

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 CITY COUNCIL
3 CITY OF NEW YORK

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4 TRANSCRIPT OF THE MINUTES

5 Of the

6 SUBCOMMITTEE ON ZONING AND
7 FRANCHISES

8 ----- X

9 May 2, 2019
10 Start: 10:03 a.m.
11 Recess: 10:58 a.m.

11 HELD AT: Council Chambers - City Hall

12 B E F O R E: FRANCISCO MOYA
13 Chairperson

14 COUNCIL MEMBERS:
15 Carlina Rivera
16 Ritchie J. Torres
17 Costa Constantinides
18 Barry Grodenchik
19 Rory I. Lancman
20 Donovan J. Richards
21 Stephen T. Levin
22 Antonio Reynoso

23
24
25

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

4 David Karnovsky, Counsel
5 Fried, Frank, Landers

6 Amir Spirling, Counsel
7 Tishman Spire

8 Frank St. Jacques
9 Acreman LLP

10 Wanda Suberie (sp?), New York Resident

11 Anne Cotton-Morris, TA President
12 Woodside Houses

13 Pastor Corwin Mason, Pastor
14 Community Church Astoria

15 Rachel Scawl (sp?)
16 Greenberg Charg (sp?)

17 Lawrence Weinstock, Vice President of
18 Finance
19 Mana Products

20 Robert Gaiglee (sp?)
21 Mana Products

22 Calvin Brown, Senior Planner
23 Manhattan Office
24 Department of City Planning
25

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3 [background comments]

4 SERGEANT-AT-ARMS: Yikes. Check. Check.
5 Check. Check. Today May 2, 2019 hearing is on a
6 Subcommittee on Zoning and Franchises being recorded
7 by Charisse Torres.

8 CHAIRPERSON MOYA: Good morning. Excuses
9 for the delay this morning, but I want to welcome you
10 to the meaning of the Subcommittee on Zoning and
11 Franchises. I'm Council member Francisco Moya, the
12 chairperson of the subcommittee and today we are
13 joined by Council members Grodenchik and Council
14 member Richards. Today we will hold hearings on a
15 number of applications. If you are here to testify
16 on an item for which the record is not already
17 closed, please fill out the speakers slip and give it
18 to the Sergeant-at-arms indicating your full name,
19 the name, and the LU number of the application you
20 wish to testify on and whether you are speaking for
21 or against the item. Please know that we will be
22 laying over resolutions 748 and authorizing
23 resolution pursuant to section 363 at the city
24 charter, also known as the Staten Island bus
25 franchise resolution. Authorizing resolution. Our

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2 first hearing of today is on a pre-considered LU item
3 for the 66 Hudson Yard streetscape in Council speaker
4 Johnson's district in Manhattan. The applicant seeks
5 approval to-- of a zoning text amendment affecting
6 the special Hudson Yard's district to modify certain
7 requirements relating to the ground floor and
8 mandatory improvements for some area A2 in a large-
9 scale plan, sub district A, as well as to clarify
10 planting requirements along West 34th Street. As
11 proposed, the proposed action would facilitate the
12 development of a new Class A office building in
13 Hudson yards with approximately 2.2 million square
14 feet and which would serve as a new headquarters for
15 Pfizer as the anchor tenant. The buildings ground
16 floor would be accessible to the public and would
17 include several retail spaces. I want to now open
18 the public hearing on this application and call up
19 David Karnovsky and Amir Spirling. Counsel, if you
20 could please swear in the panel.

21 LEGAL COUNSEL: Yeah. Do you swear or
22 affirm that the testimony that you are about to give
23 will be the truth, the whole truth, and nothing but
24 the truth and that you will answer all questions
25 truthfully?

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2 DAVID KARNOVSKY: I do.

3 AMIR SPIRLING: I do.

4 LEGAL COUNSEL: And please state your
5 name for the record.

6 DAVID KARNOVSKY: David Karnovsky. Fried
7 Frank Landers Counsel to the application.

8 AMIR SPIRLING: Tishman Spire.

9 LEGAL COUNSEL: Thank you.

10 DAVID KARNOVSKY: Good morning, Mr.
11 Chairman and members of the committee. David
12 Karnovsky, Fried Frank. This is an application by
13 509 West 34th LLC, which is an affiliate of Tishman
14 Spire for a text amendment to modify requirements of
15 the Hudson yards regulation related to the site
16 bounded by 35th Street, 10th Avenue, West 34th, and
17 Hudson Boulevard East to be developed as a commercial
18 office building known as The Spiral. The site is
19 located in subarea A2 of Hudson Yards and is zoned to
20 allow up to 33 FAR. At 33 FAR, the building would be
21 2.225 million square feet. At ground level, the
22 current regulations require that a long 34th Street,
23 10th Avenue, and Hudson Boulevard East that building
24 lobby entrances be limited to a 40 foot width. This
25 illustrative site plan shows the condition that would

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3 exist under the current regulations with regard to
4 the lobby width. This currently permitted lobby
5 frontage width is simply inadequate for the over two
6 million-square-foot full block high density office
7 building plan for the site which is projected to have
8 a population of between 10,000 and 14,000 office
9 workers, other employees, and visitors. The two
10 primary entrances for building users will be on
11 Hudson Boulevard East close to the number seven
12 entrance on 10th Avenue and on 10th Avenue, which
13 will accommodate pedestrian traffic coming from, on
14 the one side, Penn Station and the Port Authority bus
15 terminal, and on the other side, the seventh-- the
16 number seven line station. Given this, the applicant
17 is proposing a text amendment that would allow for
18 lobby frontage of up to 70 feet on the avenues. This
19 would provide a more appropriate scale of lobby width
20 while maintaining the overall retail character of the
21 block. The increase in lobby width will also improve
22 circulation into and out of the building particular at
23 morning and evening peak travel times. This next
24 slide shows the plan with the condition that would be
25 allowed under the text amendment. Let's go back one.
70 feet. The text amendment would apply to

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2 developments of more than 2 million square feet on a
3 site with full block frontage on both 10th and Hudson
4 Boulevard East located within this subarea. The
5 second aspect of the text amendment relates to a
6 provision which calls for the planting of a double
7 row of trees along West 34th Street. The concept,
8 under the urban design plan for Hudson Yards was to
9 require a sidewalk widening of 10 feet long 34th
10 Street and the planting of a row of street trees
11 along the street average of the widening in addition
12 to the row of trees that are otherwise required under
13 standard regulations, thereby creating a grand
14 pedestrian LA along the city sidewalk with a
15 secondary pedestrian route within the 10 foot wide
16 main area. The actual text was written in such a way
17 that the double row planting requirement reads as if
18 it applies not just to 34th Street, but also to
19 Hudson Boulevard East and 35th Street. Now,
20 mandatory sidewalk widening's are required along
21 those frontages, but the sidewalk widenings are only
22 five feet wide. Therefore, along Hudson Boulevard
23 East and 31st Street, the planting of an extra row of
24 trees along the street average of the widening would
25 result in the sidewalk widening have an effective

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3 width of only a couple of feet and it would really be
4 unable to function as a secondary pathway. The
5 proposed text amendment would clarify that the devil
6 planting requirement was intended only to apply along
7 West 34th Street itself and this is the condition
8 that would be allowed under the text amendment. I
9 would be glad to answer any questions and Amir
10 Spirling is here, as well, to answer any questions
11 you may have.

12 CHAIRPERSON MOYA: All good. Thank you
13 very much for your testimony today. We appreciate
14 you coming down here.

15 DAVID KARNOVSKY: Okay. Thank you.

16 AMIR SPIRLING: Thank you.

17 CHAIRPERSON MOYA: Are there any other
18 members of the public who is to testify on this item?
19 Seeing none, I know close the public hearing on this
20 application and it will be laid over. Our next
21 hearing is on LU's 403, 404 for the 47-15 34th Avenue
22 rezoning in Council member Van Bramer's district in
23 Queens. The applicant seeks approval of a zoning map
24 amendment to re-zone the project area for existing
25 C81R6B and R5 zoning districts to R7XC24 and R6BC24
zoning districts. In a related zoning text amendment

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2 to map the site within a mandatory inclusionary
3 housing area utilizing MIH Option 2. As proposed,
4 these actions would facilitate the development of a
5 new 14 story mixed-use building with approximately
6 201 dwelling units including approximately 61
7 permanently affordable units as well as approximately
8 8600 square feet of ground for commercial use and
9 approximately 4800 square feet of ground floor
10 community facilities. I now open the public hearing
11 on this application and I will call up Frank St.
12 Jacques? Yep.

13 FRANK ST. JACQUES: Good morning.

14 CHAIRPERSON MOYA: Morning. And one
15 second. Counsel, if you could please swear in the
16 panel?

17 LEGAL COUNSEL: do you swear or affirm
18 that the testimony you are about to give will be the
19 truth, the whole truth, and nothing but the truth and
20 that you will answer all questions truthfully?

21 FRANK ST. JACQUES: I do.

22 LEGAL COUNSEL: And please state your
23 name for the record.

24 FRANK ST. JACQUES: Frank St.
25 Jacques.

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2 LEGAL COUNSEL: Thank you.

3 FRANK ST. JACQUES: Acreman LLP

4 for the applicant.

5 LEGAL COUNSEL: Thank you.

6 FRANK ST. JACQUES: Good morning, Chair

7 Moya and subcommittee members. Again, my name is

8 Frank St. Jacques from Acreman LLP and I met

9 appearing on behalf of the applicant, Ashley Young

10 LLC and John Young LLC to present this land-use

11 application. The applicant is seeking a zoning map

12 amendment to change medium density R5 and R6B in auto

13 oriented C81 zoning districts to R7D and R6B

14 districts with a C2 overlay on two block fronts along

15 34th Avenue as it intersects Northern Boulevard in

16 Queens Community District One. The applicant

17 initially sought an R7X district, but the city

18 planning commission approved this application with a

19 modification changing the R7X to an R7D district.

20 The applicant is also seeking a zoning text amendment

21 to establish a mandatory inclusionary housing area

22 with option two. The rezoning area, shown in this

23 line, is shaded in red. It's half of the block front

24 between 46th and 47th Street and a full block front

25 between 47th and 48 streets. The rezoning areas

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2 within the transit zone and located one block south
3 of the 46th Street MR subway station at Broadway.

4 Northern Boulevard serves as the dividing line
5 between the residential context to the north and the

6 big box retail, and auto cell uses to the south of

7 Northern Boulevard. This is clearly shown on the

8 next slide. This map shows the sites location on

9 34th Avenue, which is a wide street that is primarily

10 mixed residential-- a primarily mixed residential

11 and commercial cord or with prewar multifamily walk

12 up buildings. 34th Avenue is zoned R6B with C1 and

13 C2 overlays. It transitions to light industrial and

14 automotive uses moving east to Northern Boulevard

15 around the rezoning area. To the north of the

16 rezoning area, there is a large mid density R5 zoning

17 district characterized by two and three story prewar

18 multifamily buildings. Northern Boulevard is a wide

19 street and is considerably wider where it intersects

20 with 34th Avenue directly in front of the site.

21 Northern Boulevard is a major arterial road through

22 Queens primarily mapped with C8 and am on districts

23 in this area and characterized by auto oriented uses

24 and big box retail buildings with large service

25 parking lots. The affected sites are shown on the

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2 tax map. The rezoning area is outlined in red dots
3 on the development site between 47th and 48th
4 Streets. It's shaded red in this image. You can
5 also see the width of 34th Avenue and Northern
6 Boulevard directly in front of the development site
7 here. The development site is an approximately
8 30,000-- 30,574 square foot rectangular corner and
9 through lot with 200 feet of frontage on 34th Avenue
10 and is about 150 feet deep along 47th and 48th
11 Street. The existing buildings at the site represent
12 the maximum development possible at the site today
13 with the current C8 one zoning district. C8 one
14 zoning district has a maximum FAR of 1.0 or 2.4 for
15 permitted community facility use is, but does not
16 allow residential use. This slide shows the non-
17 applicant owned properties that were included in the
18 rezoning area. This was done to avoid leaving an
19 isolated C8 one zoning districts between the existing
20 R6B map to the west and the proposed R7D C24 to the
21 east. Lots one and 70 in this area are entirely in
22 the C81 zoning district are improved with two-story
23 buildings. The proposed a zoning map amendment would
24 map a new R7D on the block front between 47th and
25 48th streets and pull the existing R6B zoning

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2 district boundary east from the mid-block between
3 46th and 47th Street over to 47th Street. The C24
4 overlay map to a depth of 150 feet permits a range of
5 local retail and service uses that relate to the
6 existing patterns along 34th Avenue and provide new
7 opportunities for businesses. This is an overview of
8 the proposed development. These actions would
9 facilitate the development of a new 11 story mixed-
10 use residential, commercial, and community facility
11 in building at the development site. The R7D
12 district is appropriate at the site because it is
13 located at the intersection of two wide street near
14 public transit on an underutilized C81 zoned
15 property. The proposed rezoning would remove the
16 outdated C81 zoning that is intended for auto related
17 uses and would allow the development of new housing
18 with a requirement for permanently income restricted
19 units under MIH. Queens community District one had a
20 2.5 percent rental vacancy rate and 40.5 percent of
21 the households in the district for rent burdened.
22 The proposed development would provide approximately
23 171 square feet of floor area the with 187 units ,
24 130 of which would be market rate and 57 of which
25 would be MIH with 77 parking spaces in a cellar below

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2 grade parking structure. The commercial, as
3 contemplated, is locally oriented retail and service
4 uses or eating and drinking establishment uses. The
5 applicant is seeking a preschool for the community
6 facility and is committed to providing space to a
7 local nonprofit, Urban Upbound, to provide
8 comprehensive employment and financial services to
9 the community. I'll just run quickly through the
10 next few slides. The site plan shows that the
11 buildings height and mass are concentrated at the
12 southeast corner of the site at 34th Avenue and
13 Northern Boulevard. The building steps down to four
14 stories starting approximately 40 feet from the
15 zoning district boundary of the R5 district to the
16 north. The required yard is also provided along the
17 district boundary that is approximately 14 feet.
18 This will serve as a driveway for the building and
19 will be screened with sensing and landscaping. The
20 first floor plan shows that the commercial space
21 about just under 9000 square feet would have frontage
22 on 34th Avenue and would wrap the corners, but not to
23 the full depth of the building. The community
24 facility space, about 5000 square feet, would be
25 located on 47th Street and the residential insurance

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2 would be located on 48th Street. And I'm happy to
3 answer any questions.

4 CHAIRPERSON MOYA: Thank you. Can you just
5 please sort of provide for me and walk me through the
6 rationale for the proposed commercial overlays that
7 are mapped as part of this application? In
8 particular, why was the C2 overlay chosen and not a
9 C1 overlay?

10 FRANK ST. JACQUES: I'm just pulling up
11 a slide here. It's a little hard to see on this map,
12 but on the left hand side of the screen, there are
13 currently C 24-- sorry. C2 overlays mapped along
14 34th Avenue and we believe that this-- that the
15 proposed C2 commercial overlay fits within the
16 context of the existing C2 overlays mapped on 34th
17 Street. The difference really between the C1 and the
18 C2 overlay is a matter of uses. The applicant here
19 is concerned with limiting the potential uses with a
20 C1 versus a C2. Primarily, the ability to apply to
21 the Board of standards and appeals for a PC special
22 permit which is to allow a gym at this site. The
23 thinking here is that, the relatively soft retail
24 market, they want to have the ability to tenant the
25 space. One of the ways to do that is to seek other

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2 uses such as a gym, which would also be a locally
3 oriented use that would serve the community.

4 CHAIRPERSON MOYA: Okay. And why was the
5 overlay mapped at a depth of 150 rather than the
6 community board's request of 100?

7 FRANK ST. JACQUES: Sure. So, as you
8 can see, the overlay is mapped to the depth of the
9 site itself. Mapping it to the different depth would
10 potentially create issues if parking were provided
11 for the commercial space. So it just provides
12 sufficient flexibility. It's not encroaching into
13 any of the residential uses and we believe that the
14 most marketable commercial space would be along 34th
15 Avenue, so it's configured now that it's going to be
16 away from the residential uses. But having it mapped
17 to that depth just provides flexibility and so we are
18 not running into any issues later with things such as
19 parking.

20 CHAIRPERSON MOYA: All right. Let's stick
21 with parking for a second.

22 FRANK ST. JACQUES: Sure.

23 CHAIRPERSON MOYA: So how much parking is
24 proposed on the site?

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2 FRANK ST. JACQUES: So, as I mentioned,
3 this application was initially filed with an R7X
4 that's would have allowed about 201 units. The
5 modification down to R7D resulted in the elimination
6 of about 14 units. Despite that, the cellar parking
7 garage can hold about 77 self-parking spaces and the
8 applicant has maintained that number of parking
9 spaces despite the reduction in dwelling units. So
10 that's to say that the requirement was previously for
11 77. Actually, a little shy of 77. The reduction
12 resulted in a lower parking requirement, but the same
13 number of parking spaces is going to be maintained.

14 CHAIRPERSON MOYA: Okay. And where will
15 the curb cuts be located?

16 FRANK ST. JACQUES: So, the curb cuts--
17 let me just go to the site plan. Basically, at the
18 rear of the site. If you can see sort of on the top
19 of the screen--

20 CHAIRPERSON MOYA: Uh-hm.

21 FRANK ST. JACQUES: There's curb cuts
22 on 48th and 47th Street and then, below the green
23 landscape deck, the parking entrance actually-- so
24 you can see cars will come in on 48th and 47th and
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2 enter the parking garage through the center of the
3 site. Or the center of the building.

4 CHAIRPERSON MOYA: Got it. And just two
5 more quick questions. Why was MIH option one not
6 included in this application? And would you still be
7 able to develop under MIH option one the scenario?

8 FRANK ST. JACQUES: So, the thinking
9 with MIH option two is that it would provide more
10 units of affordable housing, ultimately. 20-- or
11 excuse me. 30 percent, rather than 25 percent in the
12 building that was, initially, 201 units, now 187
13 units that had a significant-- there was a
14 significant difference in the amount of units. Since
15 meeting with the community board, the applicant has
16 committed to providing two of the income bands at
17 60percent AMI under MIH option 2. Were still working
18 out what that third income band would be, but that we
19 believe is meaning the community board's request for
20 lower levels of affordability at this-- or, I guess,
21 higher levels of affordability at lower income
22 levels.

23 CHAIRPERSON MOYA: Okay. And then, last
24 thing. You might have said this, but I just want to
25 make sure. Has there been an organization that has

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2 been selected for the proposed commercial or
3 community facility that is being proposed on the
4 site?

5 FRANK ST. JACQUES: Not yet. Besides
6 Urban Upbound which will take some of the community
7 facility space for their comprehensive employment
8 services, we are still working with the local council
9 member to determine potentially an arts related
10 community facility, nonprofit, to take some of that
11 space. The applicant has also been discussing with a
12 potential preschool there, but as we discussed this
13 further with the Council member, we'll, obviously,
14 know more.

15 CHAIRPERSON MOYA: Great. Thank you so
16 much for your testimony today.

17 FRANK ST. JACQUES: Thank you.

18 CHAIRPERSON MOYA: Thank you. I'd like to
19 acknowledge that we have been joined by Council
20 member Reynoso. Thank you for being here today. I
21 am now going to call up the next panel. We have Rev.
22 Corwin Mason, Andy Cohen Morris, and Wanda Sa--
23 Subery? Is that it?

24 [Background comments]

25 CHAIRPERSON MOYA: How do you say it?

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2 WANDA SUBERIE: Suberie.

3 CHAIRPERSON MOYA: Suberie. Thank you.

4 Wanda Suberie. Welcome.

5 [background comments]

6 CHAIRPERSON MOYA: You can take a seat
7 anywhere. Just make sure that your microphones are
8 turned on and just state your name and you can begin
9 whenever you are ready. And we will start with
10 Wanda.

11 WANDA SUBERIE: Okay. Good morning,
12 Chair Moya and members of the Council meeting. My
13 name is Wanda and I am working in [inaudible 23:16]
14 building as a cleaner and I have been a member of 32
15 [inaudible 23:20] for six years and I'm hearing today
16 on behalf of my union to spread our support to the
17 4716 34th Avenue [inaudible 23:31]. As you know, 32
18 [inaudible 23:32] represents more than 18,000
19 properties service workers in New York City. We
20 clean and maintain buildings like the one proposed.
21 We believe that developers should commit to providing
22 good buildings service jobs in order to build a more
23 equitable economy in New York City. We are pleased
24 to inform you that as Ashley Jones LLC, the developer
25 is seeking the rezoning has committed to provide for

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2 a living wage just to build in service workers when
3 the development is complete. Most buildings service
4 jobs are filled by local members of the community and
5 we believe this development will bring economy
6 opportunities to working families that allow them to
7 live with dignity. For these reasons, respectfully,
8 we're here to applaud this rezoning. Thank you.

9 CHAIRPERSON MOYA: Thank you so much for
10 your testimony.

11 ANNE COTTON-MORRIS: Good morning.

12 CHAIRPERSON MOYA: If you could just make
13 sure that the microphone is on and just state your
14 name. If the red light is on, then you know it--

15 ANNE COTTON-MORRIS: It's here? Oh.

16 CHAIRPERSON MOYA: There you go.

17 ANNE COTTON-MORRIS: Okay.

18 CHAIRPERSON MOYA: There you go.

19 ANNE COTTON-MORRIS: Wow. Okay.

20 CHAIRPERSON MOYA: Good morning.

21 ANNE COTTON-MORRIS: Good morning. My
22 name is Anne Cotton Morris. I'm the TA President in
23 the Woodside Houses which is one block away from
24 where this building is going to be going to be built
25 and I support it because they offered the Woodside

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2 Houses to be a part of their planning. Number one, a
3 Pre-K, which we need in our community. It's one of
4 the things that we love. The workforce, most of the
5 housing developments around us, they have the
6 workforce office and it works well with them and as
7 to Woodside houses which has 1358 units, we would
8 love to have this for the people in our community
9 also. The organization has been trying to get a
10 place in the neighborhood and it was offered and we
11 would love this to happen. I have talked with the
12 community and they are ecstatic about it. They
13 really want this to be a part of our community. So,
14 hopefully, you will work with us and make us happy in
15 the Woodside houses.

16 CHAIRPERSON MOYA: Thank you. Thank you.

17 ANNE COTTON-MORRIS: And the units--
18 I've been in Woodside houses all my life and I would
19 love-- I love the community and I might want to move
20 down the block and stay in the community, but--

21 CHAIRPERSON MOYA: Sure.

22 ANNE COTTON-MORRIS: get out of NYCHA.

23 But I love the community, so I want to stay there.

24 But, anyway--

25 CHAIRPERSON MOYA: Great.

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2 ANNE COTTON-MORRIS: that's why I
3 support it.

4 CHAIRPERSON MOYA: Thank you so much.
5 Thank you--

6 ANNE COTTON-MORRIS: Uh-hm.

7 CHAIRPERSON MOYA: for being here this
8 morning.

9 ANNE COTTON-MORRIS: Thank you.

10 PASTOR CORWIN MASON: Hi. Good morning.
11 Pastor Corwin Mason, pastor of Community Church of
12 Astoria in Astoria, Queens. I am for the project
13 because it provides affordable housing for some of my
14 membership who lives in Woodside. Also they will
15 benefit from the workforce development which is
16 hosted by the Urban Upbound that offers financial
17 services, as well. So, I think it would be an asset
18 to the community and provide the necessary services
19 that the people need. So--

20 CHAIRPERSON MOYA: Great. Thank you all
21 for your testimony today.

22 [background comments]

23 CHAIRPERSON MOYA: Are there any other
24 members of the public who would wish to testify?
25 Seeing nine, I know close the public. On this

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3 application and it will be laid over. We are now
4 going to jump to our votes.

5 Today we will vote on approval-- to
6 approve LU's 391, 392 for the 1050 Pacific Street
7 rezoning in Brooklyn. The proposed action would
8 rezone an existing M11 district to an M14 R7A special
9 mixed-use district and map the project area as a
10 mandatory inclusionary housing area with MIH option
11 one and option two. Together, these actions would
12 facilitate the development of a new eight story
13 mixed-use residential commercial building with
14 approximately 103 units, approximately 16,000 square
15 feet of ground floor commercial use and 42 below
16 grade accessory parking spaces. Majority Leader
17 Cumbo is in support of this application. We will
18 also approve LU's 393, 394 for the 1010 Pacific
19 Street rezoning in Brooklyn. The proposed actions
20 would rezone an existing M11 district to an R7D C24
21 district and map the project area as a mandatory
22 inclusionary housing area with MIH option one and
23 option two. These actions would use-- the action
24 before us had been modified by the City Planning
25 Commission as part of the public review process. The
Commission modified the proposal from an R7D C24

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2 district to an R7A C24 district. The modified CPC
3 approval would permit a nine story mixed-use
4 development including approximately 124 dwelling
5 units and commercial and community facilities that
6 would be utilized on the lower floors. Majority
7 Leader Cumbo is in support of this application as
8 modified by the city planning commission. We will
9 also vote to approve, with modifications, LU's 390
10 for the 270 Park Avenue text amendment in Manhattan.
11 The proposed action would amend the zoning text
12 relating to the East Midtown sub district of the
13 special Midtown district and would facilitate a
14 10,000 square foot open publicly accessible space on
15 the proposed development sites Madison Avenue
16 frontage, instead of with then it's through lot
17 portion. As well as modify other sub district
18 regulations necessary to make this alternative
19 location viable. The request action would facilitate
20 a new office building approximately seven stories
21 tall with approximately 1.87 million square feet of
22 floor area. We will be modifying the 270 Park Avenue
23 zoning text to clarify the waivers for the public
24 space are only applicable on this site consistent
25 with the intent of the application. Council member

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2 Powers is in support of this application as modified
3 and we will also vote to approve pre-considered LU's
4 386 through 380 949-1921 Atlantic Avenue rezoning in
5 Brooklyn. The application seeks approval of a zoning
6 map amendment to rezone the project area from an M11
7 R7D district to an R8A C24 district. A related
8 zoning text amendment to map the site of a mandatory
9 inclusionary housing area utilizing option one,
10 designation and project approval of an urban
11 development action area project, and disposition
12 approval and an amendment to the Saratoga Square
13 Urban Renewal Plan to permit residential and
14 commercial uses. Council member Ampry-Samuels is in
15 support of this application. I would also want to
16 take this moment to acknowledge that we have been
17 joined by Councilwoman Rivera. I now call for a
18 vote. They now call for a vote to approve Lu's 391,
19 392, 393, 394, and the pre-considers LU's 386 to 389,
20 and to approve with modifications that I have
21 described, LU 390. Counsel, please call the role.

22 LEGAL COUNSEL: Chair Moya?

23 CHAIRPERSON MOYA: Aye on all.

24 LEGAL COUNSEL: Council member Reynoso?

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2 COUNCIL MEMBER REYNOSO: I vote aye on
3 all.

4 LEGAL COUNSEL: Council member Richards?

5 COUNCIL MEMBER RICHARDS: Aye on all.

6 LEGAL COUNSEL: Council member Rivera?

7 COUNCIL MEMBER RIVERA: Aye on all.

8 LEGAL COUNSEL: Council member

9 Grodenchik?

10 COUNCIL MEMBER GRODENCHIK: Aye.

11 LEGAL COUNCIL: I have a vote of five in
12 the affirmative. Zero in the negative. Zero
13 abstaining. Land use items are approved and referred
14 to the full Land Use Committee.

15 CHAIRPERSON MOYA: And we're gonna (sic)--
16 We're gonna leave the role open and continue with the
17 rest of our hearings. Our next hearing is on a
18 preconsidered LU item for the Mana Products text
19 amendment also in Council member Van Bramer's
20 district in Queens. The applicant seeks approval of
21 a zoning text amendment to facilitate the expansion
22 of an existing building in an M32 zoning district to
23 accommodate manufacturing uses by up an approximately
24 108 square feet. The requested action would
25 facilitate the enlargement of the existing building

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3 allowing the applicant to consolidate and streamline
4 his operations into a single location. I now open
5 the public hearing on this application and I call up
6 Jay Segal, Rachel Scow, Lawrence Weinstock, and
7 Robert Gailee?

8 ROBERT GAIGLEE: Gaiglee. Close enough.

9 CHAIRPERSON MOYA: Thank you. Counsel,
10 please swear in the panel.

11 LEGAL COUNSEL: do you swear or affirm
12 that the testimony you are about to give will be the
13 truth, the whole truth, and nothing but the truth and
14 that you will answer all questions truthfully?

15 JAY SEGAL: I do.

16 LAWRENCE WEINSTOCK: Yes.

17 ROBERT GAIGLEE: I do.

18 RACHEL SCAWL: I do.

19 LEGAL COUNSEL: And please state your
20 names for the record.

21 ROBERT GAIGLEE: Robert Gaiglee.

22 JAY SEGAL: Jay Segal.

23 LAWRENCE WEINSTOCK: Lawrence Weinstock.

24 RACHEL SCAWL: Rachel Scawl.

25 LEGAL COUNSEL: Thank you.

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2 RACHEL SCAWL: Good morning, Chair Moya
3 and members of the subcommittee. My name is Rachel
4 Scawl. I'm an associate at Greenberg Charg. I'm
5 joined today by my colleague, Jay Segal. We represent
6 Mana Products, one of the country's leading
7 manufacturer, contract manufacturers of cosmetics.
8 Manna conducts its operations at two locations in
9 Long Island city located approximately three quarters
10 of a mile apart. 3202 Queens Boulevard between
11 Vandamme Street and 32nd Place in 2711 49th Avenue
12 referred to as hunters point located at the corner of
13 27th Street and 49th Avenue backing onto the Dutch
14 Kills. As you will soon hear from Manna's
15 representatives, operating into separate facilities
16 is inefficient and that company would like to enlarge
17 its hunters point facility by approximately 108,000
18 square feet and consolidate its manufacturing
19 operations there. The consolidation would allow
20 increased efficiency, increased production, and would
21 allow the company to hire additional employees.
22 Hunters point building obtained its first certificate
23 of occupancy in 1965. Had it been constructed four
24 years earlier, section 43 121 of the zoning
25 resolution would allow our proposed enlargement as of

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3 right. Consequently, because the building was
4 constructed or completed, rather, in 1965, we are
5 seeking a text amendment to allow the 108,000 square
6 feet and enlargement of the hunters point building.
7 I am joined today by Larry Weinstock, Vice President
8 of Finance and Robert Gaiglee, Senior Vice President
9 from Manna and now I am going to hand it over to
10 Larry and he is going to tell you some more about the
11 company's operations.

12 LARRY WEINSTOCK: Thank you, Rachel. Good
13 morning, Council members. I am Larry Weinstock, vice
14 president of finance of Manna Products' 1993. Manna
15 is a local manufacture of cosmetics and hair care
16 products. It's privately held and family-owned. One
17 of the nation's largest and most well-known contract
18 manufacturers. But, actually, it has three different
19 lines of business. It has contract manufacturing for
20 75 percent. That's when we produce make to order
21 products for big name brands. We have private label
22 for about 10 percent where we put on specifics and
23 own labelings on our made to stock products and for
24 15 percent we have our own owned brand. The original
25 founder was Nikos Mouyiaris. He started as a bench
chemist at Cheseborough Ponds after getting local

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2 degrees at Rutgers and St. John. After one year
3 working at Cheseborough Ponds as the story goes,
4 Nikos borrowed 6000 dollars from his brother and
5 found it Mana in Manhattan '75. He quit Cheseborough
6 Ponds saying, I know how to do this. He bought some
7 chemicals, a table, small Osterizer (sp?) blender.
8 That was it. He didn't have enough money for a
9 chair. Any filled 10,000 eye shadow pans, put them
10 in a briefcase, and went knocking on businesses door
11 to door. By 1978, he moved the business to his
12 current Long Island city location in Queens
13 Boulevard. In 84, he thought the eight story
14 building with 328,000 square feet. But 1998, we had
15 outgrown the Queens Boulevard building and he
16 purchased our second long island city building at
17 hunters point for an additional 220,000 square feet.
18 The second building helped us become more efficient
19 as it had a more favorable layout for manufacturing
20 and we began to operate more horizontally than
21 vertically, floor to floor. Currently, the
22 manufacturing is split. In Queens Boulevard we have
23 R&D, we have product development, and we manufacture
24 and store the formulas. Afterwards, at hunters
25 point, we have storage of the raw materials after

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2 manufacturer. We assemble and package the finished
3 goods, and we have warehousing and some shipping. So
4 the good news and the bad news is that we have
5 continued to grow. We have experienced nine percent
6 sales growth over the last five years and eight
7 percent compounded sales growth over the last 15
8 years. But we have grown and outgrown our ability to
9 efficiently use the current space, which hurts us
10 competitively. To best compete, we need more
11 efficient manufacturing operations that can be
12 consolidated into one larger location. That would
13 allow us to create a more efficient production line
14 like our competitors in New Jersey and in
15 Westchester. New Jersey, in particular, was
16 extremely aggressive in courting us offering low cost
17 areas to manufacture and many tax incentives to
18 relocate, but Mana has traditionally been very loyal
19 to its employees, of which, 92 percent live in New
20 York City. And we have many long-term employees. I
21 have completed 26 years here now and there are still
22 46 employees who have more seniority than I do. As
23 of year-end December, we had 840 full-time employees
24 roughly split two thirds at hunters point and one
25 third at Queens Boulevard. Over the last eight

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3 years, Mana has provided over 1.3 million dollars in
4 college scholarships to our employees and to their
5 children. Over the last three years, Mana has
6 provided over 155,000 dollars in college scholarships
7 to LaGuardia College who we partner with across the
8 street. And we take interns from them also. To
9 remain in Long Island, Long Island city, and to
10 remain competitive, we are looking to consolidate all
11 of our manufacturing operations in the one hunters
12 point location. This proposal would allow us to
13 consolidate and provide space for manufacturing
14 growth. We would expect to further grow our full-
15 time workforce by 5 to 25 percent over the five years
16 afterwards. So Mana has been in Long Island city
17 since 1978. Mana has been a long island city
18 property owners since 1984. Manna has invested in
19 Long Island city and in the people and Mana would
20 like to stay in Long Island city. Please help us
21 stay.

22 RACHEL SCAWL: We're happy to answer
23 any questions that you may have.

24 CHAIRPERSON MOYA: Great. Thank you. St.
25 John's alum. So, just one-- Just a couple of quick
questions. Well this proposed text modification

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2 allow for new opportunities for expanding
3 manufacturing uses beyond the applicants development
4 site?

5 RACHEL SCAWL: So, the text is tailored
6 so that it is only the applicant's site. I know that
7 the City Planning and was very enthusiastic about
8 this text amendment, so I don't know if they were
9 possibly looking at this for other sites in the
10 future. But we are the first ones to come forward
11 and ask for this text amendment and they have been
12 very interested in it.

13 CHAIRPERSON MOYA: Great. And are you
14 planning to utilize the New Town Creek for freight
15 movement at all or no?

16 RACHEL SCAWL: Err-- The Dutch Kills?

17 CHAIRPERSON MOYA: Yeah. Dutch Kills.

18 RACHEL SCAWL: Okay.

19 LAWRENCE WEINSTOCK: No.

20 CHAIRPERSON MOYA: Okay. And also, since
21 the location is in a flood zone, does the proposed
22 expansion require any resiliency measures to be
23 included on the site?

24 RACHEL SCAWL: So, the way that the
25 proposed expansion is built, it's actually this wedge

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2 shape that kind of hook up to the existing building
3 and the ground floor is going to be kept essentially
4 open so that Matt can still be used for shipping and
5 receiving. So the design itself is already
6 incorporating the flood measures. But, yes. It will
7 be built pursuant to appendix G to the extent that it
8 applies to the site. Building code appendix G and
9 any flood measures.

10 CHAIRPERSON MOYA: Great. Thank you all
11 for your testimony today. Thank you for being here.

12 LAWRENCE WEINSTOCK: Thank you.

13 CHAIRPERSON MOYA: Are there any other
14 members of the public who wish to testify? Seeing
15 on, I now close the public hearing on this
16 application and it will be made over. I now will
17 open up a vote.

18 LEGAL COUNSEL: On a continuing vote of
19 land-use items, Council member Constantinides?

20 COUNCIL MEMBER CONSTANTINIDES: I vote
21 aye.

22 LEGAL COUNSEL: I have a vote of six in
23 the affirmative. Zero in the negative. And zero
24 abstentions. The land-use items are approved and
25 referred to the full land-use committee.

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2 CHAIRPERSON MOYA: Our last hearing for
3 today is on pre-considered LU items for the East
4 Harlem follow-up action in Council member Ayala's
5 district in Manhattan. The applicant seeks approval
6 of the zoning map amendment to remove the special
7 district designation from an existing R7B zoning
8 district, as well as a zoning text amendment to
9 establish and reduce maximum allowable building
10 height in the existing C64 R8A in R7D districts
11 mapped along Park Avenue in the special East Harlem
12 corridor district and to require any development at
13 the intersection of Lexington Avenue and East 116th
14 Street to relocate a subway entrance from the street
15 into the zoning lot. The proposed actions were
16 agreed upon and memorialized in the East Harlem
17 neighborhood rezoning points of agreement. I now
18 open the public hearing on this application and I
19 would like to call up Calvin Brown.

20 CALVIN BROWN: Yeah.

21 CHAIRPERSON MOYA: Thank you, Calvin.
22 Counsel, if you could please swear in the panel.

23 LEGAL COUNSEL: Do you swear or affirm
24 that the testimony you are about to give will be the
25

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3 truth, the whole truth, and nothing but the truth and
4 that you will answer all questions truthfully?

5 CALVIN BROWN: Yes.

6 LEGAL COUNSEL: Please state your full
7 name for the record.

8 CALVIN BROWN: It's Calvin Brown.

9 LEGAL COUNSEL: Thank you.

10 CALVIN BROWN: Good morning, Chairman
11 and Council members. My name is Calvin Brown. I am
12 a senior planner in the Manhattan office at the
13 Department of City Planning. The department is
14 proposing a zoning map amendment and zoning text
15 amendments as follow-up actions to the East Harlem
16 neighborhood rezoning which was approved by the
17 Council in 2017. These actions respond to concerns
18 that were heard during and post the public review
19 process by the public and elected officials and
20 memorialized in the East Harlem points of agreement.
21 The East Harlem neighborhood rezoning was a
22 comprehensive community focused effort aimed at
23 identifying land-use and zoning opportunities for the
24 creation of new mixed income housing, as well as the
25 preservation of existing affordable housing that was
consistent with the mayor's housing plan. And it

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3 responded to the land use and zoning recommendations
4 that were included in the East Harlem [inaudible
5 45:09] committee's neighborhood plan. As a result of
6 this comprehensive plan, approximately 92 blocks were
7 rezoned roughly bounded by East 104th Street to the
8 south, East 132nd to the north, Park Avenue to the
9 west, and Second Avenue to the east. As part of the
10 city's effort to advance this comprehensive
11 neighborhood investment strategy, the administration
12 created points of agreement that would allow the
13 public to track and identify the various commitments
14 that were made across the city agencies. The East
15 Harlem points of agreement had over 50 commitments
16 from the various agencies which include commitments
17 ranging from housing, open space, arts, culture, and
18 land use. This presentation focuses on the
19 commitments that were made by the Department of city
20 planning. The three commitments that were included
21 in this follow-up actions was to establish a height
22 limit in the R10 district on Park Avenue between East
23 122nd and East 124th Street. Follow up on correcting
24 the heights and the portion of Park Avenue between
25 East 115th Street and East 118th Street and to
integrate subway station entrance into the building

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2 envelope at the intersection of East 116th and
3 Lexington Avenue. At the time of the city planning
4 commission approval, as you can see on the image to
5 the left, there was no height limits in the C64
6 district. And the height of 215 was put into scope
7 for other portions along Park Avenue. So a part of
8 this follow-up actions in the C64 district, the
9 follow-up actions are proposing to establish a height
10 of 275 feet, which is consistent with the other
11 districts that were mapped in the area in the M16 and
12 that R10 district and the R10 to the south. In the
13 southern portion of Park Avenue between 115th Street
14 and East 118th Street, we will lower the heights from
15 215 to match the underlying districts that were
16 finally mapped, which were that R8A and the R7D. So
17 we will lower the heights from 215 to 145 in the R8A
18 and then, in the R7D, it will lower the heights from
19 215 to 125. The other action that is included as
20 part of this follow-up action is to integrate the
21 subway station into the buildings envelope at the
22 intersection of 116th Street and Lexington Avenue.
23 Pursuant to section 3740, there was some concerns
24 because of the density that the administration was
25 proposing at this intersection, so the community

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2 wanted of two require that subway entrance be
3 relocated off of the street to ease pedestrian
4 circulation at this intersection. So, as pursuant to
5 section 3740, and the zoning lot that have square
6 footage of 5000 square feet or more would be required
7 to incorporate the subway entrance into the zoning
8 lot. There is actually one property that actually
9 will fit-- will be required to do this if they
10 develop, and it's the one that is indicated with the
11 star. And as a follow-up corrective action, the R7B
12 was mistakenly put into the special district and
13 there are certain controls in the special district
14 that are really for the high density districts that
15 we propose. The R10's and the R9's. The R7B is a
16 medium density district, so we are removing it from
17 the special district and this is a corrective action
18 that is a part of the application, as well.

19 CHAIRPERSON MOYA: Thank you. Just a few
20 questions. Sticking with the MTA, with the ATM
21 improve-- MTA improvements, will those be ADA
22 accessible?

23 CALVIN BROWN: Yes. They will be
24 required to be.

25

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2 CHAIRPERSON MOYA: And do the stairwells
3 count towards the building's FAR?

4 CALVIN BROWN: So, this is slightly
5 different than the second Avenue. This is a
6 requirement. So at this intersection, we treated the
7 R9 very much different than the other R9's that were
8 mapped in East Harlem. So this has the maximum
9 height of 205 feet whereas the other R9's in this
10 rezoning area was capped at 175.

11 CHAIRPERSON MOYA: Okay. And who pays for
12 the stairwells?

13 CALVIN BROWN: The property owner would
14 be required to do so.

15 CHAIRPERSON MOYA: The MTA does not?

16 CALVIN BROWN: So, as the-- The
17 process is the property owner would sit down with the
18 MTA just to see if it's even feasible to do so. They
19 would work with the property owner and to make sure
20 that the can accommodate the entrance way, but the
21 cost is encumbered upon the property owner.

22 CHAIRPERSON MOYA: Got it. Okay. Thank
23 you very much for your testimony today. I now will
24 call up Eli Kim.

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3 ELI KIM: Good morning, Council
4 members.

5 CHAIRPERSON MOYA: Good morning.

6 ELI KIM: My name is Eli Kim and I am a
7 first-generation Korean American. Since 1981, my
8 family has owned and operated Reasal (sp?) Drugs, an
9 independent community pharmacy on the southwest
10 corner of East 116th Street and Lexington Avenue. My
11 father and I, both pharmacists, work side-by-side
12 there every single day managing both the pharmacy and
13 the property ourselves. The property I'm referring
14 to include the entire single-story area of the
15 corner, which includes Reasal Drugs, as well as the
16 four stores along 116th Street and three stores along
17 Lexington Avenue for a total footprint of 8000 square
18 feet. Unfortunately, due to circumstances out of our
19 control, the days of operating a community pharmacy
20 profitably seem to be numbered. So we have been
21 looking at our options for the property. Until
22 recently, it seemed as though development was the
23 best option for all involved. A potential building
24 here would create one or two stories of valuable
25 retail space with potential community usage and with
the 30 percent mandatory inclusionary housing

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2 allotment, the neighborhood would gain valuable
3 affordable housing. Proposals we have received
4 estimated that up to 100 residential units can be
5 built here. However, recent proposals have derailed
6 our plans. My request today is that the commission
7 disapprove the action that would require the subway
8 entrances at this intersection to be placed inside of
9 any new construction. We have consulted with
10 developers, architects and contractors, all of whom
11 have quoted the cost of this addition in the millions
12 and it is a cost that makes development impossible
13 for us. It was already a daunting and extremely
14 risky project for us to begin with, but this proposal
15 now adds a very large expense, potential delays due
16 to MTA bureaucracy, as well as lost square footage
17 and street frontage from the ground floor retail
18 which severely impacts revenue. That basically
19 leaves us with one option, which is to lease the
20 entire space to a credit tenant or chain store, such
21 as a CVS who we would give it to for no less than 20
22 years. This, of course, means no development at all,
23 no affordable housing, and then displacement of a
24 large number of minority owned small businesses, not
25 to mention that the subway entrance would remain as

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2 is indefinitely. I asked the commission to please
3 reconsider the subway entrance requirement. Thank
4 you.

5 CHAIRPERSON MOYA: Just one quick question.
6 Have you had conversations with the MTA?

7 ELI KIM: We've been trying to have a
8 conversation, but we haven't gotten a meeting with
9 them. No.

10 CHAIRPERSON MOYA: So, no conversations
11 with the MTA, no discussion about whether or not they
12 would contribute or pay for the stairwells?

13 ELI KIM: It's my understanding that
14 that cost, that burden, is going to be on us, but I
15 haven't been able to speak to them directly yet to
16 get a definitive answer.

17 CHAIRPERSON MOYA: Okay. Okay. Thank you
18 very much for your testimony today. Thank you. Are
19 there any other members of the public that was to
20 testify? Seeing no one, I now close the public
21 hearing on this application and it will be laid over.
22 I am now reopening the votes for Mr. Punctuality,
23 Council member Torres.

24 LEGAL COUNSEL: On a continuing road of
25 the land-use items, Council member Torres?

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2 COUNCIL MEMBER TORRES: I vote aye and I
3 was punctual on DeBlasio time. So--

4 CHAIRPERSON MOYA: Duly noted.

5 LEGAL COUNSEL: I have a vote of seven
6 in the affirmative, zero in the negative, and zero
7 understanding. The land-use items are approved and
8 referred to the fall land-use committee.

9 CHAIRPERSON MOYA: This concludes today's
10 meeting. I would like to thank the members of the
11 public, my colleagues, and, of course, always the
12 console and land-use staff for their hard work.
13 Thank you. This meeting is hereby adjourned.

14 [gavel]

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C E R T I F I C A T E

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



Date June 3, 2019