
15 partner both with our productions to make sure that
16 they're being good neighbors as well as with you
17 because I care about the city and I want to make
18 sure, and I, actually I want to correct that
19 dichotomy. Because production does care about the
20 city. That's why they're here. They're here for the
21 local talent. They're here for the culture. They're
22 here because they want to be here. There could be
23 many other jurisdictions that they are in and they've
24 chosen New York, which is not an easy place, as we've
25 said, right? And so my task at hand is to make sure

2 that we make this an industry that works for everyone
3 in the same way that we present. Those are not
4 anomalies. We have two, at least 2000 small
5 businesses that are working with productions, and I
6 would love to create an environment in which the
7 small businesses that are impacted by this can be
8 positively impacted. And that is my goal, is to work
9 with you towards that vision.

10 CHAIRPERSON GJONAJ: I appreciate that
11 and that's what I'm looking for. So in the next, or
12 the next version of the code of conduct in big bold
13 letters it should say shop local, support small
14 businesses. I would imagine that would be in their
15 best interest as well. But as I look at that last,
16 and I'm sure the chair has other questions, we'll be
17 looking at the issue. And if 311 is the answer or
18 the number that's posted is the answer and we clearly
19 identified it is not working, then the definition of
20 insanity comes to question, doing the same thing over
21 and over again, expecting a different result and we
22 don't want that. And I embrace the industry. We
23 just need them to be partners and that's going to
24 require all of the stakeholders, including your
25 office, the production companies, community boards,

2 residents, small businesses, BIDs, merchants'
3 associations, schools and houses of worship, and
4 everyone else working together to make sure that we
5 all benefit, that the hardships or burdens aren't
6 placed on any one particular individual or business
7 or community. That's the intent of this hearing and
8 the purpose of the bills.

9 ANN DEL CASTILLO: And I appreciate the
10 opportunity to have this be the beginning of this
11 conversation with you, so thank you.

12 CHAIRPERSON HOLDEN: I just want to ask a
13 question on the 311 complaints. You mentioned how
14 many complaints were registered on 311?

15 ANN DEL CASTILLO: We received less than
16 900, 900 inquiries through 311.

17 CHAIRPERSON HOLDEN: There were 300
18 complaints on the permit, the 14,500 permits?

19 ANN DEL CASTILLO: Some of them may have
20 not been complaints. But, yes, for sake of argument,
21 yes.

22 CHAIRPERSON HOLDEN: But you determined
23 they were complaints about the film shooting or
24 production or trucks or whatever, right?

2 ANN DEL CASTILLO: The inquiries, you
3 know.

4 CHAIRPERSON HOLDEN: Inquiries?

5 ANN DEL CASTILLO: Yeah, yeah, because
6 they, they could just be questions about production
7 or questions about our office generally. It doesn't
8 really distinguish them that way necessarily.

9 CHAIRPERSON HOLDEN: And you got that,
10 you determined that from 311 gave you that
11 information? Because we couldn't get it.

12 ANN DEL CASTILLO: We can get back to you
13 on how we arrived at that.

14 CHAIRPERSON HOLDEN: All right.

15 ANN DEL CASTILLO: But that's.

16 CHAIRPERSON HOLDEN: OK. Anything else?

17 Um, how long is the, in Los Angeles they have a 14-
18 day permit. They'll issue a permit for 14 days.

19 What, do we have a number, you know, two weeks, three
20 weeks?

21 ANN DEL CASTILLO: Their notification?

22 CHAIRPERSON HOLDEN: Yes.

23 ANN DEL CASTILLO: It's two days. Two
24 days, 48 hours.

2 CHAIRPERSON HOLDEN: Two days, no, the
3 length of the permit.

4 ANN DEL CASTILLO: The permit? The
5 length of the permit. Ah, I thought it was 30 days.

6 CHAIRPERSON HOLDEN: Like in LA it'll be
7 14 days, the whole permit for shooting will be 14
8 days max, right?

9 ANN DEL CASTILLO: Yup, 14 days and
10 something like 10 locations or something like that.
11 I'm sure my, I'm sure the industry represented here
12 could speak to the specifically.

13 CHAIRPERSON HOLDEN: Are we, OK, so.

14 DEAN MCCANN: One of the things that's
15 been discussed for a while, and this almost was
16 executed during a previous administration, they just
17 didn't get to it in the end, was adopting a timeframe
18 similar to what you're talking about, so that, you
19 know, the job that's here for a two-day commercial
20 isn't paying, is paying the same thing, but the job
21 that shoots 365 days a year, the Today Show, or the
22 Colbert Show for CBS, the permits would only be valid
23 14 days. I think it's something I saw from the
24 council you wanted 30 days. So it's one of the
25 conversations that the Commissioner has been having.

2 ANN DEL CASTILLO: Yeah.

3 DEAN MCCANN: When evaluating changing
4 the fee schedule, having it end at a certain
5 duration, which is much more appropriate than just
6 paying once and being able to shoot for 26 episodes
7 for 10 months.

8 ANN DEL CASTILLO: And that is what I was
9 referencing when I was saying that we are looking at
10 how to structure that, like setting time limits,
11 setting locations, something like, and so we've been
12 really working closely on that and hope to have a
13 proposal soon.

14 CHAIRPERSON HOLDEN: So just on, what's
15 the usual cost for your office to review and process
16 a film permit?

17 ANN DEL CASTILLO: The standard
18 application, the standard processing fee is \$300 per
19 permit.

20 CHAIRPERSON HOLDEN: Yeah, that's just
21 the fee. But what's the, what's the cost to your
22 office, to actually the personnel to work on it?
23 Let's say an individual working for three hours, two
24 hours?

25

2 LAURIE BARRETT PETERSON: We're in the
3 process of collecting information in order to
4 determine those costs and, um, there's a significant
5 body of case law that governs how governmental
6 entities may set their regulatory fees. So we're
7 following the process that has been set up for every,
8 every city agency, through OMB. We're looking at the
9 direct cost, the executive costs, administrative
10 costs, office space and utilities and other agency
11 costs, and where we've collected a lot of that
12 information but we don't yet have the final average,
13 ah, fee per permit yet.

14 CHAIRPERSON HOLDEN: OK, but the \$300
15 permit, how long has that been in effect? Is it...

16 ANN DEL CASTILLO: That's what I mean,
17 sorry, sorry. That's been in effect since, for over
18 10 years and that's why we had...

19 CHAIRPERSON HOLDEN: Yeah, so it's
20 time...

21 ANN DEL CASTILLO: ...undertaken to review
22 it. Yes, no, it's absolutely time, we are in full
23 agreement on that.

24 CHAIRPERSON HOLDEN: \$800 would not be an
25 unreasonable fee.

2 ANN DEL CASTILLO: Again, we need to make
3 sure that it calibrates to all of these costs,
4 because \$800, I'm not, I would be interested to have
5 a conversation with you to see how those, that amount
6 was arrived at, um, because we need to take into
7 access the various types of productions that are
8 happening, the length of time the productions are
9 happening, what are the appropriate fees we can
10 charge as a city according to these rules. So I am
11 in full support of restructuring. I would be
12 interested to have a conversation with your office to
13 understand how the \$800 figure was arrived at.

14 CHAIRPERSON HOLDEN: OK.

15 ANN DEL CASTILLO: But we are absolutely
16 in agreement that we need to review and restructure
17 the fees.

18 CHAIRPERSON HOLDEN: And I would hope
19 that, um, with all this money coming into the city
20 from these film shoots that some of the money, or a
21 good portion, would go to your office, um, to have
22 more personnel work on these and then, um, I think
23 everybody would be happier if there was better
24 oversight.

25 ANN DEL CASTILLO: Yes, yes.

2 CHAIRPERSON HOLDEN: Do you have any
3 other?

4 CHAIRPERSON GJONAJ: Thank you, Chair.
5 Just because for the sake of time and we have others
6 that we really want to hear from...

7 ANN DEL CASTILLO: Yes.

8 CHAIRPERSON GJONAJ: I look forward to
9 working with you to make this experience beneficial
10 to all stakeholders and sometimes it doesn't take
11 much more than communication for the general public,
12 and as we figure out what notice could possibly be
13 given in advance, as well as to the fee structure,
14 which I would imagine would be dependent on
15 potentially the size of the shoot, is it a not-for-
16 profit, is it a college student, should be in
17 consideration. It shouldn't be a blanket approach.
18 So a silver screen production coming into the great
19 city of New York shouldn't be in the same permit
20 price as a college student from around the corner
21 that's looking to do something to help promote the
22 business that they're looking to start. There's
23 considerations that we're looking forward. So I look
24 forward to continuing our meetings and discussions.

2 ANN DEL CASTILLO: Thank you very much.
3 Thank you.

4 CHAIRPERSON HOLDEN: And I'll echo that.
5 We'll work with your office, and we, we're already
6 hearing good things from your office, so it's
7 encouraging. Thanks, Commissioner, and thanks,
8 panel, for your testimony.

9 ANN DEL CASTILLO: Thank you for the
10 time.

11 CHAIRPERSON HOLDEN: All right.

12 DEAN MCCANN: Thank you.

13 CHAIRPERSON HOLDEN: All right, the next
14 panel, we're going to hear from the community,
15 residents, and civic. First Nancy Sogozarich, I hope
16 I'm pronouncing that right, Jeffrey Elkin, and Mark
17 Amruso. We're going to do, because we do have to
18 exit this room by one, so we're going to put a two-
19 minute clock on your testimonies, so try to
20 summarize.

21 UNIDENTIFIED: Oh, yeah.

22 CHAIRPERSON HOLDEN: Nancy, do you want
23 to begin?

24 NANCY SOGOZARICH: Sure, I'll formalize
25 any...

2 UNIDENTIFIED: Thank you, all right.

3 NANCY SOGOZARICH: So I guess, um, I had
4 a whole speech written but a lot came up during the
5 meeting that I wasn't aware of about the rules and
6 regulations, which is my major issue with the filming
7 in my area. Um, I feel safety for me is the biggest
8 concern since they're not following the rules. It's,
9 it's not all of the production companies. I am a
10 major supporter of the production in my area. I was,
11 and all my neighbors hate me for it and now I'm here
12 speaking on their behalf, since we are being
13 harassed. I, when I make 311 complaints that I don't
14 how are logged because it's for the illegal standing,
15 the idling trucks, the garbage, the trespassing on
16 our property, we have a private alley and they just
17 drive right through, speeding, my kids are out there
18 playing. Um, the issues are so many. But I want to
19 get back to, I know you guys spoke about a few things
20 that I want to make a point filming, OK. You said
21 you're supposed to know two days before. Do you know
22 they're filming today, Councilman Holden? Do you
23 know that they're filming today by Broadway Stages?
24 OK. So are they allowed to take the parking spots
25 from the neighborhood? How many hours before their

2 permit? Because 10:00 p.m. around the corner while I
3 was walking in, they're taking the parking and no
4 standing zones. I thought that no standing means no
5 standing. Are they allowed to park in no standing?
6 Because then maybe my community doesn't have an
7 issue. But how are fire trucks going to make the
8 turn? We are on a street where there is no, a truck
9 restriction. When these trucks come down the block
10 they can't turn because people parked in no standing.
11 They're idling next to a 90-year-old woman's home.
12 And it's not all the crews. But how are we going to
13 track the bad crews? Do they have a process of
14 evaluating these production companies? These are
15 things that I want enforced. I want to be able to
16 call 104 and know that I'm going to be able to talk
17 to them and Holden's office and my community board.
18 I'm getting no help for the past three years. I have
19 thousands of complaints. I've sent your office over
20 85 photos this week on my own lunch hours. I need
21 help. This is ridiculous. Am I up?

22 CHAIRPERSON HOLDEN: Yeah, no, thank you,
23 and I, you know, we share your frustration and that's
24 why you heard today about not being receptive at MOME
25 and not listening enough.

2 NANCY SOGOZARICH: Yeah, I mean...

3 CHAIRPERSON HOLDEN: But this is, this
4 is, we're bringing, we're on your side on that one
5 because we do get a lot of complaints in my office
6 about that.

7 NANCY SOGOZARICH: How do we track it as
8 citizens? Like the permits, what website do I know
9 that they're coming? There's multiple crews at
10 multiple times. They misuse the permits. They make
11 multiple copies. They're extending their boundaries.
12 All these things, we just need compliance. We need
13 oversight and we need compliance so we can work
14 together.

15 CHAIRPERSON HOLDEN: OK. Thank you.
16 Jeffrey?

17 JEFF ELKIND: Good afternoon, members of
18 the Committee on Small Business and the Committee on
19 Technology. I'm here today in my capacity as the
20 president of the Ridgewood Property Owners and Civic
21 Association. My name is Jeff Elkind. I didn't think
22 I was going to share this before I heard this
23 morning's testimony, but I happened to be an attorney
24 licensed here in New York and I've spent the better
25 part of my career working with Deloitte and a number

2 of the big four consulting firms on administrative
3 governance of regulatory agencies and their capacity
4 to conduct risk-based supervision and oversight. And
5 that was the last thing that I thought was ever going
6 to come up even tangentially this morning. But what
7 I really want to talk to you, at least for now about,
8 is my experience and our community's experience with
9 the film industry. And Ridgewood and the communities
10 in Queens Community Board 5 are certainly proud of
11 our newfound cinematic popularity, especially with
12 the film industry. That being said, in the past year
13 we've been experiencing too much of a good thing.
14 And actually it used to be a good thing. It is no
15 longer. We've become a filming hot spot by any
16 definition of that term and, just as a quick aside,
17 what I heard earlier described as a sliding
18 definition of hot spot doesn't seem to match any
19 definition of hot spot I've seen by comparing
20 filming, film production legislation in other cities,
21 either in Canada or elsewhere in the United States.
22 So we don't have a hot spot definition, certainly one
23 that's not operable here in New York. What we're
24 seeing is an unacceptable increase in the number of
25 frequency of large-scale film shoots. I'm going to

2 just, I'm going to do a quick rocket list of the
3 types of issues and challenges we've identified with
4 respect to film production in our communities. These
5 require greater scrutiny, and I can provide this in
6 email form after today's testimony so you can have it
7 in writing. Again, these are observations simply by
8 what I see on the ground in Ridgewood over the past
9 five years.

10 CHAIRPERSON HOLDEN: All right, we have
11 to wrap it up, so could you summarize?

12 JEFF ELKIND: Yeah. The permitting
13 process is broken. The Mayor's Office of Media and
14 Entertainment appears unable to officially manage the
15 permitting process or conduct effective oversight.
16 In fact, from what I've seen, personal experiences
17 with filming, there's no oversight, period.

18 CHAIRPERSON GJONAJ: Can I ask you how
19 long do you think you have to testify, because if
20 it's lengthy you could submit it in writing.

21 JEFF ELKIND: I can do that.

22 CHAIRPERSON GJONAJ: We have 15 more
23 people signed up to testify.

24 JEFF ELKIND: Right.
25

2 CHAIRPERSON GJONAJ: And each one is
3 suppose to get no more than three minutes.

4 JEFF ELKIND: Can I give you, I'll give
5 you the headlines, just so you know what's coming?
6 Hot spots, I don't think the Mayor's Office of Media
7 and Entertainment knows where the hot spots are in
8 the city. We are certainly one they have no clue,
9 from our perspective. Poor communication, lack of
10 advance notice, basically notice comes usually two or
11 one, sometimes negative one days after, after the.

12 CHAIRPERSON HOLDEN: OK, well, but we
13 have to summarize, Jeff. By the way, is anybody from
14 the Mayor's Office, MOME, here? You're, OK, thank
15 you. So you're listening. OK. Thank you.

16 JEFF ELKIND: I'll just give you the
17 three headlines.

18 CHAIRPERSON HOLDEN: All right. One
19 more. Hurry up, quickly.

20 JEFF ELKIND: OK. Ineffective no parking
21 signage. The signage doesn't mean what it says and
22 it doesn't say what it means. Common abuses of the
23 permitting process. Scope creep, where production
24 companies sort of applied. Print more signs. And
25

2 they expand them down adjacent streets. Other fun
3 and abuses are just making it up.

4 CHAIRPERSON HOLDEN: And we talked about
5 these today.

6 JEFF ELKIND: Yeah, unauthorized,
7 unauthorized filming.

8 CHAIRPERSON HOLDEN: OK, all right, thank
9 you, thank you, all right. Next.

10 JEFF ELKIND: And the last item is
11 Mayor's Office transparency. They don't have the
12 right information technology systems to manage what
13 they're supposed to do.

14 CHAIRPERSON HOLDEN: Exactly, thank you,
15 Jeff.

16 JEFF ELKIND: Thank you for letting me
17 finish up.

18 MARK AMRUSO: Good morning. My name is
19 Mark Amruso. I'm a 30-year Tribeca resident. I'm
20 also a member of Community Board 1 in lower
21 Manhattan. I'm just going to wear the community
22 board hat for one second. I was asked by my co-chair
23 to submit a resolution that we dealt with this
24 subject on the issue of parking. It's from June
25 2018. That's in your packet there. We're also going

2 to take up this issue about the Intro, ah, Intro
3 administrative codes in our [inaudible] committee in,
4 um, next money. So we'll have more information for
5 you on that. Now my personal testimony. I, ah, I
6 was a former location manager so I have a little bit
7 of insight into, into, ah, you know, what was said,
8 and I hope we have continuing hearings on this as
9 well going forward. Of course, acknowledged because
10 of that that the film industry does supply a lot of
11 jobs and sometimes I have to fend off the residents.
12 I always get the phone calls when there are issues
13 because I have the experience that, listen, you know,
14 these guys are mostly local folks that are working,
15 small businesses and that, all that, but there's also
16 a balance. Ah, there are a lot of good film
17 companies but there are also some bad ones. Ah, you
18 mentioned Billions. We actually had a good
19 experience with them. We had a bad experience with
20 the FBI show. But, ah, personally regards to the
21 local laws I support all of them, but there was a
22 note about the 14-day notice. You have to define
23 what special means, the definition of special
24 parking. Um, now consequently, like it's been
25 mentioned, that CB1, like other districts and

2 neighborhoods of quality of life disruptions, ah,
3 equipment trucks, cars being towed, ah, additionally
4 alternate side parking has been taken away. Um, and
5 just one thing about MOME, the Mayor's Office on
6 Film, ah, we have a good relationship with them.
7 They'll, they'll get back to us, it's better than
8 most agencies actually, so just, you know, a little
9 beat up a little bit here, but, but I think they're
10 just, they are, um, um, I think overwhelmed by the
11 bureaucracy and things need to change. So I'll be
12 quick with the last two points. I think these two
13 points, and this is addressed actually in our CB1
14 resolution, ah, that can assist some of the topics
15 you're talking about. Point one - film production
16 companies must have a justification for taking away
17 alternate side street parking for non-filming
18 purposes and that this justification requiring be a
19 question that is added to the permit application.
20 This should be citywide. We got a rejection letter
21 from their office about this, but I think they
22 misunderstood. They thought that it would just be
23 special for the CB1 district. But we want it
24 citywide. And these, these need to be policies and
25 procedures that you've got to put in your

2 administrative code because I don't know if they'll
3 do it on their own, honestly. The second point
4 addresses the other chairs, that the film production
5 company provide a neighborhood liaison with contact
6 information for the community to contact with any
7 issues at any time. Often the phone number on the
8 film permit is, ah, goes to a voicemail or especially
9 if it's on a weekend and weekends it's difficult to
10 get in touch with the city's, city office, and I
11 think both of these requests should not be different
12 for the Mayor's Office to implement and it would not
13 negatively affect any jobs in the film industry at
14 all. So I thank the council for having this hearing.
15 We hope to look forward to more hearings and just
16 question, how long is the record open for so we know
17 how long we have to give you more information?

18 CHAIRPERSON GJONAJ: I think to the end
19 of the day, correct?

20 MARK AMRUSO: No, submit, to submit
21 testimony.

22 CHAIRPERSON GJONAJ: Submit in writing
23 testimony?

24 MARK AMRUSO: Or comment on the bills.
25

2 CHAIRPERSON HOLDEN: By tomorrow, by
3 tomorrow.

4 MARK AMRUSO: OK, thank you.

5 CHAIRPERSON HOLDEN: Thank you, thank you
6 panel. Next panel is Hillary Smith, Angela Mealy,
7 and Les Venture. Whoever wants to start.

8 HILLARY SMITH: Sure, hello, good
9 afternoon, thank you for letting us be here. This is
10 actually really interesting and you've all brought up
11 really good points, so I know there's a brief
12 timeline, so I'll just jump into it. My name is
13 Hillary Smith. I'm the unit production manager on
14 the Warner Brothers TV show, Blind Spot. The role,
15 my role as the UPM is to manage all aspects of the
16 production's administration, including hiring crew,
17 locations, and budget, from pre-production through
18 the end of principal photography. The biggest thing
19 that we are concerned about is the 14-day rule. That
20 would cause a lot of issues for us. We are on a very
21 short timeline, which was brought up, you know, for
22 our show and for many shows. We're a one-hour show,
23 so we have seven to nine days to produce that show.
24 We basically are out on location anywhere from four
25 to five days during that time period. In that time

2 period from the time we get the script we have to
3 find the location, get it approved, talk to the
4 location, work out a deal, get the permits, talk to
5 the community boards, which we do, talk to any co-op
6 boards that you might have to talk to, talk to the
7 businesses, get the parking, find parking in the area
8 for residents that we're displacing for our crew, and
9 it's just not enough time to do that within that 14-
10 day rule. And especially with weather, as winter is
11 coming up we have unforeseen weather issues that
12 happen all the time. It would be real hard to do
13 that, 72 hours would be also be a challenge but it's
14 something that I think we would be willing to address
15 and not agreed to, but if that's, 48 hours really
16 works well. Um, I understand that it may not be
17 getting the information out to people in time, but we
18 are certainly willing to, open to the conversation of
19 how to do that better. And, you know, I used to live
20 on Reed Street and it's a real pain, I get that. You
21 know, I live in New York City, I live on the Upper
22 East Side. There's filming all the time. I'm open
23 to the dialogue and helping the city and the
24 productions to working in getting this, this,
25 whatever is the best way to get it done, done, so

2 everyone is happy. I live here. I want to continue
3 working here. My colleagues live here and work here.
4 I'm really pro-filming. We want to keep it here and
5 we want to do everything we can to help.

6 CHAIRPERSON HOLDEN: Thank you.

7 ANGELA MEALY: Thank you, Chairman. My
8 name is Angela Mealy. I'm with the Motion Picture
9 Association. Our members are Disney, Sony, Warner
10 Brothers, Paramount, NBC, Universal, Netflix, and
11 CBS, and our members have had a long history of
12 filming here and even more with the boon that you've
13 heard about in terms of the nine-billion-dollar
14 impact here. So we really appreciate it, and we
15 appreciate your having this dialogue because we know
16 it's been a concern for the neighborhoods. And, as
17 you've heard before, we actually have been working
18 very closely with all of our industry partners, our
19 stakeholders, to try to address this problem, and
20 it's been a problem for a while, and one of the
21 things that we have a concern with respect to the two
22 bills, Intro 937 and 1700, is the fact that those
23 timings are very difficult and if we're unable to
24 comply with it you're going to see productions
25 fleeing the city and that's not what we want to have

2 happen. And so we look forward to having that
3 dialogue. I think legislating that is going to be
4 difficult. And I think what I heard today was a
5 problem is a communication, not necessarily the
6 timeframe, but you weren't actually getting that
7 notice. And I think that's something that we want to
8 make sure happens, that that actual notice happens,
9 not that we change the notice timing, because I think
10 that could be detrimental. And so the other thing I
11 just want to stay quickly is we support the increase
12 in the fees and we'd like to see that money earmarked
13 to the film office, because I think they need the
14 resources from what I've heard here today. So we
15 look forward to working with you and would be happy
16 to address any questions that you have and thank you
17 for this opportunity.

18 CHAIRPERSON HOLDEN: And I agree with
19 almost everything you've said, so I appreciate that.
20 Ah, Council Member Yeger?

21 COUNCIL MEMBER YEGER: Hi, I just want to
22 clarify. It's not, I think I, if I understand what
23 you're saying, it's not just that we're not getting
24 the notices, but the timeframe within the notices, we
25 get them possibly 72 hours before, um, a film is

2 about to take off, or production is going to happen.
3 You understand that that happens, right?

4 ANGELA MEALY: Right. And what Hillary
5 alluded to and others is there are a lot of decisions
6 that happen at the last minute and we worked with the
7 council, we had an issue with the predictable
8 scheduling that you had done before, because things
9 happened very quickly. At that point we had a
10 concern because this industry operates very
11 differently than any other business. We're not,
12 we're not able to actually know and tell an employee
13 maybe in a week how many hours you're going to work
14 because there could be decisions. You know
15 sometimes, maybe the night before, where you're going
16 to film. So that 48 hours, as far as I know, we've
17 been trying to comply with that and obviously I'm
18 hearing there are some problems with that.

19 CHAIRPERSON GJONAJ: All right, I think
20 what you're hearing from council members is that 48
21 hours is great except if I get, if I found out that
22 on, you know, Thursday at 9 o'clock at night by an
23 email sent to my City Council email address that
24 there's something going to happen in my neighborhood
25 on a Saturday, it gives me very little time to put a

2 stop to it and I need to stop it because it's going
3 to destroy my neighborhood, and that is not
4 hyperbole. A production in some parts of my
5 neighborhood on a Saturday will destroy my
6 neighborhood. And I need to be able to stop that,
7 and if you're, if the reason that there is a
8 requirement that council members receive notice is so
9 that we can have input. It's not just, otherwise why
10 let me know? If I can't do anything about it don't
11 send me, don't tell me that it's happening. The
12 whole idea, and I don't mean to make you the target,
13 you just happen to be sitting there in the seat.

14 ANGELA MEALY: No, that's all right.

15 CHAIRPERSON GJONAJ: So, and you have the
16 microphone, so it's your turn. But there's a reason
17 that we're asked, that we've asked that our
18 predecessors in this body have asked that we be part
19 of the notification. There are a lot of things that
20 happen in the city that we don't get told about,
21 every single day. But we wanted to know, our
22 predecessors who instituted this requirement, wanted
23 to know when is a film going to happen in their
24 neighborhood and if we, if we're told in a manner
25 that allows us to do nothing other than receive the

2 email and great, thank you, it serves no purpose. We
3 want to have enough notice so that we can then reach
4 out to the Mayor's Office of Production and say,
5 well, you know, this just doesn't work for us. Um,
6 and the manner in which we do receive the notice
7 almost lends itself to the thought that perhaps it's
8 intentional that we're being given such short notice
9 so we can't raise that much of a stink. And, again,
10 not blaming you, you didn't make the rules...

11 ANGELA MEALY: Right, and I think...

12 CHAIRPERSON GJONAJ: You're complying
13 with what you have, but I don't think that any major
14 production of which hundreds and hundreds of
15 thousands of dollars and dozens of trailers and
16 hundred of people are involved, you know, the trigger
17 for that gets pulled 72 hours before the event. It's
18 just hard to believe.

19 ANGELA MEALY: What, you want to take
20 that?

21 CHAIRPERSON GJONAJ: I mean, you can
22 respond or not. It's up to you. I'm telling you my
23 theory.

24 CHAIRPERSON HOLDEN: Yeah, you don't have
25 to respond.

2 HILLARY SMITH: Unfortunately, it does,
3 though. That's you know, there, I, we were filming a
4 scene today and I flew an actor in last night because
5 we changed the order of things, and we're filming on
6 stage so it's not affecting anyone, but it's just an
7 unfortunate and unpredictable business, and it
8 happens.

9 CHAIRPERSON GJONAJ: Then do better.

10 HILLARY SMITH: Listen, I would love. I
11 don't want to work 16 hours a day. I'm exhausted all
12 the time. But, ah, it's, you know, I don't know how
13 to make it better. I'm not here to change it to make
14 it better. I want to help. And I'm here to do that.
15 But, you know, I certainly sympathize with what
16 you're saying and I'm open to it. I don't know. You
17 know, what would you do, though, if you got the
18 notice and you didn't want us there?

19 CHAIRPERSON GJONAJ: I would call the
20 Mayor's Office and I would say stop these people from
21 coming into my neighborhood and destroying it. I, I
22 need to have a neighborhood where people can live. I
23 represent, like all my colleagues here, we represent
24 180,000 or thereabouts people, and they have rights,
25 too, and they pay for those streets.

2 HILLARY SMITH: Yes, I, I feel the same
3 way.

4 CHAIRPERSON GJONAJ: And frankly
5 production companies didn't pay for those streets,
6 and certainly the \$300 filing fee for an application
7 didn't pay for the streets, and the 9 billion dollars
8 that gets spent in New York City and the 400 million
9 dollars in tax revenue, ah, is not being spent in my
10 neighborhood. Um, with due respect, and again...

11 HILLARY SMITH: Right.

12 CHAIRPERSON GJONAJ: I don't mean to be
13 disrespectful, you just happen to be sitting in the
14 seat...

15 HILLARY SMITH: Absolutely, yes.

16 CHAIRPERSON GJONAJ: So you have the
17 microphone, so it's your turn, but I think that we're
18 entitled to ask that our neighborhoods, those who
19 have put their lives into building the neighborhoods
20 that you want to come in, and you, I mean the
21 industry, want to come in and film for three days,
22 give us a break, give us some time, and if it doesn't
23 work out for us because, hey, it's a holiday. For
24 example, if somebody were to tell, um, ah, my office
25 tomorrow, me, tomorrow, on Friday, ah, um, tomorrow

2 is not Friday, but, or tomorrow is Friday, that, ah,
3 we're going to start filming on your neighborhood on
4 Monday and Tuesday of next week, that's gonna cause
5 me a heart attack. It's a big problem for me. You
6 can't shut down my neighborhood on Rosh Hashana. So
7 I need to be able to, and Councilman Deutsch
8 represents a neighborhood similar to mine, um, I need
9 to be able to reach out to the Mayor's Office and say
10 you've granted a permit to these people who are going
11 to film Detective Stabler running up and down the
12 street. That's wonderful, I love him. But do me a
13 favor, make it a different day, if you don't mind.

14 HILLARY SMITH: Yes, and I think that's an
15 excellent point.

16 CHAIRPERSON GJONAJ: Two days is not
17 enough time for me to make that happen.

18 HILLARY SMITH: Well, on a holiday and a
19 religious holiday I, you know, I think that there
20 should be a reasonable amount of time that I would
21 think that the Mayor's Office would be respectful of
22 that and not issue a permit in a specific
23 neighborhood for a specific holiday.

24 CHAIRPERSON GJONAJ: Well, we're working
25 on that.

2 HILLARY SMITH: And that's a conversation
3 that would have to continue with them as well.

4 CHAIRPERSON GJONAJ: And I do believe
5 that more than two days, and I d love it if you an
6 come in here and say you know what, we can make it
7 work in our industry and we can say we can give a
8 week, a week, a week's notice to a community, ah, to
9 be able to shut them down so that they can at least
10 do some planning.

11 ANGELA MEALY: I think for features they
12 have some idea of where they're going to film
13 generally, and I know they've worked with some
14 communities and there have been some examples where
15 they've tried to do what you're saying and give some
16 idea of where they're going to be filming. But if
17 you, especially with respect to television, it
18 becomes really difficult to first of all legislate
19 that, but second of all to actually say those
20 creative decisions can't be made and so what that's
21 going to have the effect of having productions leave
22 the city. And that's not the effect we want, and we
23 want to be respectful of the neighborhoods. But I
24 think we've started working with Ann Del Castillo and
25 she's been a great partner, even before this, these

2 bills were introduced. She had reached out to the
3 studios. She met with them last week. She's going
4 to be, she was talking to us about these issues
5 because of the growing film production in the city.
6 She realizes we need to work with her office and the
7 community and everybody to make sure we have a good
8 balance. And so that's our commitment going forward.

9 CHAIRPERSON HOLDEN: OK. Next, we just
10 have to move on. Next.

11 CHAIRPERSON GJONAJ: Thank you, Mr.
12 Chairman.

13 CHAIRPERSON HOLDEN: Next panelist. You
14 have the mic, you have a mic in front of you. You
15 have that one.

16 CHRISTINE AGODATA: Good afternoon,
17 members of the Committee...

18 CHAIRPERSON HOLDEN: Is it on? Does she
19 have the button pressed?

20 CHRISTINE AGODATA: ...on Small Business
21 and the...

22 UNIDENTIFIED: Just be closer.

23 CHAIRPERSON HOLDEN: Yeah.

24 CHRISTINE AGODATA: OK, good afternoon
25 members of Committee on Small Business and the

2 Committee on Technology. I am Christine Agodata,
3 owner of the Park Deli. Thank you for the
4 opportunity to speak to you today about my business
5 and support I receive from the television and filming
6 industry. Since 2007 I have been proud owner of the
7 Park Deli located at 209 South Avenue at Green Point
8 across from [inaudible] Park in Green Point,
9 Brooklyn. This deli is considered a Green Point
10 institution, to originally opened in 1931. The deli
11 has changed ownership several times over the years
12 and I consider myself fortunate to be a part of that
13 80-plus-year history. In 2017 I almost lost the deli
14 at the end of my 10-year lease. I was shocked when
15 my landlord said my rent would be double what I was
16 currently paying. As a small business owner I could
17 not afford to pay double the rent. I was devastated
18 and had nowhere else to do, to go. That is when my
19 friends at Broadway Stages came to my rescue.
20 Broadway Stages supports my business regardless,
21 buying food for their staff, clients, and family.
22 But when they did in 2017 was above and beyond what
23 most of the customers could or would be able to do.
24 They...

2 CHAIRPERSON HOLDEN: Just could you,
3 could you wrap it up, or just summarize?

4 CHRISTINE AGODATA: Excuse me?

5 CHAIRPERSON HOLDEN: Could you summarize
6 your testimony because you're out of time?

7 UNIDENTIFIED: He just wants you to
8 quickly finish.

9 CHRISTINE AGODATA: OK, OK. They heard
10 about my situation and worked with me, when, ah, me
11 and my landlord to make arrangements to help me to
12 pay the extra rent. They are also helping me to find
13 a new location for my deli for the longer term. This
14 type of support can come only from a company that
15 truly cares about their community and the local
16 businesses. I'm blessed to still be in business. I
17 owe that to my many regular customer and I owe that
18 to the Broadway Stages. They are a family-owned
19 company that selflessly share their own success with
20 the community and other local companies, like mine.
21 They believe I'm giving back to their neighborhood
22 and do so many wonderful things. Thank you for your
23 time and the opportunity to share my experience
24 working with the television and filming company.

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2 CHAIRPERSON HOLDEN: Thank you, thank you
3 so much. Next.

4 LES VENTURE: Hello. My name is Les
5 Venture. I'm a location manager. And location
6 scout. I've been in the business for over 30 years.
7 I'm a board member of the Location Managers' Guild
8 International. And I have to say that as a location
9 manager and location scout, I'm the own, the first
10 one on the street trying to find places to shoot. I
11 work diligently with the Mayor's Office for Film and
12 Television. They work very, very, very consciously,
13 work very hard to make sure all the rules are met
14 every time and that film companies meet the
15 requirements for parking. And they are, they're
16 respectful of the communities. They're respectful of
17 religious groups, the schools, churches, and in
18 holidays. The Mayor's Office is always there. As a
19 location person on the street I have donated money to
20 community boards, to, to, um, community centers.
21 I've hired local folks to help me work in, like in
22 Spanish Harlem, and I hired a local person from the
23 Puerto Rican, um, Culture Center to help me work the
24 neighborhood. I've done all those things that's
25 suggested. And I think as a community the location

2 managers truly do care about sensitivity of our
3 industry on the streets, and I'm someone who walks
4 through and make sure those cables are covered. It's
5 rare that they're not covered, because I know the
6 grips and the electricians are working very hard to
7 preserve our job and preserve safety. And all these
8 stories about the, let's say, the bad companies,
9 they're few. Because we work very, very hard to
10 bring this and the consciousness of filming in a
11 positive note. The unions do on every level, and the
12 unions give back to the communities. I give myself
13 up.

14 CHAIRPERSON HOLDEN: Thank you. Chaim
15 Deutsch, Council Member, has a question for the
16 panel.

17 COUNCIL MEMBER DEUTSCH: Yeah, I'll only
18 be 15 minutes, if you don't mind. I'm kidding. So
19 first of all I want to thank you for being here today
20 testifying. So there's a few issues that I have.
21 Number one, first of all I want to, you know, the
22 Mayor's Office of Entertainment, before they have a
23 film they do send notices like a few days before,
24 which in the interim I send it over to my community
25 board in that area, um, just to let them know in case

2 there's any issues, this way we tackle it a few days
3 before rather than, you know, the day of. So some of
4 the issues that I have is that the collaboration
5 between, um, the media, the Mayor's Office of Media
6 and Entertainment and National Grid, Con Edison, um,
7 the MTA, DDC, so like I know in my district in
8 particular Brighton Beach has a, um, is probably one
9 of the most used neighborhoods, because I get
10 notifications all the time. Like I could get one
11 every couple of weeks, we're doing a film in Brighton
12 beach, and in those areas, um, especially in southern
13 Brooklyn, where it's congested, and then you have a
14 film and you have MTA doing work that, which they're
15 currently doing right now, DDC has a project, ah, and
16 then between all the other agencies and emergencies
17 that come up, so sometimes we have like five
18 different, a few different utility companies and then
19 you have city agencies and a film, all at the same
20 time. And so one, one most important issue is to
21 have that collaboration that, yes, there's work to
22 do, um, between the Mayor's Office and the film
23 companies to get the film done, but there is another
24 piece of the puzzle and that needs to be done is by
25 reaching out to everyone who may be out there and to

2 try to collaborate with them and work together. This
3 way we don't destroy your neighborhood when there is
4 a film. Um, I also had working for my predecessor,
5 we had NBC Studio in our district back when NBC was
6 in business on Avenue L, Locust and East 14th Street,
7 and there everything was in-house, ah, so that, you
8 know, it didn't impact the neighborhood as much. But
9 then another thing that I've seen is that when they
10 take out the permit that issues, like there could be
11 an issue, let's say two blocks of parking and then
12 when they use the space they only use one block. So
13 you're taking up an additional extra block for no
14 reason. So there needs to be more oversight of how
15 much space, how much space you exactly you need, so
16 this way it doesn't impact the neighborhood. Um, one
17 other thing is that I had a bill in the City Council
18 and I have to check where it is now because I know I
19 had, um, conversations that when there is a permit
20 for a film in a certain neighborhood and that area
21 has alternate side of the street parking which is in
22 effect, so during that time for, if you take up,
23 let's say 200 parking spaces or 100 parking spaces or
24 50 during those times when alternate side of the
25 street parking is in effect, they should be suspended

2 equal amounts of parking spots during that time by
3 having those companies put out signs saying that
4 this, this block is currently suspended from this and
5 this hour. This way we give back a little bit to the
6 community. So, again, I welcome you in my district,
7 um, and, but we need to work together. We need to
8 work in partnership to make sure that we don't get
9 any, we don't receive any complaints, and I have to
10 say that the Mayor's Office has been very
11 accommodating when we had issues. They've been very
12 responsive in resolving it a few days before. So I'm
13 glad that we could work together on their part. But
14 there's a lot more work that needs to be done.

15 CHAIRPERSON HOLDEN: OK, thank you panel,
16 thanks so much. Next panel. Deb Garcia, Rudy
17 Caligari, Marny Majorel, and Joe Falco.

18 UNIDENTIFIED: Do you have testimony you
19 want to hand up?

20 UNIDENTIFIED: So Chairman, Joe Falco had
21 to leave because he couldn't stay so long.

22 CHAIRPERSON HOLDEN: Joe Falco is not
23 here? OK.

24 UNIDENTIFIED: So he left his, yeah, he
25 left his testimony.

2 CHAIRPERSON HOLDEN: All right, we have,
3 we have three panelists then. This will be the last
4 panel before we have to move probably in the next
5 room. We're trying to, because there's another
6 committee coming in at one. So we'll try to get
7 extra time in here if we can, but if not we'll have
8 to move to the chambers next door.

9 CHAIRPERSON GJONAJ: Please adhere to the
10 two-minute time clock.

11 CHAIRPERSON HOLDEN: Yeah, we have a two-
12 minute time clock. That's what that bell is. OK,
13 whoever wants to start.

14 MARNY MARJOREL: Good afternoon. My name
15 is Marny Majorel. I'm the founder of Alive
16 Structures. We're a certified woman-owned business.
17 We specialize in designing and installing green roofs
18 and ecological gardens. I'm here today because I
19 want to talk about particularly my relationship with
20 Broadway Stages. Um, and the work that we've been
21 doing together to create green roofs. Broadway
22 Stages is a family-owned television and film
23 production company. They have been in business for
24 more than 35 years, and in that time they have worked
25 to not only meet the growing needs of their industry

2 but also focused on sourcing from and looking,
3 working with local- and state-based vendors and
4 suppliers. Ah, I say this as a company that has had
5 the fortune of being one of those businesses.
6 Broadway Stages works with hundreds of local
7 companies and engages everything from plumbers,
8 electrical suppliers, lumbar, roofing, and HVAC to
9 engineers, architects, printing services, catering,
10 coughing, coffee shops, and so much more. It
11 literally takes a village of service providers to
12 produce a television show or movie. I know this
13 because of the work I do with them and I see
14 firsthand the other vendors that come to support
15 their clients as well as the projects that I work. I
16 can honestly say that they work deliberately to
17 direct their investments to local businesses,
18 including women- and minority-owned companies and
19 they encourage others to do the same. But their
20 consideration goes beyond direct economic growth.
21 Broadway Stages also cares deeply about their
22 community, supporting social programs, education, the
23 arts, and environmental sustainability through
24 financial, in kind, and volunteer resources. They
25 make a difference in our community and invest several

2 hundred thousand dollars a year into local programs.
3 Broadway Stages is sincere in their caring, creative
4 in their approach, and effective in their actions.
5 Their investments in green infrastructure and
6 renewable energy projects, including Kingsland
7 Wildflowers and Eagle Street Rooftops, um, shows
8 their real sincere commitment to the environment. I
9 just want to say one last thing. I've been in
10 business since 2007 doing green roofs. Um, it takes
11 a big commitment on a property owner's behalf. I
12 usually find a lot of the funding for these projects,
13 and even with finding the funding I cannot find
14 property owners to do green roofs. Broadway Stages
15 is the only property owner since 2007 that I have
16 worked with to give this kind of commitment to green
17 infrastructure. And it is made a huge difference in
18 my business and in my whole industry, 'cause we are
19 working on over 60,000 square feet of green roof with
20 them. So I just want to say that not only are they
21 doing something for their community, but they're
22 doing something for the city.

23 CHAIRPERSON HOLDEN: Great. Thank you,
24 thank you so much for your testimony.

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2 DEBRA GARCIA: Good afternoon, Chairman
3 Gjonaj, Chairman Holden, and members of the Committee
4 on Small Business and the Committee on Technology.
5 I'm Debra Garcia, executive director of Camp Brooklyn
6 Fund. We're a not-for-profit organization that
7 offers children from economically disadvantaged
8 families an opportunity to leave their urban
9 environment and experience sleep-away camp. I'm here
10 today to talk about the impact of the film industry
11 and to tell you about my experience working with
12 Broadway Stages, a local family-owned TV and film
13 production company. Camp Brooklyn provides children
14 with an experience of a lifetime, one that opens up a
15 world of opportunities to young people. We truly
16 believe the camp transforms children, families, and
17 our community. It takes \$750 to send each child to
18 camp for two glorious life-changing weeks. Through
19 the generosity of caring individuals and companies
20 like Broadway Stages we have been able to send more
21 than 3500 children to sleep-away camp since our
22 organization's inception in 2002. The personal
23 commitment of Broadway Stages, Gene Argento, Tony
24 Argento, Monica Hollowats, and the rest of the staff
25 is truly amazing. They understand that this group of

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2 children deserve the same experiences as others that
3 are able to pay for this type of adventure. Our
4 community is blessed to call Broadway Stages a friend
5 and a neighbor and we are especially proud that they
6 are members of our board, and which requires
7 additional time and commitment. Those who know
8 Broadway Stages know they are generous beyond measure
9 and that their dedication to the community is sincere
10 and heartfelt. They share their success with their
11 neighbors with local businesses and organizations. I
12 for one am grateful for their steadfast approach to
13 conducting their business and giving back to their
14 community. Thank you for your time.

15 CHAIRPERSON HOLDEN: Thank you, thank you
16 so much of right.

17 RUDY CALIGARI: Good afternoon everyone.
18 [coughs] Excuse me. My name is Rudy Caligari and I'm
19 the co-founder and CEO of Edge Auto Rental. And I'm
20 here to tell you how Edge Auto Rental has grown
21 because of the film industry. We started back in
22 2006 with just a few employees and less than 40
23 vehicles. Today I'm able to employ over 100
24 individuals and we've grown our fleet size to over
25 900. Um, Edge has developed to be one of the larger

2 companies that are able to supply vehicles in the
3 industry and we are able to supply vehicles for over
4 11,500 productions that have happened over the years.
5 Um, it's all because of the industry. The industry
6 has really helped us and we grew from a very small
7 company to being, you know, again, being able to
8 employ over 100 people. Um, I was also, ah, a crew
9 member many years ago and looking at some of the
10 proposals I want to say that, um, we would oppose
11 1700 and its 14 days' notification. Just knowing
12 that just does not work. So I want to say that on
13 the record, and also I want to say that I do support
14 158, um, the Mayor's Office needs all the help they
15 can get. They've been doing a great job and helping
16 filmmakers, helping vendors and helping the city
17 itself, and the more support we could give them and a
18 larger budget, providing that that money that is
19 coming in from additional, ah, permit fees goes to
20 their office. Nothing but help us all in general,
21 regardless of where you are at any point in the city.
22 That's it. Thank you very much.

23 CHAIRPERSON HOLDEN: Thank you, thank you
24 so much for your, thank you panel. Ah, we'll do, can
25 we do one more panel before we switch? We're going

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2 to have to switch rooms. Are we good? All right.

3 Let me call the next panel and if we're here we're
4 going to be here, and if not we'll have to move next
5 door. Are we good? We've got move. OK, we have to
6 move. We're going to have the next panel come up in
7 the chambers, right next door through this door.

8 Thank you. (end)

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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 October 20, 2019