CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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March 23, 2021 Start: 11:10 a.m. Recess: 11:42 a.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Rafael Salamanca, Jr., Chair

COUNCIL MEMBERS: Adrienne E. Adams

Diana Ayala
Inez D. Barron
Joseph C. Borelli
Chaim M. Deutsch
Ruben Diaz, Sr.
Vanessa L. Gibson
Barry S. Grodenchik

Peter A. Koo
Stephen T. Levin,
I. Daneek Miller
Francisco P. Moya
Kevin C. Riley
Antonio Reynoso
Carlina Rivera
Mark Treyger

APPEARANCES (CONTINUED)

Julie Lubin Committee Counsel

Van Bramer Council Member

Selvena Brooks-Powers Council Member

Menchaca Council Member

William Martin Roll Clerk

Sergeant Biondo: Okay, Sergeants, please, start your recordings. I have started the record to PC.

SERGEANT BRADLEY: The cloud is up.

SERGEANT PEREZ: Back up is rolling.

SERGEANT BIONDO: Sergeant Bradley,

please, read your opening.

SERGEANT BRADLEY: Good Morning, and welcome to today's committee on lane use. Would all panelists, would all assembled, please, turn on your videos. Please, place electronic devices on vibrate. Thank you. Chair we may begin.

CHAIR SALAMANCA: Alright, great. Good
morning, I am Council Member Rafael Salamanca. I'm
the Chair of the Committee on Land Use. I'm joined
today remotely, by members of the Committee on Land
Use. We have council members Adams, Ayala, want to
congratulate Council Member Brooks-Powers, who's with
us today with the first time, Council Member Deutsch,
Diaz Senior, Gibson, Grodenchik, Koo, Menchaca,
Miller, Chair Moya, Chair Riley, Rivera, and Van
Bramer. Today, we will vote on several applications
referred out, for our subcommittees, but before we

begin, I would like to recognize the committee

counsel to review the remote meeting procedures.

COMMITTEE COUNSEL JULIE LUBIN: Thank you,
Chair Salamanca. I am Julie Lubin, counsel to this
committee. Council members who would like to ask
questions or make remarks, should use the Zoom raise
hand function. The raise hand button, should appear
at the bottom of the participant panel. I will
announce council members who have questions or
remarks, in the order that they raised their hands.
Chair Salamanca, will then, recognize members to
speak. We ask that you please be patient if any
technically difficulties arise today. Chair
Salamanca, will now continue with today's agenda
items.

CHAIR SALAMANCA: Thank you. Thank you,

Counsel. From our zoning subcommittee, we will vote

to approve pre considers LUCS 738739 and 740, for the

Arverne East Proposal, related to Property and

Council Member Brooks-Powers' district in Queens, and

again, welcome, Council Member Brooks-Powers. The

proposal seeks a zoning map amendment, affecting a

portion of the Arveni Urban Renewal area to rezone it

from a C\$ dash 4 district to the special MX-21 mixed

approximately 142 dwelling units, up to 35 of which,

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would be affordable, as well as ground floor commercial use and 52 below grade accessory parking spaces. Our modification would be to strike option two, while retaining option one. We will also vote to approve pre considers 748 and 749 for the 50-25 Barnett rezoning related to property in Council Member Van Bramer's District in Oueens. The application as proposed, seeks a zoning map amendment to change an existing M1-1 District, to an R6A District and related zoning tax amendment, to establish a mandatory, inclusionary housing, area utilizing, option one. The proposed actions would facility a new mix use development with 100 percent affordable housing, component, including, approximately, 167 dwelling units, as well as ground floor office space for community facility use and approximately 170 parking spaces. We will also vote to approve pre consider 750 and 751 for the 1099 Webster Avenue rezoning, to a property in Council Member Vanessa Gibson's District, in the Bronx. The application seeks a zoning map amendment to rezone an M1-1 District to an R7X/C2-4 District and a related zoning tax amendment to establish, a mandatory

inclusionary housing area, utilizing option one.

2	Together, these actions will facilitate the
3	development of two new mixed-use buildings with 100
4	percent affordable housing component, including
5	approximately 238 dwelling units, as well as, ground
6	floor commercial use and approximately, 73 below
7	grade, accessory parking spaces. From our landmark
8	subcommittee, we will vote to approve four project ir
9	Council Members Perkins' District in Manhattan. LU743
10	the Harlem Open Door Cluster concerns property
11	located at 2735 Fredrick Douglas Boulevard, 2752
12	Fredrick Douglas Boulevard, 131 West 133rd Street,
13	and 130 West 134th Street, in Manhattan Community
14	District 10. This application will facility the
15	construction of four new affordable, home ownership
16	buildings, with a total of approximately 48 units. Ir
17	connection with this project, we will vote to approve
18	LU744, submitted pursue into article 11 of the
19	Private Housing Finance Law, for approval of a
20	related tax exemption. We will vote to approve LU745
21	the Harlem ANSI PCB11 site, for property located at 2
22	East 130th Street, also in Manhattan Community
23	District 11. This application will facilitate the
24	construction of one four story affordable rental
25	huildings with sowen units. We will wete to approve

2 LU 746, the Central Harlem Info and CP project for properties located at 2803 Fredrick Douglas 3 Boulevard, 136 West 137th Street, 203 West 131st 4 5 Street, 61 West 130th Street, 142 West 129th Street and 109 West 126th Street in Manhattan Community 6 District 10. This application will facility the development of five new six story building and one 8 new four story building, all of which will be fully 9 affordable, rental buildings, containing a total of 10 58 units. We will also vote to approve LU 747 the 11 Harlem NCP western site, for property located at 313 12 West 112 Street in Manhattan Community District 10. 13 14 This application will facilitate the development of 15 one four story affordable rental building with seven 16 units. Last, we will also vote to approve LU 741, the 17 lower east side cluster ANCP. This is an application 18 submitted by HPD pursuing to an Article 16 of the 19 General Municipal Law and Article 11 of the Private Housing Financed Law, requesting waiver of the area 20 designation requirements and the requirements of 21 22 Charter Sections 191C and 197D and approval of an 23 urban development action area project, an exemption from real property taxation for properties located at 24 406-08 East 10th Street, 533 East 11th Street and 656 25

East 12th Street in the Manhattan Council District represented by Council Member Rivera. This application will facility the preservation of 44 affordable cooperative units, pursuing to the Affordable Neighborhood Cooperative Program ANCP members of the committee and members representing affected districts who have questions or remarks about today's items, should use the raise hand button now, Counsel, will please announce the members, in

the order that they've raised their hands?

COMMITTEE COUNSEL JULIE LUBIN: Yes, [inaudible 00:08:14] I'd like to just note, that we've been joined by Council Member Ruben Diaz Senior and Council Member Reynoso, and Council Member Gibson has her hand raised.

CHAIR SALAMANCA: Alright, so, I would like to recognize Council Member Gibson.

COUNCIL MEMBER GIBSON: Thank you, Chair Salamanca, good morning colleagues. I also want to recognize our newest member, on behalf of District 31 Council Member Selvena Brooks-Powers. Welcome to the City Council and equally welcome, to the Woman's Caucus. We are proud to have you. Thank you, Chair, and I also want to thank Chair Moya for his

2 leadership. I am speaking in favor of Land Use Application number 210103, which is 1099 Webster 3 Avenue, submitted by 1099 Webster Realty LLC. Very 4 5 proud of this project. This development site is located at the intersection of Webster Avenue in my 6 7 district, in 166 and 167th Street, about 56,000 square feet. We are talking about two residential 8 buildings. One is nine story. The other is 11 story, 9 for a total of 238 residential units. This entire 10 development project is affordable, as low as 27 11 12 percent of the AMI, with a maximum of 80 percent of 13 AMI, with a 15 percent set aside for formally homeless families. Thank you for your leadership 14 15 Chair on that. This project is being financed through 16 the HPD's Ella Program. We believe, and we've pushed 17 our minimum of 10 percent of three-bedroom unit 18 apartments, 30 percent two-bedrooms, 55 percent one-19 bedroom apartments and nine percent studio. There 20 will ground level commercial space, about 30 thousand square feet for medical office, a supermarket. There 21 22 will be indoor parking spaces, and there will be 23 temporary construction jobs, local hiring opportunities, through Hirer NYC and MWBE Build Up 24 25 Program and about 80 permanent jobs, through the

2	building service workers and through a partnership,
3	with local 32 BJSCIU. This project has the support of
4	the local community board, CB4, as well as the Bronx
5	Borough President's Office, and on the conditions of
6	local hiring and making sure that we have secured the
7	10 percent minimum of three-bedroom units, as well as
8	the 15 percent, set aside of formally homeless
9	families. It includes all of the amenities. We will
10	have a space for our children, recreational
11	opportunities, outdoor area space, as well as, making
12	sure, that the developer has provided a written
13	agreement on paper, that we have solidifying, all of
14	these agreements, working with the existing
15	businesses, in terms of relocation and making sure
16	that all of the terms in the agreement, are adhered
17	to. I'm very proud of this work. We've been meeting
18	with the developer, well over, about two years now,
19	in partnership with Community Board 4 and the Bronx
20	Borough President's Office, and I really think this
21	is a project we can all be proud of, and I ask all of
22	you, my colleagues on the Land Use Committee, to
23	please, support this project, that will 238 units of
24	real affordable housing, to the Clairmont section of
25	the Bronx. I want to personally thank the Land Use

hand's up.

- Division. Thank you, Chair Salamanca. Thank you, to

 our Chair Moya, as well as Katie Sullivan, Amy

 Levitan, and Angelina Martinez Rubio, for all of your

 help in getting me through this project. Thank you,

 so much, colleagues, and I hope you will vote in
- 8 CHAIR SALAMANCA: Thank you, Council
 9 Member Gibson. I see Council Member Van Bramer's

favor of this project. Thank you.

COUNCIL MEMBER VAN BRAMER: Yes, thank
you, Chair Salamanca, and I wish to speak on Land Use
Item 748749B5025 Barnett Avenue Project, in my
district. First, I want to thank Chair Moya and his
committee for voting this out, unanimously, and that
was before this Land Use Committee. This building has
been five years in the making. It was rejected four
years ago, by myself and Community Board 2, because
it was not right for our community. It was
contextual. The affordability levels were not
sufficient, and there was not support from labor,
including, SCIU32BJ, and they have come back now,
with a 100 percent affordable project, that is deeply
affordable, with the 15 percent set aside formally
homeless families, a 40 percent AMI and a maximum AMI

2 of 80 percent. It is the most deeply affordable project, that we have seen in Sunnyside, Queens. 32BJ 3 4 has a signed agreement and testified in favor of this project. The building has been brought down and is 5 now contextual with the surrounding neighborhood, and 6 7 there are ongoing discussion discussions with the Tenant Association of the existing Phipps Garden 8 Apartments, including an improvement plan, that is 9 being followed. Four years ago, Community Board 2 10 Voted unanimously, against this project, but last 11 fall, Community Board 2 voted, overwhelmingly in 12 favor of this project. It is been a long time coming, 13 14 and for those of us who say, "We want to build 15 affordable housing," this is an opportunity to build 16 truly affordable housing, deeply affordable housing, in a part of Queens, that is very expensive, and this 17 18 is an opportunity for those of us who, say, "We want to house, those who are homeless and formally 19 homeless," to actually house those who have been 20 dealing with homelessness. So, I support this 21 22 proposal, because we absolutely must do this. We must 23 actually do the things that we say we want to do, which is to build truly affordable housing, 24 particularly in neighborhoods like Sunnyside Gardens, 25

Queens, which I live in. So, I ask all of my
colleagues, to support 32BJ, to support the local
Community Board, to support myself and to support all
of those, who truly believe, that deeply affordable
housing, including, those for the formally homeless,
deserve to be in every neighborhood in Queens,
including, in Sunnyside, Gardens, and so, I am proud
to support this project and ask, that all of my
colleagues, support this project today as well. Thank
you, very much.

CHAIR SALAMANCA: Thank you, Council

Member Van Bramer, and congratulations. Next up, I

want to recognize, the newest member of the council,

Council Member Brooks-Powers.

and good morning. Thank you, so much Chair Salamanca.

Today, the Land Use Committee, will vote on the

Arverne East Application, and it's a project that has
been, quite honestly, decades long planning, in the

making. The proposed actions before the committee

will facilitate, the construction of the eastern

portion of the Arverne Urban Renewal Area, by

designating the central portion of the Urban Renewal

Area, as a nature preserve and the new Mixed-Use

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District to facilitate the construction of a brewery. I want to recognize the hard work and dedication of my predecessor now Borough President, who has and all the work that he's put into this project. This project was initially contemplated as a mixed-use development that was 80 percent market-rate and 20 percent affordable. The first phase, including, two buildings will include approximately 500 affordable housing units, with 100 units set aside for families earning between 40 percent and 50 percent AMI. Also, there will be 100 units set aside for families earning 30 percent AMI and 75 units for the formally homeless population. The applicant agreed, has agreed to meet the goal of 30 percent of the project contracts be given to MWBE's and an emphasis on local hiring within the Rockaway Peninsula, in the zip codes, nearest the project site. The applicant has also committed to working in good faith, with local labor unions, during the construction and operation of the project site. The applicant has also committed to working with our office and other local stake holders to identify the best use of 22,000 square foot floor, square footage of floor area, reserved for community facility uses. I look forward to

2 bringing the local communities together, to identify what use would be the highest benefit for the 3 Rockaway community. I'm pleased that the 4 administration has committed to working with my 5 office to locate, to, excuse me, to address the 6 7 urgent need for new health care, on the peninsula. The recent actions by the New York State Department 8 of Health to potentially convert Saint John's 9 Hospital into a micro-hospital, underscores the need 10 for a greater capacity, having the second deadliest 11 zip code, the Rockaway Peninsula, was hit hard by 12 COVID, and prioritizing, preventative health care 13 14 measures and additional emergency capacities, are all 15 sorely needed to ensure we do not see the same inequities, in how much harder COVID effected low-16 17 income communities and communities of color, in a 18 future health crisis. I look forward to expediting, 19 the siting of this facility, and I will fight to see, this project is responsive to the needs of the 20 community. We are in an inflection point right now, 21 22 when we see the new development and families still 23 fighting to make ends meat, while Rockaway is beautiful, resilient, and determined, the residents 24 25 have absorbed much from Super Storm Sandy, to the

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current, global pandemic. We welcome all those, who recognize our thriving community and wish to invest, reside and become a fabric of the community, but we must be serious about the more than 80 acres of city lane to ensure we leverage it properly. I have and will continue to fight for diversity inclusion and equity, strengthening the broadband infrastructure, to shrink the digital divide and a holistic community benefits agreement. These are important ingredients, that are not found here at this time, with a developer team, that consists of LNM, Blue Stone and Triangle Equities, have committed to working with my office to ensure that these aforementioned issues and more are addressed post-hast. More importantly, the developer team has a chance to prove, why they're different. I've decided to move forward to make this project better, but under no terms, will the needs of my community be ignored. Finally, I thank the applicant for committing to meeting with a Community Advisory Board to monitor the development and progress of the significant mix-use development project. This is not the end of the planning process but really just the beginning. I look forward to ensuring that this project is a benefit and not a

burden on our community. As the project progresses,
we will make sure that any nuances, excuse me, any
nuances from the construction and operation of the
site are properly addressed by the applicant. In
particular, I look forward ensuring that the brewery,
that's located on the project site, does not reduce
the quality of life of the neighbor and residence and
does not impact any local school operations. We
desperately need more affordable housing, not just in
the Rockaways but across the city. I urge my
colleagues to vote, "yes," on this application. I
look forward to working with you in the very near
future on a wide range of issues, based in our
respective communities and the city as a whole. Thank
you, Chair Salamanca.

CHAIR SALAMANCA: Thank you, Council

Member and welcome, once again. I want to recognize

Council Member Menchaca. He has his hands up.

COUNCIL MEMBER MENCHACA: Thank you. Thank you, Chair, and thank you, to all the members of this committee. I made longer remarks, back last week, at the subcommittee, and I want to say thank you, to everyone who was on the subcommittee as well. I am here to talk about 737 4th Avenue. From the

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beginning, the Community Board, which is the most democratic and participatory forum, we have in the neighborhood, took control of this rezoning proposal, and it invited the developer to follow the community's lead. It held multiple hearings, open to all to decide whether or how to support the project and democratically, voted to approve the project, with conditions. Over time and critical engagement, the developer agreed to meet all the boards, conditions. They codified them, in a binding contract known as a Community Benefits Agreement. I understand why the Community Board, approved this project. The CBA requires the developer to build 33 permanently affordable housing units, reserve a third of it's commercial space for local business, hire majority local or union workers for all of it's construction and permanent jobs, create 150 bike stations of which, a third will be reserved for delivery workers and grants the MTA a free easement to build an ADA accessible elevator to the 25th street R Station, located, right across the street. The 33 permanently affordable units, will be between 30 percent AMI and 60 percent AMI. This means a family of three making 30,000 to 60,000 a year, can afford them. MIH option

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2	one, requires an average of 60 percent affordable,
3	under the AMI. The affordability here, is an average
4	of 48 percent AMI. What we're asking today is, we're
5	going to send it back to CPC so they can remove
6	option, and then, we'll take it back to the City
7	Council. So, not only are these things required by
8	the CBA, but they are required regardless of who owns
9	the land. That means the developer cannot turn around
10	and sell this property, and thereby, undo these
11	commitments. I'm really proud of the community for
12	coming together and making this happen, and I support
13	this project. Thank you, so much. Thanks Chair.

CHAIR SALAMANCA: Thank you, Council Member Menchaca. Counsel, are there any other members with their hands up?

COMMITTEE COUNSEL JULIE LUBIN: No, there aren't. Oh, Council Member Rivera.

CHAIR SALAMANCA: Council Member Rivera, I recognize, Council Member Rivera.

COUNCIL MEMBER RIVERA: Thank you, Mr. Chair. I just wanted to say something very brief about the application, today. So, thank you, Chair Salamanca, my colleagues, for granting me the opportunity to speak in support of the proposed

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application for the Article 11 Tax Exemption in Urban Area Action Area Project for 406-08 East 10th Street, 533 East 11th Street, and 656 East 12th Street, all located in the East Village Neighborhood in my district. The designated developer, Asian American's for Equality, AAFE, a trusted community partner in the lower east side, has been working with families across these 44 units of housing on a conversion that will yield affordable home ownership opportunities for the current residence, with the broad support from the tenants. Further, the portfolio, includes three commercial spaces, one of which is currently occupied by a legacy, immigrant owned food business, and the owner who's also a resident, has expressed support for this project. Long time residence of the East Village, continue to experience pressure, due to rising rents. The pathway to equity represents an opportunity for residence of LES Cluster and future share holders to remain in place. Affordable homeownership, is a priority of mine, and I know the council agrees, and I thank the Landmarks Committee for approving this action, and I thank of course, my fellow committee's today for joining me, in voting, aye. Thank you, you so much.

2	CHAIR SALAMANCA: Thank you. Counsel, is							
3	there other members that wish to speak that has thei							
4	hands up?							
5	COMMITTEE COUNSEL JULIE LUBIN: No							
6	additional hands.							
7	CHAIR SALAMANCA: No? Alright, awesome. I							
8	will now, call on a vote, in accordance with the							
9	recommendations of the subcommittee's and the local							
10	members, to approve LU 738 739 740 741 743 744 745							
11	746 747 748 749 750 and 751 and to approve the							
12	modifications I've describe LU 733 and 734. Will the							
13	clerk, please, call the roll?							
14	ROLL CLERK WILLIAM MARTIN: Good Morning,							
15	William Martin, Committee Clerk, Roll Call Vote							
16	Committee on Land Use. All items are couple, Chair							
17	Salamanca.							
18	CHAIR SALAMANCA: Aye on all.							
19	ROLL CLERK WILLIAM MARTIN: Gibson.							
20	COUNCIL MEMBER GIBSON: Thank you, again,							
21	Chair Salamanca, Chair Moya, and I also, want to							
22	thank my director of Policy and Legislation Jeffery							
23	Valasquaz T vota ava on all of todav's agenda							

items. Thank you, colleagues.

2 ROLL CLERK WILLIAM MARTIN: Thank you,
3 Council Member Barron.

CHAIR SALAMANCA: Council Member Barron, to explain her vote.

COUNCIL MEMBER BARRON: Thank you, first I want to welcome, our new council member, Council

Member Brooks-Powers, and in terms of the legislation that we're facing today, I am going to, I commend my colleagues on the work that they've done to get to the positions that they're in, but in terms of the, project on the lower east side, as I've read it, it says that the maintenance fees, would be 40 percent of a person's income, and I think that, that is excessive, whereas, most of the housing advocate groups that I've spoken to, say that 30 percent is the optimum. So, for that reason, I'm voting no on 741, and I am abstaining on 743 and 743 and if there any accompanying resolutions to that, and I am voting aye on all the others, thank you.

23 ROLL CLERK WILLIAM MARTIN: Deutsch.

COUNCIL MEMBER DEUTSCH: Aye on all.

ROLL CLERK WILLIAM MARTIN: Koo.

COMMITTEE ON LAND USE

2		COUNCIL	MEMBER	KOO:	I	want	to
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congratulate all the council members that have passed these legislations on Land Use. I will aye, on all.

5 ROLL CLERK WILLIAM MARTIN: Thank you, 6 Levin.

COUNCIL MEMBER LEVIN: Vote aye, on all.

ROLL CLERK WILLIAM MARTIN: Miller.

COUNCIL MEMBER MILLER: Permission to explain.

CHAIR SALAMANCA: Council Member Miller, to explain his vote.

COUNCIL MEMBER MILLER: Thank you, Mr.

Chair. I'd like to first welcome, my colleague and my neighbor Selvena Brooks-Powers to the council, and we just put you right in the fire and threw you right to work. As a matter of support on this issue, that the, bill that you have before us today. Let me just say, that I had my concerns about a public land and developers and their responsibilities when they are to stepping into the public land, particularly, when they come with the type of background and history as so many developers that are involved today. Knowing your predecessor Borough President Richards and the work that he has done on his project and him briefing

ROLL CLERK WILLIAM MARTIN: Thank you,

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Adams.

2	COUNCIL MEMBMER ADAMS: Yes, welcome to my						
3	new colleague, Council Member Brooks-Powers. It's so						
4	great to see you here on the Land Use Committee. So,						
5	excited that you're here. Queens is definitely in the						
6	house today. Congratulating also, Council Member Van						
7	Bramer on the work for this project and getting us						
8	here to this vote today. Just to echo, Council						
9	Members Miller's sentiments regarding the Arverne						
10	Project. We have been watching this project. It has						
11	been a couple of years. There were immense concerns						
12	about this developer and the developers intention for						
13	Arverne and for Rockaway in the long scheme, and						
14	again, the words that you brought us, Council Member						
15	Brooks-Powers today in support and in understanding						
16	of the developer, the history of the developer, some						
17	not so great, but knowing that you support this						
18	project, and I know that former Council Member						
19	Richards, now, Borough President, did so much work on						
20	this to get us here today to this vote. So, I						
21	enthusiastically support you and just know, that I am						
22	here for you, as our colleagues are here for you to						
23	support you and your work. With that, I vote aye on						
24	all.						

by a vote of 17 in the affirmative, zero in the

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    COMMITTEE ON LAND USE
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    negative, and no abstentions, with the exception of
     the following Land Use applications, Land Use item
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     741 was adopted by the Council with 16 in the
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     affirmative, one in the negative, no abstentions, and
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    land use item 743, adopted by the committee at 16 in
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    the affirmative, zero in the negative, and one
     abstention. Thank you.* (SEE TRANSCRIBER'S NOTE BELOW)
 8
                CHAIR SALAMANCA: Thank you. I would like
 9
     to thank members of the public, my colleagues, the
10
     council and Sergeant of Arms, and Land Use staff for
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12
     attending today's hearing. This meeting is hereby
13
     adjourned. Thank you. (gavel)
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                [UNIDENTIFIED]: Have a great day,
15
     colleagues. Be blessed.
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                *TRANSCRIBER'S NOTE: VOTE REVISION
18
    LUs 738, 739, 740, 744, 745, 746, 747, 748, 749, 750,
     751 = 16 affirmative, 0 negative, 0 abstentions
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    LU 741 = 15 affirmative, 1 negative, 0 abstentions
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    LU 743 = 15 affirmative, 0 negative, 1 abstention
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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 April 9, 2021