

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUB-COMMITTEE ON ZONING AND FRANCHISES

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August 13, 2008

Start: 9:45am

Recess: N/A

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Joseph P. Addabbo, Jr.
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Michael E. McMahon
Helen D. Sears
Albert Vann

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

Dominic Answini
City Planner
Department of City Planning

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2 CHAIRPERSON TONY AVELLA: Good
3 morning. It is still morning. Good morning,
4 everyone. I apologize for the confusion this
5 morning but we had a number of issues that we had
6 to resolve before we actually even started the
7 meeting. I'd like to reconvene the recess meeting
8 from yesterday.

9 As some of you know, we didn't have
10 the opportunity to vote so we have a vote that has
11 to be taken. And we have one item, which we were
12 not able to do yesterday. We had asked City
13 Planning to come back and talk about the
14 modifications that we're going to agree to today
15 regarding the Hudson Yards text, issues that
16 myself, Council Member Melinda Katz and Council
17 Member Eric Gioia had brought up.

18 While I call up City Planning to
19 talk about those modifications, let me recognize
20 the Committee members that are here. Council
21 Member Simcha Felder, Mike McMahon, Helen Sears,
22 Al Vann, Melinda Katz, Eric Gioia and I know we
23 have a few other members that are around.

24 DOMINIC ANSWINI: My name is
25 Dominic Answini and I'm a planner with the

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2 Department of City Planning and I'm working on the
3 Hudson Yards text--

4 CHAIRPERSON AVELLA: Can you talk a
5 little bit louder or move the mic close?

6 MR. ANSWINI: Yes, sir. My name is
7 Dominic Answini, I'm a planner with the Department
8 of City Planning. I wanted to discuss the
9 modifications and some issues that some council
10 members have questions about with regards to the
11 Hudson Yards zoning modifications.

12 First I'd like to speak about the
13 proposed text to modify the street wall rules on
14 10th Avenue and 34th Street in the Hudson Yards.
15 On 10th Avenue between 35th and 40th Streets and
16 also on 34th Street between 11th and 9th Avenues.
17 There's 100% street wall requirement so the entire
18 amount of the street wall must be at the sidewalk
19 line. Now the proposed text that came out of the
20 City Planning Commission would permit recesses of
21 no more than five feet deep on these street walls
22 above 30 feet. So from the sidewalk level up to
23 30 feet you would have to still have a street wall
24 on the sidewalk. Above that, the architect,
25 developer, etc. would be able to put, at most,

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five foot recesses into the street wall.

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Now the modifications, what they would do is they would raise the minimum height so instead of the recesses beginning at 30 feet the recesses on 10th Avenue would begin at 50 feet. It would be at least a 50 foot solid street wall and on 34th Street, the street walls would begin at 60 feet, ensuring a full street wall of at least 60 feet tall. That was the modification for that particular text amendment.

I'd like to move on now to the text amendment with regards to the district improvement bonus of the Hudson Yards and also the transferable development rights that are available on the Hudson Yards. Just very quickly, the district improvement bonus is a mechanism that was put into the zoning whereby developers could make a contribution into the district improvement fund and receive additional floor area.

As for the transferable development rights, the eastern rail yards between 10th and 11th Avenues, where the LIRR stores their trains, generates development rights that can be distributed in some of the blocks in the Hudson

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2 Yards between 10th and 11th Avenues, between 33rd
3 and 40th Streets. What the proposal would have
4 clarified that both for the district improvement
5 bonus and for the eastern rail yards TDRs, a
6 developer can get an as-of-right building permit.
7 To obtain that as-of-right building permit it
8 would not, in effect, kick the developer out of
9 the bonus or TDR mechanism.

10 What we wanted to clarify though,
11 is that the Council had a question as to how does
12 one know whether the developer intends on getting
13 a bonus or getting a transferable development
14 rights in the eastern rail yards if they go to the
15 Department of Buildings and merely file an as-of-
16 right building permit.

17 What we've done is we've modified
18 the district improvement bonus section. Just to
19 point out, only the district improvement bonus
20 section because it is impossible for a developer
21 to get the transferable development rights without
22 also applying for the district improvement bonus.
23 And so the modification to the district
24 improvement bonus would require prior to issuance
25 of a permit for an as-of-right building that the

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2 Department of Buildings has received a letter from
3 City Planning notifying the Department of
4 Buildings that City Planning has received either
5 one, a letter from the applicant stating whether
6 it anticipates filing for the district improvement
7 bonus. The inclusionary [phonetic] housing
8 program, which also is worked into the bonus in
9 some areas of the Hudson Yards or the transferable
10 development rights. Also, City Planning will
11 notify the Department of Buildings if it has
12 received an actual application for any of these
13 bonuses or TDR programs from the applicant.

14 Also, the text requires that copies
15 of these letters that the Department receives from
16 either the applicants or that the Department sends
17 to the DOB will also be forwarded to the local
18 council member and the affected Community Board.
19 So there will be notification as to whether a
20 developer who gets an as-of-right building permit
21 intends, at some time in the future as far as they
22 know, to get the district improvement bonus or the
23 TDRs.

24 Lastly, I wanted to address some
25 concerns that the Committee had about the proposal

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2 to ensure that floor area in the special Clinton
3 district that will eventually be used as an
4 entrance or an easement for the Number Seven
5 extension would not count towards the floor area
6 of an eventual development on that site.

7 In earlier testimony I explained
8 that in the Hudson Yards text, the text states
9 that a space that will be used for easement or an
10 entrance some time in the future can be used by
11 the developer of the space until needed by the MTA
12 and while it is used by the developer it would not
13 count as floor area. Unfortunately, that text was
14 not also put into this Clinton district because
15 there is indeed a Number Seven extension station
16 in the Clinton district also. So I just wanted to
17 point out that number one, the way of treating
18 these easements does exist in the Hudson Yards
19 area but it's not exclusive to the Hudson Yards
20 area.

21 City Planning special transit land
22 use district, which is actually put in place for
23 the Second Avenue subway also has similar
24 treatment of floor area that will eventually be
25 used for entrances and easements for the Second

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2 Avenue subway. I guess in the last ten years
3 there have been several opportunities that
4 developers have taken advantage of up and down
5 Second Avenue so that floor area at this time is
6 actually be used. In the future, perhaps they'll
7 be used for a station for the Second Avenue
8 subway, but at this time are being used by the
9 developers and they do not count as floor area.
10 That concludes what I wanted to say.

11 CHAIRPERSON AVELLA: Thanks. Any
12 questions, any follow ups? Council Member Katz.

13 COUNCIL MEMBER MELINDA R. KATZ:

14 Just to clarify and I thank you for your
15 testimony. So my concern before was that a
16 developer would have to make an application for
17 as-of-right while going for these bonuses and
18 there's no place on the application that indicated
19 that they were also going for the bonus. I
20 thought that there should sort of be a way to do
21 that for the community and for the City's sake.
22 So right now what will happen is that they can't
23 get the TDR without going to the DIB so therefore
24 they have to notify City Planning either way if
25 they're going for the DIB or not.

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MR. ANSWINI: Yes.

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MS. KATZ: Before the Buildings Department will issue the permit.

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MR. ANSWINI: That's correct. And in fact, the text states that the Chairperson of City Planning must inform the Department of Buildings before such a building permit is issued.

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MS. KATZ: Okay. And I assume that if there's no notification then there won't be any permit issued. I think that that pretty much resolves. I just wanted the community to be notified. I also didn't want to put the developer in a position where he's being dis-ingenuous to the Department of Buildings and that there is some sort of system where he can go for the as-of-right. That's great.

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I just would like to send a message back that this should not have been as difficult as it was. I think that in the future we sort of need to figure out how to do this so that we're not all waiting around. It's not your fault but I'm saying take the message back. And I will issue the message myself as well. But this was pretty simple and it was just something that was

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2 brought up by me a month ago to City Planning,
3 just so you know Mr. Chairman.

4 I appreciate your testimony here
5 today and the patience of the Committee.

6 CHAIRPERSON AVELLA: I would just
7 echo the comments of Chair Katz, who is chair of
8 the Land Use Committee that it shouldn't have been
9 this difficult. I also appreciate the fact that
10 modification has been made to the street wall
11 because that was a big, important issue for many
12 of us. Thank you.

13 Now because we didn't have quorum
14 yesterday, we'll be voting on all the items that
15 have come up between yesterday and today. What I
16 will do in terms of procedure, I will recommend
17 the approval on all the items except for the
18 Rockaway rezoning. We will then take a separate
19 vote, I will make a separate motion on that. I
20 will explain what's going on with that when
21 Council Member Addabbo is here, who represents
22 part of the at district. I know Council Member
23 Sanders is here as well.

24 The first vote will be on 610
25 Lexington Avenue. The Council Member Dan

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2 Garodnick recommends approval. The Hudson Yard
3 Text amendment, Speaker Quinn recommends approval.
4 Also we will be modifying that application based
5 upon the issues we've just heard. We will be
6 accepting the withdrawal of the sidewalk cafe
7 application from Qdoba Grill. I hope I pronounced
8 it right. So Chair recommends approval of those
9 items.

10 MALE VOICE: Chairman Avella.

11 CHAIRPERSON AVELLA: Aye.

12 MALE VOICE: Council Member Felder.

13 COUNCIL MEMBER SIMCHA FELDER: Yes.

14 MALE VOICE: Council Member Gioia.

15 COUNCIL MEMBER ERIC N. GIOIA: Yes.

16 Thank you.

17 MALE VOICE: Council Member Katz.

18 MS. KATZ: Aye.

19 MALE VOICE: Council Member

20 McMahan.

21 COUNCIL MEMBER MICHAEL E. MCMAHON:

22 Aye.

23 MALE VOICE: Council Member Sears.

24 COUNCIL MEMBER HELEN D. SEAR: Aye.

25 MALE VOICE: Council Member Vann.

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2 COUNCIL MEMBER ALBERT VANN: Aye.

3 MALE VOICE: Those items passed
4 seven in the affirmative, none in the negative, no
5 abstentions.

6 CHAIRPERSON AVELLA: The last item
7 to be voted on is the Rockaway rezoning. This has
8 been a very controversial issue in one regard and
9 that is one section of the rezoning call that's
10 centered around a beach, 116th Street. From what
11 we've been able to determine, and I think the
12 council members will back me up on this, 98% of
13 the application is overwhelming approved by the
14 community and the Community Board. The issue has
15 come down to this one section of the rezoning for
16 the Rockaways that involves a up zoning to R7A.
17 It has been a real issue for me and I know the
18 Council Member is going to speak about it.

19 But what I'm going to do is
20 recommend, myself as Chair, that the R7A part of
21 the proposal be taken out of the application and
22 it be left as is. The reason I suggest that is,
23 and I said this from the very beginning, I think
24 City Planning can do a better job when it comes to
25 this section of the Rockaways. I think the

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2 community, and I said this from the very beginning
3 as well, this section of the Rockaways could be a
4 special district, it should be a special district.
5 So that's why I feel this way but I know the
6 councilman would want to speak against the motion
7 and in favor of the original application. Council
8 Member.

9 COUNCIL MEMBER JAMES P. ADDABBO,
10 JR.: Thank you Mr. Chairman. I do want to thank
11 you and your Committee for obviously the hours
12 spent on this issue in Rockaway. It is a very
13 important issue. Beach 116 during the summer
14 season will have probably close to a million
15 visitors during the beach season. Of course, the
16 residents live with Beach 116 all the time. I
17 want to thank you, your staff and obviously my
18 colleagues here on the Committee for entertaining
19 this issue more than one day.

20 Obviously it is, I'm not going to
21 say controversial but it is a serious issue that
22 we face. Let me say at this point I know there
23 are many of my constituents who are not going to
24 be happy with the R7A but I commend them for the
25 work that they've done. They've put a lot of

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2 hours into putting forth their concerns and some
3 of their concerns are valid. These are concerns
4 that we can not stop talking about after R7A might
5 be approved. We need to still consider the issues
6 of traffic, drainage, pedestrian traffic as well
7 and what is going to be built there. So we still
8 have work to do.

9 But when the process had started a
10 little over two years ago, I pretty much kept
11 myself out of the process. There was a lot of
12 house meetings, there was a lot of town hall
13 meetings. There was, obviously, Committee
14 meetings amongst constituents in my district and
15 there was a lot of input on the issue. Basically
16 I have gotten all the information and all the
17 concerns of the constituents, I then went to Chair
18 Burden and spoke about removing 116 out of the
19 equation or talking about a lower zone, maybe an
20 R6A or an R5. When you look at 116, for decades
21 it has been kind of a blight on the Rockaway
22 community. It is a commercial strip like I said
23 with close to a million visitors a year but there
24 are large buildings that have been vacant for many
25 years. There has been an abandoned hotel there

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2 for a very, very long time. Obviously the way
3 it's currently zoned does not induce any kind of
4 development.

5 This is an area, the Rockaway is,
6 with a very high unemployment rate and no book
7 store, no major retailer at all. The essentials
8 that every community, that basically throughout
9 the city enjoys, Beach 116 doesn't have those. We
10 have the opportunity here now. And in looking at
11 protecting the characteristic of the Rockaways and
12 obviously giving the opportunity to the Rockaway
13 peninsula of getting jobs, getting some
14 residential but more importantly getting the
15 commercial development. I think R7A is really the
16 one that gives us the best opportunity.

17 As for taking it out of the
18 equation for now, I believe we may lose that
19 opportunity. We may not know when, given the
20 upcoming Mayoral race next year or given any other
21 timeframe City Planning may have and given the
22 staffing levels that City Planning has, I'm not
23 quite confident when we'll take Beach 116 into
24 consideration once again. We have that
25 opportunity today. It's been long over due.

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2 The vast majority of my residents
3 in Rockaway, the ones that I could feel, that I
4 have spoken to and have been at these meetings and
5 Community Board, like you mentioned, voted for it.
6 The Land Use Committee, Community Board 14 voted
7 unanimously for it. I think the vast majority of
8 the people want this change. Over the past seven
9 years in Rockaway the number one complaint that I
10 heard about was the issues about 116 and how it
11 looks, the opportunities and the potential that it
12 had. Here's our time. This is the time we have,
13 the time is now to change that, grab hold of this
14 opportunity, grab hold of this potential and do it
15 right.

16 So, like I said, I go forward with
17 reservation and with concerns. But these
18 reservations and concerns must be addressed after
19 today. Today I firmly believe that although a lot
20 of my constituents will differ with me and I want
21 to work with them, the vast majority of the people
22 would want this. I hope to go forward. I hope
23 this Committee considers my statements and goes
24 forward with the proposal here.

25 CHAIRPERSON AVELLA: Any other

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comments before I ask Council to call the vote?
Council Member Helen Sears. I made a motion to
modify the application to take out 116th Street
R7A zoning. Council Member is speaking against
the motion, asking that the application go ahead
as presented by City Planning. If my motion is
defeated, I will then make a new motion to approve
the application as is because every application
has to be approved in a positive manner, a
positive vote.

MS. SEARS: Does your motion have
to have a second?

CHAIRPERSON AVELLA: No, the Chair
doesn't have to have a second.

MS. SEARS: Okay. We seem to have
a little disagreement here. Can that be corrected
by either the attorneys or somebody else? Well
because the Chair of Land Use seems to think it
needs a second. I don't know.

CHAIRPERSON AVELLA: What's going
to happen if we second?

MS. SEARS: Well there's a vote.

CHAIRPERSON AVELLA: Either way.

MS. SEARS: If he didn't get a

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motion then we wouldn't go with it.

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CHAIRPERSON AVELLA: So second it and let's go with it. What's the big deal?

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MS. SEARS: I'm not seconded it. Then we wouldn't vote on it. Then we wouldn't vote on it.

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CHAIRPERSON AVELLA: The Council to the Committee is checking. It's my understanding that no committee member has actually asked, accepting the Chair's rule, that the Chair can make the motion. However, Council to the Committee is checking.

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MS. SEARS: We need to create a log.

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MS. KATZ: Let me just reference, if I can.

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MS. SEARS: And I can withdraw my question.

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MS. KATZ: May I just have a point of information as the Chair of the full Committee. I don't believe we need a second. But I think in a regular modification, you do not need a second. But since the Council has brought it up then let her check on it. The reason I don't want to ask

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2 for a second anyway is because I would rather not
3 set that precedent for future motions by the
4 Chair. Okay? That's the answer to your question.
5 Thank you very much, Mr. Chair.

6 MS. SEARS: Otherwise I would just
7 withdraw my question.

8 CHAIRPERSON AVELLA: Call the vote.
9 Motion to call the vote. There's a motion on the
10 floor to call the vote, there's no discussion on
11 the motion. All those in favor to call the vote
12 say aye.

13 MANY: Aye.

14 CHAIRPERSON AVELLA: The motion on
15 the floor to call for the vote, there's no
16 discussion on that motion. It's been seconded.
17 All that's in favor of calling the vote say aye.

18 MANY: Aye.

19 CHAIRPERSON AVELLA: Any against?
20 I ask the Council to call the vote.

21 MS. KATZ: I have a point of
22 information. If we can wait two minutes, I don't
23 see what the big deal is. So I would ask my
24 colleagues to give it two minutes. I believe that
25 the Chair is correct.

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2 CHAIRPERSON AVELLA: I just want to
3 say that the big point is that those of us who
4 have been sitting here since 5:10, it is becoming
5 a big point. She said it's not a big point but
6 those of us that have been sitting here since 5 to
7 10 this morning, it is getting to be a big point.

8 MS. KATZ: If I could make a
9 suggestion Mr. Chair. I could make a suggestion.
10 I would first like to comment on what Councilman
11 McMahan said, every one of us has projects in our
12 district, every single one of us has kept this
13 Committee waiting including people that are not on
14 this Committee for the benefit--

15 CHAIRPERSON AVELLA: [interposing]
16 No, Melinda. I'm not going to--you all are
17 keeping the Committee waiting. Not on the merits
18 of the project, I'll sit here all day, on a
19 procedural ruling...

20 MS. KATZ: I'm not stopping
21 anything.

22 CHAIRPERSON AVELLA: ...because of
23 some personality thing here, which quite frankly
24 should have been thought of or contemplated. You
25 guys have been--

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2 MS. KATZ: [interposing] Actually
3 we're on the same side. We're actually on the
4 same side of the issue.

5 CHAIRPERSON AVELLA: Not on the
6 merits of the vote.

7 MS. KATZ: No, but that's
8 irrelevant. My suggestion was before Councilman
9 McMahon said anything was that we go forward on
10 the vote and then if the Council comes back and
11 says there's a problem. I think we could probably
12 redo the vote but I don't think there's going to
13 be a problem.

14 CHAIRPERSON AVELLA: Chair does not
15 need a second to make a motion. Right? Chair
16 does not need a second to make the motion. I ask
17 the Council to call the vote.

18 MALE VOICE: Chairman Avella.

19 CHAIRPERSON AVELLA: Yes.

20 MALE VOICE: Council Member Felder.

21 CHAIRPERSON AVELLA: This is the
22 first motion. This is my motion.

23 MALE VOICE: Council Member Gioia.

24 MR. GIOIA: I vote no.

25 MALE VOICE: Council Member

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MR. JACKSON: Mr. Chair, may I ask for clarification, please. What is the motion on the floor at this moment?

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CHAIRPERSON AVELLA: The motion that I have made that the Council Member has spoken against is to take out the Beach 116th Street R7A from the application.

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MR. JACKSON: So a yes vote would be in favor of your motion. A no vote would be in favor of leaving it--

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CHAIRPERSON AVELLA: [interposing] Against the motion and in favor of the respective Council Member.

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MR. JACKSON: Okay. That's the motion that's on the floor?

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CHAIRPERSON AVELLA: Correct.

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MR. JACKSON: I vote no.

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MALE VOICE: Council Member Katz.

MS. KATZ: I vote no and also respectfully thank everyone for their time here today. I know we started late. We had many issues that we actually are still trying to clarify for Land Use. We might even be here

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2 longer. Those issues are not done yet. So
3 whether or not we finish this Committee meeting
4 now or later, I just want everyone to understand
5 that there's still an issue in the Rockaways that
6 we are trying to fix. I'm not told yet whether or
7 not that has happened. So I want everyone's
8 continued patience if we can as I vote no.

9 MALE VOICE: Council Member
10 McMahon.

11 MR. MCMAHON: Just to say to our
12 Chairwoman of the greater Committee, of course we
13 all appreciate her great efforts on all these
14 issues for members. My protestation was only over
15 spending time going back and forth on procedural
16 issues. But as long as we're dealing with
17 substance and her great leadership on those
18 issues, for all members of the Council and the
19 people of the City of New York it is appreciated.
20 No.

21 MALE VOICE: Council Member Sears.

22 MS. SEARS: No.

23 MALE VOICE: Council Member Vann.

24 MR. VANN: Aye.

25 MALE VOICE: By a vote of one in

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2 the affirmative, seven in the negative, the motion
3 to amend is defeated.

4 CHAIRPERSON AVELLA: Now as Chair I
5 will make the positive motion in favor of the
6 application, which is the rest of it, is
7 overwhelmingly approved by everybody in the
8 Rockaways. So I make the motion to approve the
9 application as presented.

10 MALE VOICE: Chairman Avella.

11 CHAIRPERSON AVELLA: Aye.

12 MALE VOICE: Council Member Felder.

13 MR. FELDER: Aye.

14 MALE VOICE: Council Member Gioia.

15 MR. GIOIA: Yes.

16 MALE VOICE: Council Member
17 Jackson.

18 MR. JACKSON: On the motion, yes.

19 MALE VOICE: And on previous items?

20 MR. JACKSON: I'm sorry. The
21 previous items being? Yes.

22 CHAIRPERSON AVELLA: Being the
23 Hudson Yards text, the 610 Lexington Avenue and
24 the motion to accept the withdrawal of the
25 sidewalk cafe application.

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2 MR. JACKSON: I vote yes on all
3 previous other items.

4 MALE VOICE: Council Member Katz.

5 MS. KATZ: I vote aye.

6 MALE VOICE: Council Member
7 McMahon.

8 MR. MCMAHON: Aye.

9 MALE VOICE: Council Member Sears.

10 MS. SEARS: Explain my vote. I
11 vote yes, aye. But I do believe that what Council
12 Member Addabbo said, that it's only the beginning,
13 which means that we will be looking at and working
14 with 116th Street to have that far more in the
15 plan. So with that, I do vote aye because I trust
16 the Councilman and City Planning that you will
17 work this out. I think the big question is if
18 commercial overlay what will get in there. I
19 think that you will be able to sit right on top of
20 that one so I vote aye.

21 MALE VOICE: Council Member Vann.

22 MR. VANN: Aye.

23 MALE VOICE: Council Member Felder.

24 MR. FELDER: Permission to explain
25 my vote since we're waiting for Land Use anyway.

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2 MS. KATZ: Just so everybody knows.
3 WE do have an agreement for Land Use but please.
4 I wasn't answering his question. I just wanted to
5 let everybody know we have an agreement so they
6 shouldn't leave.

7 MR. FELDER: Permission to explain
8 my vote. I just want to say I vote yes. I just
9 do want to add that our two colleagues represent
10 this rezoning, Council Member Sanders and Council
11 Member Addabbo. Some people have complained over
12 the years that when members have a rezoning and
13 they have preferences as to whether the zoning
14 should be done or not, that colleagues most often
15 vote in favor of those preferences. I am proud of
16 that.

17 Of course, I'm the last person to
18 say that I know exactly what would be right or
19 wrong in Councilman Addabbo's district or
20 Councilman Sanders district or anybody else's
21 district. I would hope that when things come up
22 in my own district that people have confidence in
23 believing not that I'm perfect but that I have a
24 little better knowledge of those items. But
25 especially this case, that two distinguished

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2 colleagues, I can't remember the last time or the
3 first time that either of them have ever said that
4 they strongly support an item and said to any of
5 us, we're really in support of this despite the
6 problems that may exist.

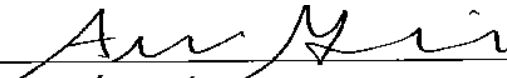
7 So I am very proud to have the
8 opportunity to give them and the overwhelming
9 community that they represent the vote of
10 confidence in voting yes on their side.

11 MALE VOICE: By a vote of eight in
12 the affirmative, none in the negative, no
13 abstentions, L.U. 820 and 824 are referred to the
14 full Land Use Committee.

15 CHAIRPERSON AVELLA: Thank you
16 everyone. This finally closes this meeting of the
17 Zoning and Franchises Meeting. Obviously
18 everybody should stay for the Land Use Committee.
19 I turn it over to Council Member Melinda Katz.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature _____  _____

Date _____ 08/27/2008 _____