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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON RULES

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Room 696, City Hall
Philadelphia, Pennsylvania
Wednesday, January 29, 2003
10:20 a.m.

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BILL 020495 - An Ordinance amending Title 14 of The
Philadelphia Code...
BILL 020649 - An Ordinance to amend the Philadelphia
Zoning Maps...
BILL 020689 - An Ordinance amending Title 14 of The
Philadelphia Code...
BILL 020733 - An Ordinance to amend the Philadelphia
Zoning Maps...
BILL 020760 - An Ordinance amending Chapter 14-1600
of The Philadelphia Code...
BILL 020811 - An Ordinance approving the
redevelopment proposal...
BILL 020812 - An Ordinance approving the
redevelopment proposal...

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PRESENT:

19

COUNCILMAN JAMES KENNEY, Chairman

20

COUNCILMAN DARRELL CLARKE

COUNCILMAN DAVID COHEN

21

COUNCILMAN FRANK DICICCO

COUNCILMAN MICHAEL NUTTER

22

COUNCILMAN BRIAN O'NEILL:

COUNCILMAN ANGEL ORTIZ

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2 COUNCILMAN KENNEY: Good morning, ladies
3 and gentlemen. Thank you for waiting. We
4 appreciate you being here despite the weather. We
5 have a quorum present for the Rules Committee and
6 we'd like to begin our business taking testimony on
7 a number of different bills. The first bill being
8 Bill No. 020760, which is an ordinance amending
9 Chapter 14-1600 of The Philadelphia Code, entitled
10 "Miscellaneous," by adding a new section prohibiting
11 the demolition of buildings or other structures
12 located within the area bounded on the north by the
13 south side of Callowhill Street, on the west by the
14 west side of Fifth Street, on the south by the north
15 side of Walnut Street, and on the east by the
16 Delaware River, and within the area bounded on the
17 north by the north side of Wood Street, on the east
18 by Fifth Street, on the south by the south side of
19 Vine street, and on the east by the west side of
20 Randolph Street, and providing that such prohibition
21 shall expire after a specified period of time, all
22 under certain terms and conditions.

23 We have a list of six witnesses. We'd
24 like to ask Mr. Ed Coryell to come up first because
25 he has another engagement to give his testimony, and

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2 we appreciate him coming here today.

3 I want to apologize to anyone who has to
4 sit at that table because it remind you of
5 kindergarten. I'm sure to cooperatives could
6 provide us with a better table.

7 MR. CORYELL: That's fine. Thank you,
8 Mr. Chairman.

9 COUNCILMAN KENNEY: Thank you. Please
10 identify yourself.

11 MR. CORYELL: Good morning. My name is
12 Edward Coryell, I'm the Executive Secretary
13 Treasurer and Business Manager of the Carpenters
14 Union. I thank you for the opportunity to address
15 the distinguished Committee on Rules regarding Bill
16 020670.

17 I represent 12,300 carpenters. And over
18 3,000 of them live in the City of Philadelphia and
19 several specifically live in the Old City section of
20 Philadelphia. And many members of the Carpenters
21 Union are unemployed right now. There's been a
22 definite slow down of construction projects, both
23 new and renovation, particularly in the past eight
24 months. We estimate we have between 850 and 900
25 carpenters unemployed.

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2 It's important that developers be able
3 to go forward with projects already on the books,
4 already planned, which will create construction jobs
5 for members that I represent.

6 Now, at the same time, I have a great
7 appreciation for saving historical buildings and the
8 value that they contribute to our great City. In
9 fact, our union hall located at 18th and Spring
10 Garden Street is in a designated historical
11 district. Our union has been growing in size and
12 expending its operations in the City. We just
13 recently purchased the old McAllister's Catering
14 Hall building located at 1811 to 1817 Spring Garden
15 Street. It has approximately 30,000 square feet,
16 and we're currently in the process of renovating
17 that building under the historical guidelines.

18 In conclusion, I'm just asking you to
19 approve the amendment that's being offered to Bill
20 020760 that if you have a zoning permit now in hand,
21 don't let the bill without the amendment stop a
22 project from going forward. And I thank you for
23 listening.

24 COUNCILMAN KENNEY: Thank you for coming
25 in.

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2 Are there any questions for Mr. Coryell?

3 (No response.)

4 COUNCILMAN KENNEY: Seeing none, I want
5 to thank you for coming in.

6 COUNCILMAN DICICCO: There's going to be
7 some testimony about recommendations to an
8 amendment. There is no amendment.

9 COUNCILMAN KENNEY: I want to thank you
10 for coming in. I know you have a number of your
11 members here today. I want that thank you for their
12 fine behavior, too.

13 The next person to testify is the
14 Planning Commissioner.

15 Is L&I here? Will you be testifying?

16 MR. HAIGLER: I'm here, but I wasn't
17 prepared to testify.

18 COUNCILMAN KENNEY: That's fine. I just
19 wanted to know if you needed to testify or not.

20 Please identify yourself for the record.

21 MR. KRAMER: Good morning, Mr. Chairman,
22 Members of the Rules Committee. My name is William
23 Kramer. I am in the Development Planning Division
24 of City Planning Commission. I'm here today to
25 testify on Bill 020760. Councilman DiCicco

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2 introduced this bill on December 5th of 2002. This
3 bill amends the zoning code by establishing a
4 demolition moratorium for the area bounded by
5 Callowhill Street, Fifth Street, Walnut Street, and
6 the Delaware River and the area bounded by Wood
7 Street, Fifth Street, Vine Street, and Randolph
8 Street. For a period of six months no buildings in
9 this area could be demolished unless the building is
10 declared imminently dangerous by the Department of
11 Licenses and Inspections.

12 We understand that this restriction is
13 being proposed in anticipation of the enactment of a
14 historic for the Old City section of the City. The
15 Planning Commission staff believes that amending the
16 miscellaneous section of the Zoning Code is the
17 wrong place for such a restriction. We believe that
18 this restriction should be placed in either the
19 Building Code or Section 14-2000 of the Philadelphia
20 Code which deals with historic buildings. We also
21 believe that the Zoning Board of Adjustment is not
22 the appropriate board to hear appeals for the denial
23 of a demolition permit.

24 The Planning Commission is scheduled to
25 hear this amendment to the Zoning Code at its

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2 meeting of February 18, 2003. I will be happy to
3 answer any questions from the committee.

4 COUNCILMAN KENNEY: Councilman Cohen.

5 COUNCILMAN COHEN: Does the staff of the
6 Planning Commission have any recommendations or is
7 this a matter which is going to go directly to the
8 Planning Commission for its first recommendation.

9 MR. KRAMER: Our recommendation -- I'm
10 not certain exactly what the recommendation is going
11 to be with regard to the bill. Our only concern
12 with it is that it's located in the wrong place
13 within the code. It's not a principle objection to
14 the bill itself. We just think it would be better
15 served in another section of the code.

16 COUNCILMAN KENNEY: It's more a
17 technical objection.

18 MR. KRAMER: Yes, sir.

19 COUNCILMAN COHEN: So there's no
20 position as yet by either the staff or Planning
21 Commission as to the substance of the bill.

22 MR. KRAMER: Not that I'm aware of.

23 COUNCILMAN COHEN: Thank you.

24 COUNCILMAN KENNEY: Thank you very much.

25 Anymore questions for the Planning

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2 Commission?

3 Councilman DiCicco.

4 COUNCILMAN DICICCO: Thank you. Good
5 morning. Are you aware of some of the meetings that
6 have taken place between my office and the Historic
7 Commission and the Planning Commission to come up
8 with a way in which we can, hopefully, make this
9 process where we have situations that are very
10 similar to what we're talking about, as far as this
11 property is concerned, to make that transition a lot
12 smoother?

13 I apologize. My legislative assistant
14 is correcting me. It wasn't the Historical
15 Commission, it was the Planning Commission and L&I.
16 Are you familiar with any of those conversations?

17 MR. KRAMER: I was not at those
18 meetings, but I am aware that they happened.

19 COUNCILMAN DICICCO: Are you familiar
20 with the meeting I had sometime in -- I think it was
21 in December subsequent to the introduction of the
22 bill I did of December the 5th which basically put a
23 moratorium on any new demolition permits within the
24 Old City's soon-to-be historical designated area?

25 MR. KRAMER: I was not. I'm here in

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2 place of Mr. Chapman who is out ill today. I'm
3 certain he was involved in those, but I was not.

4 COUNCILMAN KENNEY: But the testimony
5 would have been the same?

6 MR. KRAMER: Yes, sir. Thomas wrote the
7 testimony for me.

8 COUNCILMAN DICICCO: Thank you.

9 COUNCILMAN KENNEY: Any other questions?

10 COUNCILMAN COHEN: May I ask the
11 chairman a question or Councilman DiCicco? I wanted
12 to know is there a present rating of this building
13 in historical terms? Has there been any description
14 of the current problem with respect to the building
15 or its current designation of the problem? What's
16 the current designation of this particular property
17 that's under dispute?

18 COUNCILMAN KENNEY: It's the whole area.

19 COUNCILMAN COHEN: But the request is
20 being made by an individual developer for relief?

21 COUNCILMAN DICICCO: No, it's the
22 community. The community has requested that the
23 area known as Old City, the boundaries have changed
24 little bit, but basically they're asking for
25 historical designation -- become a historical

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2 district. Maybe your question might be, Councilman,
3 if I may, is what's the Planning Commission's
4 position on the building if they have any as to
5 whether or not it has any historical significance.

6 COUNCILMAN COHEN: Well, apparently
7 what's indicated, they haven't taken any position on
8 the subject.

9 Thank you. I have no further questions
10 of this particular witness.

11 COUNCILMAN KENNEY: Any other questions
12 for this witness?

13 (No response.)

14 COUNCILMAN KENNEY: Seeing none, I would
15 ask Mr. Richard Thom please come forward.

16 MR. THOM: Good morning, Mr. Chairman.

17 COUNCILMAN KENNEY: Good morning.
18 Please identify yourself for the record.

19 MR. THOM: Richard Thom, Chair
20 Developments Committee, Old City Civic Association.

21 COUNCILMAN KENNEY: Please proceed.

22 MR. THOM: Good morning, Councilman.

23 COUNCILMAN KENNEY: Good morning.

24 MR. THOM: I'M here today to speak in
25 support of Bill 020760 which would serve to stem the

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2 recent tide of demolition of historically
3 significant properties in Old City. As Chair of the
4 Old City Civic Associations Developments Committee,
5 I am speaking on behalf of my civic group and its
6 long recognized efforts to promote the redevelopment
7 of our historic neighborhood.

8 Since the mid-1980s, Old City has
9 battled to maintain our stock of buildings worthy of
10 rehabilitation and re-use. These efforts have, for
11 the most part, been to no avail. Beginning with the
12 McCrea houses in 1986, our historical registered
13 district has suffered the loss of over a dozen
14 structures with not a single redevelopment project
15 resulting. In the past year alone we have seen the
16 demolition of four additional buildings and the
17 prospect for four more despite our direct
18 involvement in court hearings and hearings before
19 City bodies.

20 As a result of this ongoing threat, the
21 Old City Civic Association raised substantial
22 dollars to retain a historical consultant to
23 document and re-nominate Old City as a Local
24 Historic District under the auspices of the
25 Philadelphia Historic Commission. We are in the

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2 midst of that process and awaiting the final
3 determination of eligibility by the commission staff
4 prior to consideration by the PHC nominations
5 committee. This documentation review is anticipated
6 to be completed in the coming weeks and notification
7 letters sent to affected property owners in the
8 early spring.

9 However, in the interim, several owners
10 of buildings not presently protected under the 1976
11 Old City National Register District designation have
12 sought out demolition permits from L&I as a matter
13 of right in order to ensure the redevelopment of
14 their properties would in no way come under the
15 watchful eyes of the PHC and the community. This
16 represents a blatant attempt to circumvent the will
17 of the Old City community and the intent of the
18 City's preservation ordinance.

19 We have lost four buildings to such
20 precipitous demolition. And pressure is currently
21 being placed on members of this very body to permit
22 the loss of another locally nominated building
23 despite our ongoing desire to preserve it.

24 Our First District Councilman Frank
25 DiCicco has stepped forward to introduce the pending

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2 legislation that would have the effect of halting
3 this race for demolition in advance of the official
4 local district nomination process. L&I Commissioner
5 Edward McLaughlin has also cooperated generously in
6 holding applications in light of this current bill
7 making the Street administration the first City
8 government in 18 years to actively support
9 conservation in our National Register District.

10 Some 27 years ago, Old City was
11 designated as one of the first national urban
12 historic enclaves, recognizing its significant and
13 eclectic stock of 18th and 19th and 20th century
14 architectural building resources. Since then, more
15 than two dozen buildings have been lost with the
16 overwhelming majority becoming long-term surface
17 parking lots.

18 Please review the attached photos of
19 just a few representative examples of the ongoing
20 demolition efforts. OCCA urges Council to stem the
21 tide of this irresponsible owners seeking demolition
22 of our building stock so that both tourists and
23 residents alike may enjoy the unique architectural
24 heritage.

25 Please approve Bill 020760, as attached,

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2 with no further amendments that would weaken the
3 intent and serve special interests. Thank you very
4 much.

5 With that, I'd like to have members of
6 my civic association who are both residents and
7 property owners stand up in support of the bill.
8 We're here in support of the bill. We represent
9 owners and residents and property owners, many of
10 whom, the great majority live in historically
11 disinterested properties. Thank you.

12 COUNCILMAN KENNEY: Thank you very much
13 for your testimony. And thank you for the members
14 of the community coming in today.

15 The Chair recognizes Councilmember
16 DiCicco.

17 COUNCILMAN DICICCO: Thank you, Mr.
18 Chair and good morning, Mr. Thom.

19 In your testimony you mention that there
20 were, I think, four buildings that have recently
21 been demolished. Over what period of time were
22 those buildings demolished?

23 MR. THOM: About a year.

24 COUNCILMAN DICICCO: Have those
25 buildings receive the proper demolition permits?

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2 MR. THOM: Yes, they did.

3 COUNCILMAN DICICCO: Prior to the bill I
4 introduced of December the 5 th?

5 MR. THOM: Correct.

6 COUNCILMAN DICICCO: Is the issue as it
7 relates to those four buildings or any of those four
8 buildings, is the greater concern for the fact that
9 they were demolished and there's not been any
10 redevelopment? Or is it in any case or all of the
11 cases a question of demolishing buildings that the
12 community may, in their opinion, deem to be
13 historical?

14 MR. THOM: It's the case that we believe
15 that they were either -- in two of the cases they
16 were already historical designated under the 76 Act.
17 The other two cases they were both nominated as part
18 of our new district. So in both cases they were
19 nominated as part of our new district.

20 COUNCILMAN DICICCO: Of the district,
21 but not necessarily -- and I'm not putting words in
22 your mouth -- not necessarily because of historical
23 significance other than the fact that they would be
24 in the district?

25 MR. THOM: That's correct.

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2 COUNCILMAN DICICCO: So correct me if
3 I'm wrong, because I've had some meetings, as you
4 know, with you and the Planning Commission and
5 Historical Commission and L&I and I've also had
6 meetings with the developer of the building at -- I
7 think the correct address now is 200 North Second
8 Street which really fronts Race Street.

9 If there was a way of getting assurances
10 from a developer -- let's talk about the 200 North
11 Second Street as an example of that. A real
12 development were to occur, not a surface parking
13 lot, although there are probably people from the Old
14 City Special Services District that would welcome a
15 surface parking lot or any kind of a parking lot
16 because we know the pressure that we are
17 experiencing over the last several years as a result
18 of the renewed interest in Old City and its growth.
19 In fact, we almost the parking under the bridge
20 until 911 happen. But that being said, I had a
21 meeting yesterday with the developer. So there
22 aren't any secrets here, which is not unusual.
23 Developers come to my office all the time. And the
24 developer had some unique things to say, and they
25 will put their comments on the record sometime after

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2 our discussion has ended. My point is, as it
3 relates to this building, if there is a true
4 development plan for this site, notwithstanding any
5 issues that the community may have with the size and
6 the appearance of the building and we can work
7 through those things, would the community's position
8 still be opposed to the demolition to this
9 particular building?

10 And let me add one other thing. I'm
11 looking at your testimony here, and the first thing
12 that jumped at me and I'm by no means an authority
13 on historical buildings, especially having been to
14 Italy. Everything we have is new compared to what
15 Italy has. It's kind of interesting what we think
16 as being old, but old is not always the issue. And
17 I understand that. The entrance to this building
18 was the thing that attracted my attention. And I
19 asked the developer, not understanding because he
20 didn't have a plan in front of me, if there was a
21 way in which we can -- when you demolish the
22 building, save that stone work and possibly
23 incorporate that into the new building facade. And
24 it's something that he was extremely amenable to.
25 We can always work out the language how we ensure

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2 that that happens. So again, it's the long way
3 around -- what would the position of the community
4 be? Again, not giving your stamp of approval today
5 on the project itself, but the concept that some
6 development would happen there and hopefully would
7 meet with the approval of the community.

8 MR. THOM: Given the fact that the
9 community has never seen the project, the developer
10 has never come to my committee --

11 COUNCILMAN COHEN: Could I ask the
12 witness to keep his voice up?

13 COUNCILMAN DICICCO: I think it's the
14 mike itself.

15 MR. THOM: Given the fact that the
16 developer has never appeared before my committee,
17 parenthetically because he obtained permits as a
18 matter of right and didn't need to, but did appear
19 before the Planning Commission to discuss the
20 project. We've never seen the project. We would
21 like to see the project. And I believe as an
22 architect and a preservation consultant that we can
23 in fact work out an incorporation of a facade into a
24 new project. I don't see any reason why that can't
25 happen.

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2 COUNCILMAN DICICCO: Not unlike the
3 national building code, because one of the comments
4 I had with them -- and I met privately with them --
5 was if there's a way of incorporating the existing
6 facade or a portion of the existing facade into
7 their new development, I think that the community
8 would feel a lot more comfortable with the
9 development. So if I hear you correctly --

10 MR. THOM: It has not been our policy
11 though, Mr. Councilman, to support what are called
12 facade-omies or facade-ectomies in which you simply
13 strip the facade off. However, in this case we
14 recognize that the Historic Commission is currently
15 reviewing the documentation on this and feels that
16 while it's an okay example of more daring design,
17 it's not a top-flight example.

18 COUNCILMAN DICICCO: This building has
19 extensions. I think the original building was built
20 in the '40s and then there was an extension built in
21 the '60s. And, again, the age may not only -- that
22 may not be the only criteria that we're going to
23 use, but --

24 MR. THOM: But we would like the
25 opportunity to discuss that with the applicant.

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2 COUNCILMAN DICICCO: And it's going to
3 be on the record, obviously, as a result of my
4 statement and I believe that the developer will
5 testify as well as a result of the meeting yesterday
6 that they want to move forward. And I think you
7 have a meeting scheduled for sometime in the March,
8 the Civic Association or the Development Committee
9 with the developer. I mean, if you guys want to
10 move that up to get a meeting sooner, feel free to
11 do it. The quicker the better.

12 As Mr. Coryell testified to, obviously,
13 he has an obligation to his members, as we do as
14 elected officials to keep projects moving and to get
15 construction going and to provide for the demand,
16 especially in housing. And we did a lot of
17 legislation in this Council over the last several
18 years that encourages that and gives the incentives.
19 So on one side I want to see this vacant building
20 basically developed. Obviously, I'm very sensitive
21 to the community. I do get involved, as you know,
22 in the community issues. I would like to kind of on
23 this particular issue, at least, since the permits I
24 think were already issued, I don't want it to be
25 demolished and sit there, neither does the

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2 developer.

3 MR. THOM: We would like to see the
4 issuance of a building permit as a condition of this
5 negotiation that if the building is torn down that
6 there be a valid building permit obtained.

7 COUNCILMAN DICICCO: We can work that
8 into possibly an amendment or something to the
9 legislation today. Thank you.

10 COUNCILMAN KENNEY: Thank you very much.
11 Any other questions?

12 COUNCILMAN COHEN: I'm troubled by the
13 fact that there's been no meeting between the
14 developer and the community. Is that a fact?

15 MR. THOM: That's a fact. We've had
16 discussions on the telephone. We've never seen the
17 project. And the reason is that there are no zoning
18 exceptions needed from the zoning code. So they
19 obtained as a matter of right over the counter a
20 zoning permit for the project. And so therefore,
21 there was no reason for them to come to us.
22 However, many developers come to us well in advance,
23 as the Matrix Group recently did on National
24 Products.

25 COUNCILMAN COHEN: Well, I want to say I

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2 cannot understand the policy of any developer who
3 doesn't go first to the community with the project
4 to give the community at least the knowledge of its
5 intentions and to give the community an opportunity
6 to express their opinion. I question the good faith
7 of a developer who proceeds merely as a matter of
8 right -- believes he's proceeding as a matter of
9 right and, therefore, ignores the community. There
10 ought not to be any such policy by an developer in
11 the City of Philadelphia because I think it makes
12 the work --

13 (Applause.)

14 COUNCILMAN COHEN: It just makes the
15 work of this Committee and the Council and the City
16 much more difficult if people are ignored. We hope
17 these developments can go forward in a way that meet
18 everybody's support and their needs. But if there
19 are problems with the development, the best way to
20 cure it is by having discussions between the people.
21 So I applaud what the community organization is
22 doing by insisting on having the developers respect
23 the community because the community lives there 7
24 days a week, 24 hours a day. The developer may or
25 may not be somebody from within the City or may be

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2 outside the City and, therefore, may not be directly
3 affected by the conditions he creates.

4 But in interest of everyone, fair play
5 requires full disclosure of everything and the full
6 opportunity that enables us in City Council also to
7 do our work more effectively. Thank you.

8 COUNCILMAN KENNEY: Thank you. I think
9 part of the other role that we play as a committee
10 and as elected officials is to make people who don't
11 do the right thing initially do the right thing in
12 the end. So I think that's part of this whole
13 process. So hopefully, that will happen.

14 MR. THOM: Thank you, Mr. Chairman.

15 COUNCILMAN KENNEY: Thank you very much.

16 Mr. Greg Hill, please.

17 COUNCILMAN KENNEY: Please identify
18 yourself for the record.

19 MR. HILL: I'm Greg Hill, the President
20 of Jeffrey M. Brown Associates.

21 COUNCILMAN KENNEY: Do me a favor, just
22 kind of pull the microphone close to you and speak
23 directly into it.

24 MR. HILL, Chairman Kenney and Members of
25 the Rules Committee, I appreciate you hearing my

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2 testimony today. My name is Greg Hill, I'm the
3 President of Jeffrey Brown Associates. We're a
4 construction and management firm building primarily
5 commercial and residential structures in the
6 Philadelphia region and up and down the east coast.
7 We strive to be a leader in our industry, setting
8 the highest standards for quality, timeliness and
9 safety. Some of our more prominent projects in the
10 Philadelphia region include the Target store at
11 Snyder Plaza in South Philadelphia, the historic
12 restoration of 1500 Chestnut Street into luxury
13 apartments, the conversion of the Hawthorn Suites
14 Hotel at 11th and Vine Streets, and the Borders book
15 store that we are currently completing at Broad and
16 chestnut Streets.

17 COUNCILMAN KENNEY: When is it opening?

18 MR. HILL: About a month.

19 COUNCILMAN KENNEY: Please proceed. I'm
20 sorry.

21 MR. HILL: I have provided you with a
22 brochure that presents some of our work both within
23 and outside the Philadelphia region.

24 In addition to construction management,
25 we perform development projects on a very selective

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2 basis. And having worked in the Philadelphia area
3 for the past 25 years, we've decided to invest our
4 development funds here in the City. In 2001 our
5 affiliate purchased 205 Race Street, which is the
6 project being discussed, which is an unoccupied
7 industrial building constructed in the '40s with an
8 addition added in the 1960s. The 205 Race Street
9 property occupies the northwest corner of the
10 intersection. And I have included some photographs
11 for reference.

12 After putting the property under
13 agreement, we studied the development options
14 permitted under the Zoning Code. And as part of our
15 due diligence, we submitted plans to the City and
16 based upon those plans we were granted a zoning and
17 use permit from Department of Licenses and
18 Inspections approving the demolition of the existing
19 vacant structure and the construction of a 7-story,
20 95,000 square foot apartment building with
21 underground parking.

22 Based upon the issuance of our original
23 zoning permit, we incurred substantial costs both in
24 purchasing the property and the moving ahead with
25 our plans for construction.

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2 On December 6, 2002, we attempted to
3 submit our application for a demolition permit at
4 the Department of Licenses and Inspections. And
5 that was based upon the zoning and use permit we had
6 received in January of 2002. L&I refused to accept
7 the application on the ground that the demolition
8 permit applications were currently not being
9 accepted under an informal moratorium imposed by
10 L&I.

11 We purchased this property in good faith
12 and we have since incurred significant expenses
13 relying upon the permits issued by the City of
14 Philadelphia. We believe that our plan to demolish
15 this abandoned and deteriorating structure to
16 construct a new, high-quality residential apartment
17 building will be a benefit to the City. The project
18 can create approximately 200 job opportunities for
19 the union trades people, will attract new residents
20 to the City of Philadelphia.

21 Finally, I would like to note that we
22 are aware that the Civic Association has concerns
23 with both the proposed demolition and the nature of
24 the new development. While we believe that the
25 development will result in a much better use of the

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2 property, we're certainly very agreeable to meeting
3 with Richard Thom and the Development Association to
4 discuss the particulars of the project and certainly
5 to explore ways that the historic elements of the
6 building could be incorporated into the new
7 development. And we have previously expressed that
8 to Richard and we're, I guess, tentatively on the
9 agenda for March the 4th.

10 So in closing, we respectfully request
11 that the legislation before you include a provision
12 allowing for the development of a project such as
13 ours for which a zoning and use permit has
14 previously been issued.

15 COUNCILMAN KENNEY: Thank you very much
16 for your testimony. It's going to be raised. I
17 guess the question is why wasn't the contact made
18 prior with the community? Have you done much work
19 in Philadelphia in neighborhoods where there are
20 active civic associations?

21 MR. HILL: The majority of our projects
22 in Philadelphia has been in the capacity of a
23 construction manager. We've not done a tremendous
24 amount of development work on our own in the City.
25 And it has been somewhat of a learning experience to

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2 recognize the sensitivity in the community.

3 One thing I'll say is that in the
4 development of the zoning and use plan, we do not
5 have detailed architectural drawings that, I think,
6 would serve as the forum for a good discussion.
7 We're currently in the process of developing those,
8 and I do fully plan on sitting down with Richard and
9 his group to explore those plans and try to
10 understand the concerns of the community.

11 COUNCILMAN KENNEY: The other thing, you
12 brought a number of at packets of information with
13 you. I think there's some extras. Would you mind
14 if the Sergeant at Arms gave the packets to Mr. Thom
15 so some of his people could get an idea of some of
16 the work you've done in the region? Because I think
17 as you go through the material, there's some really
18 significant buildings that you guys have done and
19 they're really attractive stuff so people can get an
20 idea type of work where you've done in the past.

21 MR. HILL: That would be fine.

22 COUNCILMAN KENNEY: Great. Councilman
23 DiCicco.

24 COUNCILMAN DICICCO: Thank you, Mr.
25 Chair. Good morning, Mr. Brown. I think one of the

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2 questions has already been asked, but you mentioned
3 that you have plans or some sort of set of plans but
4 were not of the detail that was ready for public
5 and, in this case, Old City Civic Association
6 review. Where are you now with those plans and how
7 soon do you think, if they're not ready yet, prior
8 to March 4th may those plans be available at least
9 to give the community -- my suggestion, having been
10 doing this for a while and working with community
11 groups, if you can actually give them even a
12 preliminary idea of what the concept is, the size,
13 the height, the depth and general idea before the
14 March 4th meeting, I think that would be very
15 helpful for them as well because if there's
16 something that raises a red flag, all of you
17 collectively will be ahead of the game because
18 you'll know what is acceptable or isn't acceptable
19 and maybe you can make adjustments even before that.

20 MR. HILL: I think that's a good
21 recommendation. The zoning plan that we have shows
22 the basic geometry of the building. And I had
23 suggested to Richard in a recent phone conversation
24 that we would like to better understand the
25 community's desires relative to the aesthetics of a

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2 building in terms of the extremes of replicating
3 historic architecture versus modern design and
4 getting a little bit of guidance and input on that
5 ahead of time would really help us in the
6 development of this.

7 COUNCILMAN DICICCO: I think guidance is
8 the key word here. It would help you. I mean I've
9 seen developers come in with plans and eventually
10 will go through that process, it's a completely
11 different plan. The port side Peter DePaul's
12 high-rise originally was a rectangular building. By
13 the time we got done with it, it kind of looks like
14 a ship. And now worked better even for the
15 developer. But he had spent a lot of time and
16 energy to build the rectangular building or at least
17 have the plan for it and wind up getting changed
18 with some brick work on the bottom.

19 And if you work with the community, I
20 think you'll have a better product, not only for the
21 community, but also for yourself. They understand
22 what the community needs and what is the most
23 attractive and amenities for bringing people into
24 the community. So I'd strongly suggest that. Maybe
25 at the end of today's meeting or maybe at the very

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2 least tomorrow you place a phone call and start at
3 least doing some of that preliminary work prior to
4 March 4th.

5 MR. HILL: Yes, I will.

6 COUNCILMAN DICICCO: How long has this
7 building been vacant? You've owned it since 2001?

8 MR. HILL: Yes.

9 COUNCILMAN DICICCO: How long has it
10 been vacant? Was it vacant when you purchased it?

11 MR. HILL: It was vacant when we
12 purchased it. It had been vacant for some time.
13 I'm not sure of the exact period of time.

14 COUNCILMAN DICICCO: Have you incurred
15 any problems with the building in terms of
16 maintaining it? I see there's some gravity on --
17 well, that's not gravity. Philly Fringe is not
18 gravity. I apologize for that.

19 MR. HILL: We have had some problems
20 with people breaking in and some homeless people
21 living in there. We're able to let the Fringe
22 Festival make use of the building for four weeks
23 through the end of August and September so that
24 activity, I think, helped to --

25 COUNCILMAN DICICCO: You haven't had any

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2 fire or damage or anything like that or required
3 City services?

4 MR. HILL: No, we haven't.

5 COUNCILMAN DICICCO: Fortunately. Thank
6 you. I don't have any further questions.

7 COUNCILMAN KENNEY: Just one second.
8 Just for the record, so we don't make any mistakes,
9 Philly Fringe is a terrific event.

10 COUNCILMAN DICICCO: I apologized.

11 COUNCILMAN KENNEY: It's a terrific
12 event, great people, they bring a lot of people to
13 the City.

14 COUNCILMAN DICICCO: You were distracted
15 when I said I looked at what I thought was graffiti
16 at first and I realized. And that's actually Mr.
17 Brown's attorney will testify about some of the
18 issues about Philly Fringe because we had a long
19 conversation about that yesterday. They've used
20 this building for a short period of time. They're
21 looking for a more permanent location. There's some
22 interesting things that we may be able to develop or
23 incorporate into this issue.

24 COUNCILMAN KENNEY: Councilman Ortiz.

25 COUNCILMAN ORTIZ: Thank you. Frank, is

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2 this the building in question?

3 COUNCILMAN DICICCO: Yes.

4 COUNCILMAN ORTIZ: What is this, an
5 example of historical, old, ugly warehouses? I
6 mean, sorry. I had not seen it. I thought we were
7 dealing with some sort of really historical aspect,
8 the property. This is an eyesore.

9 MR. HILL: I'm not an expert on what
10 constitutes a historic structure.

11 COUNCILMAN ORTIZ: To me, this is an
12 eyesore.

13 MR. HILL: From a layman's perspective,
14 we did not think that we were going to be destroying
15 a valuable landmark in Philadelphia. To the
16 contrary, we thought it would be an enhancement to
17 the block.

18 COUNCILMAN ORTIZ: I think if you look
19 at it -- well, it might have a certain style, but I
20 think it's, within styles, it's really an ugly
21 warehouse. I'm not an architect; I'm an attorney.

22 COUNCILMAN KENNEY: I think the issue
23 too is, so the record is clear, I don't think it's
24 about this building, per se. I think it's kind of
25 about the district and the issues surrounding the

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2 district and the community's desire to kind of
3 maintain or at least have a structure to maintain
4 the reason they move into the neighborhood in the
5 first place.

6 COUNCILMAN ORTIZ: Well, I think that's
7 reasonable. I agree with that concept and purpose.
8 And I think if I were living there, and I live right
9 up the block not too far away from here. I live on
10 Fourth and Brown, so it's not that far up. And I
11 would like to see buildings there that really adapt
12 to the neighborhood and bring in some sort of much
13 more aesthetic look other than this and bring in
14 people into the area.

15 COUNCILMAN KENNEY: I think in the end,
16 though, a good process creates good policy and good
17 development. So I think we can all get where we
18 need to be within the framework.

19 Councilman Cohen.

20 COUNCILMAN COHEN: Further in support of
21 the statements made by my Councilmembers Kenney and
22 DiCicco, the time to meet with the community is long
23 before the plans are final because the community
24 feels that it's been there, it's had experiences
25 over many years, it may have something to offer, and

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2 you get a much better crack as the developer, Mr.
3 Brown, to influence the community about the good
4 faith rather than to create the opinion you're
5 hiding something by staying away from a meeting.
6 And the good thing is the ideas you get from the
7 community, which generally are very excellent ideas,
8 you don't even have to pay a fee for incorporating
9 those ideas in your plans. So it's good for
10 everybody. So I urge you, don't wait until your
11 plans are final, because if you do, you're excluding
12 the community from participating in the plan making.
13 It may be that their ideas won't be worth anything,
14 but my experience has been that most developers
15 learn that their experiences with the community are
16 very helpful to them as developers. And if a
17 project fails to succeed after that kind of
18 relationship, it's probably good reason and the
19 community was right originally in its concerns. But
20 communities want to be cooperative if you let them,
21 if you understand the role that communities play in
22 Philadelphia. So we urge you to meet with the
23 community as soon as the community makes the request
24 and to not feel embarrassed by the fact that you
25 don't have the final plans. You're better off for

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2 not quite having the final plans yet when you first
3 meet with the community. Thank you very much.

4 COUNCILMAN KENNEY: Thank you.

5 Any other questions?

6 (No response.)

7 COUNCILMAN KENNEY: Thank you very much
8 for your testimony.

9 COUNCILMAN KENNEY: Is there anyone here
10 from the Historic Commission?

11 COUNCILMAN KENNEY: Please identify
12 yourself for the record.

13 MR. REISMAN: Daniel Reisman. I
14 represent Jeffrey M. Brown Associates, and you just
15 heard from Mr. Hill who is the President of Jeffrey
16 M. Brown. Chairman Kenney, Members of the Rules
17 Committee, thank you for the opportunity to speak
18 today. I've prepared testimony, but I think we've
19 covered a lot of ground in Mr. Hill's testimony so I
20 really would like to summarize the proposed
21 amendment that we're asking be adopted and the
22 reason for it.

23 The bill that has been introduced
24 follows on the heels of moratorium that was imposed
25 by L&I, both with the clear intent to stem the rush

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2 to demolition; and we certainly have no problem with
3 the intent of the bill. That's a problem that is
4 constantly dealt with in land use law, which is when
5 new ordinances are announced or new policies or
6 designations, where's the cutoff point between who
7 comes under the new law and who comes under the old
8 law? The problem and what we've been trying to
9 address is that my client has a zoning permit from
10 the City of Philadelphia that approved the
11 demolition back in early 2002, acted in good faith
12 on that permit as of right under the Code duly
13 issued by the City of Philadelphia and thereafter
14 has incurred substantial expenditures in reliance on
15 that permit. That was all before, certainly, we
16 knew about the pending proposed historic
17 designation, months before it. I don't know when
18 the Civic Association submitted that. So the
19 question here is, how do you deal with the people
20 who, such as my client, already acted in good faith,
21 followed the rules, were careful about complying
22 with the law as it existed and cut them off and
23 going forward apply the new law? And that's simply
24 what the amendment would do.

25 The law is clear, that municipalities

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2 cannot enact legislation that essentially reaches
3 back and in a sense divest the rights that prior
4 property owners have from prior permits that they
5 lawfully obtained. And the amendment that we would
6 propose and we're asking that you consider will
7 simply do that. It will be small carve out, it will
8 leave the intent of the bill intact, but it will
9 simply say it would not apply to anybody who had a
10 demolition permit or a zoning permit approving the
11 demolition prior to when, in this case, the
12 legislation was introduced in December of 2002. We
13 think with that fine tuning of the bill, it will
14 strike the right balance between what the community
15 obviously wants, the historic preserve desires, but
16 also what developers such as my client, what they've
17 relied on and the reasonable expectations that they
18 have moving forward.

19 Just as a side note, I have spoken with
20 Mr. Thom. We are meeting with the Civic
21 Association. I believe we said, "Get us on calendar
22 as soon as possible." I believe early March was the
23 one that they put us on, and we would like to come
24 to an agreement with them on the proposal as we move
25 forward.

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2 COUNCILMAN KENNEY: Thank you.

3 Councilman DiCicco.

4 COUNCILMAN DICICCO: Thank you, Mr.

5 Reisman.

6 My question goes to Mr. Thom first.

7 Based on some of the conversations you had with
8 David Fitz and earlier comments, do you have any
9 recommendations as to what we might want to do in
10 terms of the amendment of this bill and how we can
11 move forward?

12 I think, again, without putting words in
13 your mouth, correct me if I'm wrong, that you need
14 some guarantees, you want to make sure the developer
15 comes to you to work on the plan, the final plan,
16 for the developing this site, how we can get this
17 thing at least on a not a very fast track but a much
18 quicker track than it's been on today.

19 MR. THOM: Mr. DiCicco, Councilman, I'm
20 little disconcerted that the process that we are in
21 now, the developer does not adequate drawings to
22 obtain a building permit. Now, that then gives an
23 opportunity to discuss the project some more and
24 maybe re-craft it. But I think that the community's
25 position is that no more demolition until you have a

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2 building permit. And I recognize, actually
3 recognize, I want on the record that there are
4 clearly Mr. Reisman's correct, he has legal rights
5 to certain pieces of paper, permits from the City.
6 But we feel that building should no be demolished
7 unless we know that there's a reuse. It's happened
8 to us too much.

9 COUNCILMAN DICICCO: My only concern is
10 that if we get in -- I think we're finally getting
11 to an understanding of each other's needs, and I
12 think that both sides want to work together. I
13 sense that and I think the community has a sense of
14 that as well. I don't want that to deteriorate. I
15 don't even know, and you may be able to answer me,
16 Mr. Reisman, I think we had a conversation yesterday
17 that you're not that anxious to do the demolition;
18 is that correct?

19 MR. REISMAN: My client is here to
20 answer this answer this question, of course. My
21 understanding is he certainly did not purchase this
22 building with the intent of demolishing it and using
23 it as a parking lot. It's part of a project. Now,
24 I will say the normal procedure is you file for your
25 permits as you're ready to prepare the plans. The

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2 demolition plans are -- they were, in fact, filed
3 back in December and we feel the permit should have
4 been issued over-the-counter by L&I at time. We
5 would like to continue this in stages. They're now
6 working on the building plans. Foundation permit
7 plans have been filed, so those are done. And the
8 building plans are now being completed and we want
9 to continue to file as we get it done. And, of
10 course, we're going to be meeting with the civic in
11 that process, too.

12 COUNCILMAN DICICCO: As you know, Rich,
13 if it gets litigated, I think the chances are the
14 developer wins. And we don't want it to be "they
15 win, you loses." We want this to be a cooperative
16 effort. So we'll discuss this with the committee
17 and either of you have some recommendations as to
18 some language to an amendment or something that will
19 protect the community's interest as well as allow
20 this project to move forward, we'll certainly
21 entertain that.

22 MR. THOM: In the next day or so, I'll
23 commit myself to meeting with Mr. Reisman and Greg
24 Hill and see if we can work out an understanding
25 about a demolition time table that would also

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2 include the application for the full permits.

3 COUNCILMAN KENNEY: Councilman Cohen.

4 COUNCILMAN COHEN: One of the things the
5 Committee might consider is a very short delay to
6 see what happens in the course of the next week or
7 two in the relationship between the community and
8 the developer.

9 To me, the project sounds like a good
10 project for the neighborhood, but I can understand
11 the neighborhood's concerns in having been left out
12 of all of the planning and not getting the
13 information. Once that situation can really be
14 cleared up to the satisfaction to the community,
15 then I think we're in the better position to make
16 decisions.

17 So I would like to propose that one of
18 the matters we consider, and I raise it publicly to
19 get the thoughts of both the developers and the
20 community representatives here, would a short delay
21 to see what happens in meetings between the two
22 groups be a good idea? We can convene very quickly.
23 We would like to see this matter not end in court
24 because the both community and the developer would
25 suffer from that kind of result. So it's in

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2 everybody's interest to see whether there's a good
3 possibility for a resolution.

4 COUNCILMAN KENNEY: Councilman, one of
5 the things we've done in the past is with the
6 District Councilperson's assurance that any bill
7 that gets out of this Committee that winds up on the
8 Calendar would be held until resolutions have come.
9 As opposed reconvening the Committee and doing the
10 bill over again, the bill gets out. You can
11 re-amend the bill, if needed, on the floor, but the
12 process continues to move forward. And I think
13 considering Councilman DiCicco's history of
14 sensitivity to community concerns that he would, I'm
15 sure, hold the bill as long as necessary in order to
16 get a resolution.

17 MR. THOM: Councilman Cohen, that would
18 be acceptable to us. If we can get the bill out of
19 committee and then amended subsequent to our
20 meetings and discussions, I'll keep Councilman
21 DiCicco informed. I'd rather that the process move
22 forward.

23 COUNCILMAN DICICCO: We do have some
24 other amendments to the bill that were just
25 distributed to the Members of this Committee that

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2 basically speak to the process, not necessarily the
3 process as it relates to this particular property
4 which we're going to take into consideration today
5 anyway. Mr. Brown, you can just nod your head to
6 me, what we talked about doing the bill, any
7 amendments and holding it, does that seem to work
8 with you?

9 COUNCILMAN KENNEY: Holding it on the
10 Calendar.

11 MR. REISMAN: The concern I have is
12 there is legal significance to this bill being
13 reported from the Rules Committee. At that point it
14 becomes what's called a pending ordinance under the
15 practice of the City of Philadelphia and it's
16 treated as law and should be treated as law by L&I.

17 COUNCILMAN KENNEY: Not exactly a strong
18 real precedent for that. I think we kind of created
19 that little situation. It's applicable, but I think
20 it's kind of our own --

21 COUNCILMAN DICICCO: I used that when I
22 was trying to stop a church at Ninth and Wharton
23 from being demolished many years ago and a rush on
24 demolition and use changes as a result of
25 legislation that I asked the councilperson at that

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2 time to introduce on behalf of my civic association.

3 COUNCILMAN KENNEY: I think that
4 Councilman DiCicco's history has been to make sure
5 the community is happy as possible, and I think his
6 assurance that the bill be held until he calls it up
7 on the Calendar I think would be relatively
8 sufficient security for both sides.

9 COUNCILMAN DICICCO: My only concern is
10 there is no one here from the Historic Commission
11 today. I just want to make sure that what we're
12 saying here in good faith we, all of us collectively
13 and are agreeing to does not get somehow overruled
14 by the Planning Commission because I don't want
15 anyone to leave here -- I mean, Historic Commission,
16 excuse me. Well, they're supposed to be here.

17 COUNCILMAN KENNEY: Well, we can bring
18 them back on.

19 COUNCILMAN DICICCO: I understand what
20 you're saying.

21 MR. REISMAN: The concern I have is,
22 again, legally I feel the bill is legally deficient
23 even in this amended form. And what's happens is if
24 it's reported from the Rules Committee, there's now
25 a live bill that's due deference that creates some

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2 serious problems.

3 COUNCILMAN KENNEY: In my opinion -- and
4 again, it's not my district, but in my opinion I
5 think the continuation of moving this thing forward
6 with the security of having the district
7 councilperson call up the bill when appropriate on
8 the Calendar, I think, is a sufficient way to go and
9 the best way to go, unless anyone feels differently,
10 but it seems to make most sense.

11 COUNCILMAN DICICCO: Anything you'd like
12 to add?

13 COUNCILMAN KENNEY: Any questions for
14 these witnesses?

15 (No response.)

16 COUNCILMAN KENNEY: Thank you.

17 Anyone else to testify on this bill?

18 (No response.) Then we'll move to the
19 next bill on the Calendar which is Bill No. 020689,
20 which is an ordinance amending Title 14 of the
21 Philadelphia Code, relating to "Zoning and
22 Planning," by amending Chapter 14-1600, entitled
23 "Miscellaneous," by adding a new Section 14-1626,
24 entitled "Logan Square Special District Controls";
25 all under certain terms and conditions.

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2 Planning Commission, please.

3 COUNCILMAN COHEN: Mr. Chairman, can I
4 ask Mr. Thom a question?

5 COUNCILMAN KENNEY: Again, I want thank
6 the members of the carpenters union for paying
7 attention and going through this process with us in
8 a very nice way. Thank you. You've helped the
9 process along.

10 MR. THOM: Councilman Cohen, if I could
11 address your concern and maybe.

12 COUNCILMAN COHEN: Mr. Thom, I have
13 before me -- and I don't know whose exhibit it is,
14 maybe the Chairman can help me -- two-page proposed
15 amendment to this No. 020760. The second page has a
16 lot underlined parts of what's underlined says when
17 the Philadelphia Historic Commission has pursuant to
18 certain section Philadelphia Code sent notice to own
19 pro historic district that includes at least 50
20 percent. With respect to that language, the precise
21 word, it seems to me that that gives real cause for
22 concern that Councilman DiCicco raised before about
23 the role of the Historic Commission whether they
24 would have the power to ignore us in City Council
25 because this language, seems to me, gives the

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2 Historic Commission a role in decision-making
3 process greater than anybody else's role. If that's
4 the case, how does the community feel about that
5 because I would not want to see any other group
6 other than the community developer and the Council
7 in making the ultimate decision. I think Councilman
8 DiCicco is right expressing concern what would the
9 Historic Commission do. How would you that
10 language.

11 MR. THOM: It is not --

12 COUNCILMAN DICICCO: This amendment was
13 worked out between my office the Planning Commission
14 and the Historic Commission.

15 COUNCILMAN COHEN: I would not feel
16 comfortable in language that gives the Historic
17 Commission the right to override the decision that
18 this Council Committee has made. I want to preserve
19 the good faith of the community. When you deal with
20 us, nobody from behind can pull any special button
21 and reverse our decision. Do you have any concern
22 about that language particularly?

23 MR. THOM: Councilman Cohen, if I could
24 address your a concern and maybe clarify it. What
25 this provision does is it codifies a process that's

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2 already under way with the review of our district
3 nomination. What it says -- it's basically saying
4 that the Historic Commission wants it, has notified
5 50 percent of the affected property owners in the
6 district, there's no longer reason for this bill to
7 be enforced because once that happens the issuance
8 of demolition permits is in fact frozen. I have no
9 problem with the language. In fact, it affirms this
10 very process. This is in our favor for the
11 community. And I don't see a problem with the
12 Historic Commission -- there's a potential for
13 delay, but that's not been our agreement with the
14 staff. We understand the review of our historic
15 district nomination is imminent in its completion
16 and will be sent to the Nominations Committee of the
17 Historic Commission. Once that is done, the letters
18 go out. So this is all been discussed in the
19 Councilman's offices. This is simply a codification
20 of already-established procedure within the Historic
21 Commission. I don't have a problem with it.

22 COUNCILMAN COHEN: Okay, very good.

23 Thank you very much.

24 COUNCILMAN KENNEY: Thank you very much.

25 Thank you.

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2 We're going to move to the next Bill
3 020689, which is an ordinance amending Title 14 of
4 the Philadelphia Code, relating to "Zoning and
5 Planning," by amending Chapter 14-1600, entitled
6 "Miscellaneous," by adding a new Section 14-1626,
7 entitled "Logan Square Special District Controls";
8 all under certain terms and conditions.

9 Please identify yourself and proceed.

10 MR. KRAMER: Mr. Chairman, Members of
11 the Rules Committee. My name is William Kramer. I
12 am a member of the Development Planning Division of
13 the City Planning Commission. I'm here today to
14 testify on Bill 020689. Councilman Clarke
15 introduced this bill October 31 of 2002.

16 The bill amends the zoning code by
17 establishing a height limitation for the area
18 bounded by Spring Garden Street, 18th Street,
19 Callowhill Street, and 20th Street. All
20 residentially zoned properties in this area would be
21 subject to a 50-foot height limit.

22 The staff of the Planning Commission has
23 concerns about imposing a height limitation on
24 residential properties in this area. Currently,
25 much of the area is zoned either R15 Residential or

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2 RC4 Residential, neither of which have a specific
3 height limitation. Additionally, this area is
4 located within the Franklinton Urban Renewal Area
5 and, therefore, also subject to urban renewal
6 controls.

7 It is my understanding the sponsor of
8 this bill, Councilman Clarke, introduced the bill
9 because of concern for the residents and local
10 community as well as an interest in maintaining the
11 character and integrity of the neighborhood.
12 However, the Planning Commission is concerned that
13 there may be property owners and redevelopers who
14 have purchased land in this area having done so with
15 a reasonable expectation of being able to develop
16 residential buildings in accord with both the
17 underlining zoning and the urban renewal area
18 controls.

19 The Planning Commission would like to
20 work the Councilman and his staff to better
21 understand the legal and practical impact of this
22 change. This bill is scheduled to be considered by
23 the Planning Commission at its meeting of February
24 18th of this year.

25 I will be happy to answer any questions

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2 of the Committee.

3 COUNCILMAN KENNEY: Thank you very much
4 for your testimony.

5 Any questions for the Planning
6 Commission?

7 Councilman Clarke.

8 COUNCILMAN CLARKE: Thank you, Mr.
9 Chairman.

10 Good morning.

11 MR. KRAMER: Good morning.

12 COUNCILMAN CLARKE: You're obviously
13 familiar with the area.

14 MR. KRAMER: I couldn't tell you what
15 building is where.

16 COUNCILMAN CLARKE: Could you drive
17 there if I asked you to drive there right now?

18 MR. KRAMER: I could, yes.

19 COUNCILMAN CLARKE: You're familiar
20 then.

21 Do you recall earlier in close proximity
22 to this particular site, actually behind the Rodan
23 Museum when there was a proposal to build a 20-story
24 building?

25 MR. KRAMER: Yes, I remember seeing

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2 that. It was considered at our Commission meeting,
3 yes.

4 COUNCILMAN CLARKE: What was the
5 position of the Commission at the time in the
6 earlier proposal?

7 MR. KRAMER: That was sometime ago, and
8 I frankly don't remember exactly what our position
9 was. I remember -- I was not making a presentation
10 at that time and so it was not something that's
11 right in the back of my head. I remember that there
12 was a lot of discussion with regard to the height of
13 the building and its impact on the parkway. I do
14 remember that as one of the discussions. But I
15 don't remember what we finally determined with that.

16 COUNCILMAN CLARKE: But you do recall
17 that at the time there was substantial opposition
18 from the community because of the proximity to the
19 parkway?

20 MR. KRAMER: There was also some
21 opposition from staff members as well.

22 COUNCILMAN CLARKE: So in this
23 particular site that we're discussing today is
24 approximately how far from that location?

25 MR. KRAMER: I'd say two or three

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2 blocks.

3 COUNCILMAN CLARKE: Two blocks?

4 MR. KRAMER: Give or take.

5 COUNCILMAN CLARKE: So if there was
6 opposition from the staff people at the Planning
7 Commission at the time of the proposal of the Rodan
8 Place Towers, why would there not be similar
9 opposition or concern?

10 MR. KRAMER: The concerns may have been
11 different. With each individual plan, there may
12 have been architectural concerns, there may have
13 been massing problems within the plan itself. And
14 they are somewhat individual. The simple height of
15 the building is not necessarily the concern or was
16 not necessarily a concern of the staff at that time.

17 When you have a structure, any
18 structure, that comes in and meets the requirements
19 of the code, "like it, not like it," isn't
20 important. It becomes then an issue it's permitted
21 or it's not. And I think that our concerns with
22 regard to this bill have to do not necessarily with
23 any individual site plan, but rather with the fact
24 that by putting a change into the code, the changes
25 creates a second limit on heights within a

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2 particular area. They may be better served by
3 putting them in maybe the urban renewal area
4 controls, which would also control this kind of a
5 thing. But we're really establishing a change in
6 height controls or establishing a height controls
7 under the R15 section of the code which heretofore
8 hadn't existed.

9 And as we discussed yesterday, this plan
10 had in fact come in, and I was the individual who
11 did stamp it and send it through with -- providing
12 due process. So I do know the site plan in
13 question.

14 COUNCILMAN CLARKE: So when you say not
15 necessarily opposed to the height issue on the Rodan
16 Building, you're not saying that nobody --

17 MR. KRAMER: I didn't say there weren't
18 objections, but it may have been more concerned with
19 massing. It may have had to do with the impact that
20 that building would have had on the Parkway as
21 opposed to necessarily having an objection to the
22 height because it's high.

23 Again, I don't have all the particulars
24 in the back of my head to say, "Oh, yeah, we did
25 this."

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2 COUNCILMAN CLARKE: So you don't know if
3 that was in fact a concern.

4 MR. KRAMER: I don't know that that was
5 or that wasn't.

6 COUNCILMAN CLARKE: So it could have
7 very easily have been a concern. I was in a lot of
8 discussion. I know that there were some people who
9 were concerned about the height because we talked
10 about the view plane, the shadow line of the
11 building at the time.

12 MR. KRAMER: Which is something caused
13 by height, certainly. But it's not solely because
14 of the height.

15 As I remember, the one behind Rodan
16 Museum, it was much more of a massive building. And
17 in the entire structure was a certain height. And I
18 forget exactly what that height was. But the entire
19 building was that. And I think some of the concerns
20 that we had at that time was the fact that the
21 entire structure was as high as it is.

22 The particular site plan in question
23 does have a significant high end to the building.
24 And I'm not saying that it doesn't have impacts; it
25 may. That's another --

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2 COUNCILMAN CLARKE: Unfortunately, I'm
3 not privy to the particular development that you
4 approved the other day. I just not privy to that.

5 MR. KRAMER: You haven't seen those
6 plans yet, obviously.

7 COUNCILMAN CLARKE: Unfortunately the
8 District Councilperson nor the community has had an
9 opportunity to see that particular proposal.

10 I did talk to you yesterday, and I
11 understand the proposal in question is approximately
12 176 feet tall?

13 MR. KRAMER: As I read the plan, yes,
14 that is what I have on my desk.

15 COUNCILMAN CLARKE: Relatively tall
16 building?

17 MR. KRAMER: Yes, sir. Ten stories. In
18 fairness, it is not the entire structure that is
19 that 10 stories, but rather a portion of it is that
20 10 stories. Now, I'm not saying that it's good or
21 that it's bad. All I'm saying is that it met the
22 requirements of the code in terms of allowing my
23 office allow it to go forward for a zoning review at
24 the Department of Licenses and Inspections, which is
25 what we have to do to provide due process.

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2 There may, in fact, be other impacts,
3 and frankly they should have taken it to the
4 community. And when I do get people we do tell them
5 on a routine basis that they should run these things
6 by the different communities, whether it be through
7 the District Councilperson or through an active
8 civic association, whichever is easier for them.

9 COUNCILMAN CLARKE: Let me talk to you
10 about the process. A developer comes in, it
11 traditionally it is as right development. The
12 Planning Commission has no language or no policy to
13 contact the community or the Councilperson or the
14 state rep or whoever the elected official should be
15 prior to stamping?

16 MR. KRAMER: No, sir. We do not as a
17 policy -- you have to use a certain amount of
18 discretion when you're doing this because if we sent
19 every single plan that we saw, neither you nor your
20 staff would have the time to do anything other than
21 look at what we keep sending you. So when we have
22 something that is significant, A, I make an
23 assumption because these are people that can come in
24 off the street, they're not coming in with
25 appointments. We get them as they come in. And as

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2 such, we review the plan and, okay, it's either
3 going to meet that or it's not. And if the plan has
4 all the indicators that we need, all the subject
5 material, whether it's got storm water, does it show
6 all the metes and bounds, does it meet standards?
7 If it has all the standards, we don't have an
8 option; we have to stamp it and give it approval.

9 Now, I subsequently went to the area
10 planner for that area and advised him that I've had
11 this, and in our office procedure that's what I'm
12 supposed to do because I'm in the end of the agency
13 that does the due process that deals the interaction
14 with the public if terms of the developer end of it,
15 the people that are coming in, whether it's a
16 citizen putting on an addition to the home or
17 whether it's somebody that's putting up a 10-story
18 building, they're all going to be filtered right
19 through my unit, the 10 of us that are there.

20 But I did make mention to the area
21 planner that this had come in and advised him that
22 this was such.

23 We also -- I had made the assumption,
24 and maybe I am wrong, but I had made the assumption
25 that the individual bringing this in was also a

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2 messenger. It wasn't as if I was talking to the
3 developer. Subsequently, I also assumed that he had
4 in fact brought it to the attention of the District
5 Councilman or in the process would in fact be doing
6 that. I was not aware that.

7 COUNCILMAN CLARKE: You assumed that --

8 MR. KRAMER: I would assume that
9 everybody's going to do that. You've got a building
10 of this height, even if you -- and that's my advice
11 when I do talk to people. I can't say to you that I
12 spoke to this developer on this project, but when I
13 do talk people as a general rule I tell them that,
14 "You've got something this big, you'd better talk to
15 somebody."

16 COUNCILMAN CLARKE: At the time the
17 messenger, as you referred to the person, came in
18 for approval from the Planning Commission, were you
19 aware that this bill was scheduled for a hearing.

20 MR. KRAMER: I knew that this bill had a
21 hearing, but I was not aware -- I had not seen this
22 bill. I knew this bill had a hearing because I was
23 advised that I would have to be taking this bill to
24 the Commission in the February hearing, but I had
25 not had a chance to review the bill at all so I had

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2 not seen it.

3 COUNCILMAN CLARKE: You didn't know it
4 was a height control bills.

5 MR. KRAMER: I knew that there was a
6 Logan Special District controls bill. That's how it
7 was handed to me. I did not know what the aspects
8 --

9 COUNCILMAN CLARKE: You didn't know the
10 particulars?

11 MR. KRAMER: No, I did not know that.

12 COUNCILMAN CLARKE: But you knew this
13 proposal that was submitted to you was in this area?
14 Did you know that?

15 MR. KRAMER: I hadn't reviewed it so,
16 no, I really didn't. That was tomorrow's job, to do
17 the fact sheets for the Commission. I would imagine
18 that my boss knew what was in the bill because I
19 hadn't been involved.

20 COUNCILMAN CLARKE: The reason I asked
21 is that there's a bill scheduled and all of a sudden
22 a developer comes in through a messenger and applies
23 for a building permit. Wouldn't you kind of light a
24 light bulb and say, "Maybe this guy is trying to
25 come in and" --

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2 MR. KRAMER: Those are the instances
3 when I take out my big magnifying glass and make
4 sure that the plan has exactly everything that it
5 needs and I'm looking for a reason to slow it down,
6 absolutely. We're not in a vacuum, obviously. But
7 at the same time, the plans were consistent with
8 what I would normally require on any of the plans
9 and subsequently didn't have a chance to slow it
10 down. But I did give a red flag to both my division
11 chief as well as the deputy director of the
12 Commission and they were advised that --

13 COUNCILMAN CLARKE: So your testimony is
14 that more than likely your supervisor was aware of
15 the particulars of a bill, the timing of the bill,
16 the specifics of the height controls, and they also
17 were aware of this particular proposal that was
18 submitted to the Planning Commission for a stamp of
19 approval and the fact that it was in this particular
20 location?

21 MR. KRAMER: Correct.

22 COUNCILMAN CLARKE: And they didn't feel
23 the need to contact the District Councilperson.

24 MR. KRAMER: Obviously not. I can't
25 speak for him. But obviously you were not contacted

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2 directly, so I can't say -- it's not a policy that
3 we would normally do that in terms of written
4 policy, no, it's not. We generally try to.

5 COUNCILMAN CLARKE: Even if you knew
6 that as recent as a year ago there was very detailed
7 discussion about a proposal two blocks away where
8 there was substantial community opposition to a
9 10-story building at that location, you didn't feel
10 the need to contact the District Councilperson,
11 thinking that there could potentially be a problem?

12 MR. KRAMER: I normally wouldn't, no, I
13 would not. Because many times it's not something
14 that I would sit there and say, "Hey, remember that
15 one we did when." No, I don't normally sit there
16 and do that. If the plan has what it has, it's been
17 stamped and it's approved and then I notified my
18 bosses that it was in fact stamped and it was out of
19 there. And if they had said, "Hey, you better call
20 this Councilman or that one or notify so-and-so,"
21 yes, then I would have no problem calling and
22 notifying anyone.

23 COUNCILMAN CLARKE: Who is your
24 supervisor?

25 MR. KRAMER: Mr. Chapman.

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2 COUNCILMAN CLARKE: Tom?

3 MR. KRAMER: Yes, sir.

4 COUNCILMAN CLARKE: Is he around?

5 MR. KRAMER: He's with 102 fever at

6 home.

7 COUNCILMAN CLARKE: Is Ms. Griffin

8 around?

9 MR. KRAMER: I have no idea where she is
10 at this point.

11 COUNCILMAN CLARKE: Can you do me a
12 favor? When you're finish testifying, call and see
13 if she can come over? There's a certain policy
14 issue. There's the issue with respect to this
15 particular bill and we'll deal with that. There's a
16 policy issue and it sounds like -- it's obviously
17 not a regulatory issue with respect to Planning
18 Commission and their mandates. I'm just concerned
19 that we can have a situation where there was two
20 blocks away -- I mean, this is a 10-year battle on
21 the Rodan Towers and it was solely about height
22 limit issue. Some people had some other issues with
23 respect to the design of the building, but that was
24 the primary issue. And we now have a developer
25 coming in after not talking to the community about

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2 any level of details proposal for the last five
3 years -- and I may be incorrect. I'm sure we have
4 people to testify about the frustration associated
5 with trying to get some clear-cut understanding of
6 what was being proposed for the site. Coming in now
7 after that all that time to finally ask for a
8 particular sign off by the Planning Commission to
9 get under this particular threshold in terms of the
10 pending legislation issue. I think that that should
11 have sent a signal. And if we need to change some
12 of the policy --

13 MR. KRAMER: Let me just say that this
14 isn't the only time that this kind of a thing has
15 happened. And sometimes there are plans that don't
16 necessarily have -- don't even come through the
17 Planning Commission. There are many instances where
18 we've had rezoning bills where the rezoning bill was
19 pending, and as a matter of fact, the day of the
20 hearing in this room there were people, while we
21 were sitting here having testimony on the bill,
22 people were in our office getting plans stamped and
23 submitted that day before the bill was reported out
24 of committee. And those permits were in fact issued
25 for sites in other areas of the City. That was the

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2 same kind of a thing. We don't like it. But it's
3 all part of what happens.

4 Now, I was not aware of it to be honest
5 with you. So I'm the one that was the guy that
6 could have given a red flag and said, "Hey, this
7 should have been." But I'll sit here and tell you
8 flat out, I was not aware of it. I deal with too
9 many other City issues. So the fact that there was
10 a building two, three blocks away, yeah, when I sit
11 here today and you ask me about it, I'll certainly
12 remember it. But when I get the plan that came in
13 on the other one, no, I don't necessarily associate
14 one with the other. And I'll be honest I don't
15 review them from -- the review that we're doing in
16 terms of the Planning Commission's review of the
17 plan, the issue of height isn't a concern. The
18 issue of height on the building is a concern for the
19 Planning Commission when we have to deal with it as
20 a variance. Until it reaches that, when we're doing
21 plan review at my level at what I'm seeing over the
22 counter in terms of does the plan list the
23 elevation? Yes, it has an elevation on it. Is it
24 in conformance with zoning? I'm not the zoning
25 examiner so I'm not doing that kind of a review. It

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2 may in fact be that when the zoning examiner looks
3 at this that it wouldn't been a matter of right.
4 With experience I've had with the code, I believe
5 that the plan was submitted was in conformance with
6 R15. But I haven't sat down and actually pulled the
7 R15 and done a zoning examination of it. That's not
8 my job. My job is to review it to make sure that
9 plan is consistent with the standards of a plan
10 that's to be submitted; and it was that and I did
11 stamp that and forward it into the system. I did
12 advise my supervisors that I had seen it, and they
13 were aware of it. Okay, maybe we should, in fact,
14 have notified your office sooner. I can't answer
15 for why we weren't told to do that.

16 COUNCILMAN CLARKE: Can you see if you
17 can contact Ms. Griffin, please, because I'd like to
18 talk about the policy issues associated with the
19 City Planning Commission.

20 MR. KRAMER: I will certainly see if
21 she's available.

22 COUNCILMAN CLARKE: Thank you.

23 Thank you, Mr. Chairman.

24 COUNCILMAN KENNEY: Thank you very much.

25 Councilman Nutter.

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2 COUNCILMAN NUTTER: Thank you, Mr.
3 Chairman.

4 Councilman Clarke has raised a number of
5 issues that as I was listening both to the testimony
6 as I read the bill and have conversation with the
7 Councilman, one, he has laid out many of the
8 concerns I would have, not only about this
9 particular site, Councilman Clarke is obviously the
10 District Councilperson and he is more than
11 adequately representing the concerns of his
12 constituents. I did, as I was listening to the
13 question and answer session, getting a little
14 concerned myself about process and procedure, and
15 I'd like to get int some of those issues. But I am
16 slightly intrigued here. Did I understand you to
17 say that the proposed height of the proposed
18 development was 175 feet?

19 MR. KRAMER: 176, yes.

20 COUNCILMAN NUTTER: I've had a few
21 buildings built in my district over time, and I
22 don't know the particulars on the plan on this one,
23 but with an average story height of about 12 feet
24 unless they're doing extraordinary, say, on the
25 first floor, I know sometimes first floors can be

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2 upwards 20 if you're doing a retail development or
3 something like. It seems that 175 feet gets you
4 more than 10 stories unless they're doing
5 extraordinarily unusual per floor heights.

6 MR. KRAMER: I agree with you. I had
7 many of the same concerns. I was reading the number
8 off of the plan itself and not necessarily sitting
9 here evaluating it, but I have very much the same
10 concerns. If you take an average 10 foot height of
11 a floor, it would take.

12 COUNCILMAN NUTTER: I get about 12.

13 MR. KRAMER: I agree with you. I don't
14 why it's saying 176 feet unless it has something to
15 do with grade elevations I hadn't evaluated it to
16 tell you exactly why it's that high. But the plan
17 is calling for a 10-story building. There is an
18 attic on top of it and it is to the top of the roof
19 which does has somewhat of a peaked look to it which
20 may accommodate some of the extra height. But as
21 far as telling you exactly, I don't have the plan in
22 front of me to be able to evaluate that.

23 COUNCILMAN NUTTER: Well, again, I mean,
24 not saying the plan, I don't know who's involved
25 with this. I just showed up today and this is the

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2 bill on the Calendar and I'll deal with it as it
3 comes. But there's no normal building standard at
4 least that I'm familiar with that -- again, unless
5 you're talking about some very high ceilings that
6 gets you 176 feet and only a 10-story building.
7 There is some very legitimate concern about the
8 credibility of whatever that plan is. And
9 regardless of what the plan says, I think for the
10 average person knowing that a story is usually
11 somewhere in the 10 to 12-foot range, you're really
12 talking about a building that is upwards somewhere
13 in the neighborhood possibly of 15, 16, or even 17
14 stories. You can make the stories however big you
15 want to make them, but I think we need to honest
16 with people about what the true height is and how
17 many stories there are and what the simple math is.
18 I mean, this is not tremendously complicated.

19 Let me ask this question with regard to
20 the district boundaries that are in the bill, now,
21 your testimony says much of the area is zoned either
22 R15 or RC4 residential, neither of which have a
23 specific height limitation. For the area in
24 question that's laid out in the district boundaries.
25 Can you tell me what the average heights of the

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2 buildings are in the boundaries of the district as
3 laid out in Bill 020689.

4 MR. KRAMER: No, sir, I don't know. I
5 can't tell you what the average height of those
6 buildings are, no. I don't know.

7 COUNCILMAN NUTTER: Do you know if any
8 of them are 10, 12, 17 stories?

9 MR. KRAMER: I do not know.

10 COUNCILMAN NUTTER: Let me ask this
11 question: The rest of the testimony, and I know
12 this is not your testimony and it was probably --
13 well, it was prepared by whomever it was prepared
14 by. "However, the Planning Commission is concerned
15 that there may be property owners and redevelopers
16 who have purchased hand in this area, have done so
17 with the reasonable expectation of being able to
18 develop residential buildings in accord with the
19 underlying zoning and URA controls."

20 That's your testimony?

21 MR. KRAMER: Yes, sir.

22 COUNCILMAN NUTTER: Well, since there
23 are no specific height limitations, what would be
24 their reasonable expectation?

25 MR. KRAMER: Well, the controls of

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2 height, if you will, are directly in the R15 based
3 on gross floor area. So it's not directly related
4 to height. It depends on how you lay the site out
5 and how you're developing a particular building. So
6 there are controls. It's just that in
7 most sections of the code you have 3 stories, 35
8 foot. In these particular sections of the code, you
9 do not. There is no specific building height limit.
10 If you design it, you can go higher, you can have a
11 higher tower with open area which would allow to put
12 a gross floor area tower in that has, you know, a
13 real needle like building. It's not necessarily the
14 most efficacious use of the site. However, that's
15 how the code has been written.

16 COUNCILMAN NUTTER: Well, let me ask
17 this question: What's Planning Commission's concern
18 with regard to the property owners who live in the
19 neighborhood who had a reasonable expectation that
20 they would not necessarily have a 15-story building
21 near them when they bought their properties?

22 MR. KRAMER: I don't know that I would
23 characterize it as such because you have a property
24 that's zoned R15 or RC4. I think this particular
25 site is zoned RC4, but I may be wrong. When you

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2 have that high of a density designation next to you,
3 I think that the issue needs to be, is it
4 necessarily zoned appropriately, not necessarily
5 would that classification -- should I expect that
6 what I have is what's going to be across the street.
7 I'm not necessarily saying that there's not a
8 concern, but I'm not certain if I have living across
9 the street from a piece of land that zoned either
10 RC4 or R15 that I have an expectation that I'm going
11 to have a three-story building built across the
12 street.

13 COUNCILMAN NUTTER: I understand.
14 Again, I have testimony here. I'm trying to deal
15 with the testimony in front of me. If you
16 articulate a particular concern on one side of an
17 argument, I want to know if there's any concern on
18 the other side of the argument unless, I mean, we're
19 kind of starting to pick and choose who we want to
20 be concerned about, and seems to me that if someone
21 buys a piece of property, yes, they of a right under
22 the code to develop it in accordance with whatever
23 they can do as a matter of right. I'm trying to
24 understand as the planning agency for the City who,
25 I think, has a responsibility to all citizens not

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2 just people who are in the development community,
3 but also to the folks who have put down their money,
4 this is where they're living, this is where they're
5 staying, they're not planning to do anything else,
6 build anything else or hire anybody to add on eight
7 stories to the house. What's the reasonable level
8 of concern that the Planning Commission has for the
9 other side who might be adversely affected?

10 MR. KRAMER: I will answer that by
11 saying the reasonable concern that the Planning
12 Commission has is represented by the rezoning
13 programs that we have run throughout the City where
14 you have an ability to sit down with community
15 groups, and I have done that many years, and have
16 that same kind of discussion. Here's where you have
17 a concern. Many of them are of much more -- of less
18 density kind of issues. However, that's where the
19 concern as an agency would show is in the fact that
20 we do have a rezoning program that you could in fact
21 make a petition. We would look at the entire area.
22 Now, for many and sundry reasons they either go or
23 don't go. But that would be a way to address that
24 kind of a concern.

25 COUNCILMAN NUTTER: Last question for

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2 the moment. When you talk about the concern about
3 the property owners WHO may have purchased land in
4 the area has done so with reasonable expectation, et
5 cetera, et cetera, does the Planning Commission know
6 of people who have actually done that? Are there
7 others out there who are kind of lurking in the
8 shadows waiting to --

9 MR. KRAMER: I'm sorry, I didn't --

10 COUNCILMAN NUTTER: Your testimony says,
11 "However the Planning Commission is concern that
12 there may be property owners and redevelopers who
13 have purchased land in this area have done so with
14 the reasonable expectation of being able to develop
15 residential buildings in accord with the underlying
16 zoning and URA controls."

17 My question is, is the Planning
18 Commission aware of other people who have purchased
19 land with this reasonable expectation to be able to
20 build tall buildings.

21 MR. KRAMER: I can't say that everyone
22 on staff is not aware of anyone. I can say that I
23 personally am not of aware of anyone. But there may
24 be others on staff who are. And as you pointed out,
25 I was not the author of the testimony so I can't say

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2 to you, "Oh, well, I remember this one or that one,"
3 no. Am I aware of somebody lurking in the woods;
4 no, I'm not.

5 COUNCILMAN NUTTER: I don't want to
6 engage in an exercise somewhat similar to the
7 pursuit of who ate the strawberries, but --

8 MR. KRAMER: I only want to say it that
9 because --

10 COUNCILMAN NUTTER: You know, I don't
11 want to drag every Planning Commission person in
12 here and ask them, "Do you know? Do you know? Do
13 you know?" I mean, we'll be here all day.

14 MR. KRAMER: I'll save you a lot time,
15 that no, they probably would have the same answer
16 that no that they don't.

17 COUNCILMAN NUTTER: Okay. I'll save the
18 rest of my questions with regard to process and
19 procedure for the secretary or the director.

20 MR. KRAMER: I have been advised that
21 Mr. Lombardo, the Deputy Director is on his way.

22 COUNCILMAN NUTTER: Wonderful. Thank
23 you.

24 COUNCILMAN KENNEY: Any other questions
25 for this witness?

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2 (No response.)

3 COUNCILMAN KENNEY: Please identify
4 yourself for the record.

5 MR. CICERON: Good morning. My name is
6 Steve Ciceron, and I live in the Hamilton Townhouse
7 development of 82 single-family-type condo homes
8 located between 19th and 20th Streets, Hamilton and
9 Nectarine Streets. I'm also a board member of the
10 Hamilton Townhouse Association and a member of Logan
11 Square Neighborhood Association and also a member of
12 the Friends of Logan Square North of the Parkway.

13 I'd like to say that I love my
14 neighborhood in Logan Square, but I'm concerned for
15 it and for Philadelphia as a whole. Here in Logan
16 Square, we are surrounded by skyscrapers, high-rise
17 apartment buildings, garages, surface parking lots,
18 and empty lots. So then one wonders, so what is to
19 become of these parking lots and empty lots? More
20 high-rise apartment buildings, I fear. Do we really
21 need this type of housing that breeds more traffic
22 congestions and adds to our lack of parking spaces?
23 I think not.

24 Philadelphia needs to encourage the
25 construction of single-family-type homes to anchor

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2 this neighborhood. The future of our neighborhood
3 and our City depends upon it. Why, you ask.
4 Because Philadelphia is losing its population. It
5 is a shrinking City. The last census told us that
6 households and families are moving out in major
7 numbers. They are moving to South Jersey and our
8 suburbs and they are taking their tax dollars with
9 them. Studies tell us that a very big part of the
10 problem is that young couples do not choose to
11 settle and raise a family in Philadelphia due to the
12 tremendous shortage of single-family-type homes, the
13 very type that families want. If families cannot
14 find them here in Philadelphia, then they will find
15 them in South Jersey, Bucks County, or elsewhere.

16 In the January 22, 2003 edition of the
17 Philadelphia Daily News, it was stated that Mayor
18 Street has already set a goal of moving back 75,000
19 people into the City by the end of decade. I
20 applaud the Mayor for setting this goal. To meet
21 it, though, we must encourage the new construction
22 of family-type homes. Allow me to give you a small
23 personal example.

24 As a single person, I was happy to live
25 in New York City in a New York City high-rise. But

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2 when I started a family, I wanted live in a home,
3 not a high-rise. I found this opportunity in
4 Philadelphia and raised two sons who are now both in
5 their 20s. My one son is now in law school in
6 California and wants to return to Philadelphia to
7 start a family but only if he can find suitable
8 housing. Otherwise, he tells me, he will buy a home
9 in the suburbs. My other son is also away at school
10 in Maine and he feels the same way.

11 In closing, let me say that we do not
12 need more high-rise apartments here in this section
13 of Logan Square. Families do not want to move into
14 them. We need to encourage single-family-type homes
15 and a sense of neighborhood. Otherwise, we will
16 fail at our goal to bring residents back into our
17 City and Philadelphia will continue to decline. And
18 my sons and their perspective families will, as
19 well, choose not to return to Philadelphia.

20 Councilman Clarke's bill is sending the
21 right message. I support this bill.

22 COUNCILMAN KENNEY: Thank you very much
23 for your testimony.

24 Any questions for this witness?

25 (No response.)

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2 COUNCILMAN KENNEY: Thank you.

3 The next witness is Brad Rubin. Good
4 morning. Please identify yourself for the record.

5 MR. RUBIN: Brad Rubins. Good morning,
6 Mr. Chairman, Members of the Rules Committee. I
7 guess all of us from our community here feel like
8 we're standing a little bit naked not knowing that
9 this 10 or 12 or 15 or 17-story development has been
10 proposed, so that certainly is going to hang over
11 our heads as we're talking about this.

12 Thanks for the opportunity to testify
13 day. I've lived in the neighborhood for 15 years,
14 most recently in a home on 20th Street. I also own
15 and occupy a commercial billing at 19th and the
16 south side of Spring Garden street which would be
17 affected by this legislation.

18 I certainly do not need to tell any of
19 you about the net loss of City residents which my
20 neighbor just spoke about. What I can tell you is
21 those exiting residents didn't live in the Logan
22 neighborhood recently. In my mind, it's one of the
23 great neighborhoods in Philadelphia, true
24 Philadelphia success story. Basically, an
25 industrial area in years past, it is now one of the

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2 most vibrant family neighborhoods in the City. Walk
3 around the area and you will see families raising
4 small children. Why? We have a fantastic mix of
5 single-family townhomes, sufficient but not
6 excessive accessory commercial uses, a short walking
7 distance to the central business district, one of
8 the country's great city parks 10 minutes away, a
9 beautiful library, science museums, and some of the
10 world's great art galleries down the block. I've
11 lived in Washington, Manhattan, and Seattle. Those
12 places can only aspire to have as perfect a blend of
13 amenities and quality-of-life factors as we have in
14 Logan Square.

15 Logan Square is a neighborhood whose
16 very essence is its livability. We need Councilman
17 Clarke's bill because this livability is endangered
18 by allowing the neighborhood to become overcrowded,
19 traffic congested, and blocked in by large
20 buildings. We need the legislature to preserve our
21 ability to walk to all of the local attractions and
22 stores without having to wait in line all day, to
23 view our incredible city skyline unobstructed by a
24 10, 15, 17, or however many story high-rise
25 apartment building, and to be able to get into our

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2 cars and not have to sit in gridlock for 20 or 30
3 minutes.

4 The last item is particularly important
5 because traffic already is an issue for the
6 neighborhood. The afternoon rush hour going up 20th
7 Street already is a snarl of traffic. To
8 significantly increase the density of the
9 neighborhood could cause traffic congestion to
10 spiral out of control.

11 Two final points. If possible talk of
12 relocating the Barnes Museum to the Parkway area
13 becomes a reality, we certainly want to preserve
14 Logan Square as a special place that tourists and
15 visitors will take with them as a positive view of
16 Philadelphia.

17 I urge you to vote in favor of the bill.
18 Don't allow this Philadelphia success story to
19 become a disaster.

20 COUNCILMAN KENNEY: Thank you for your
21 testimony.

22 Any questions?

23 (Applause.)

24 COUNCILMAN KENNEY: The next witness is
25 Andrea Korff. Please identify yourself.

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2 MS. KORFF: Hi. My name is Andrea
3 Korff. I am a resident of the Logan Square North
4 area. I am a homeowner, I am also a LSNA board
5 member and I am a member of Friends of Logan Square
6 North of the Parkway.

7 Thank you, Councilmembers, for you
8 allowing us all to testify. Before I read my
9 letter, I would like to read the letter of Mark
10 Perry of the 1800 of Carlton Street. He is a police
11 officer who has lived in the area for over 30 years,
12 and he is unable to be here today. This letter
13 shows the support of the entire block of 18th and
14 Carlton Street, as witnessed by the signatures. And
15 this is his letter.

16 "As a resident of the 1800 block of
17 Carlton Street for over 30 years, I have personally
18 seen how a neighborhood could be unrooted by a
19 developer. In this case, the Franklin Town
20 Corporation of the late 1970s.

21 "This corporation came into the area
22 buying up single-family dwellings and small
23 businesses from 16th and Spring Street to 20th and
24 Spring Garden, raising entire City blocks that
25 remained vacant over 25 years, destroying a

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2 community and a viable tax base due to vacant land
3 being assessed a much lower rate than developed
4 land. In this 25 year period the primary
5 development of the area has been high-rise
6 apartments such as Museum Towers at 18th and Spring
7 Garden Street, One Buttonwood Square and Korman
8 Suites 20th and Hamilton Streets, Franklin Town
9 Apartments on Franklin Town Boulevard, the Fountain
10 at One Logan Square East, and the Lofts at Logan
11 View. Other development in the an area have been
12 the Community College of Philadelphia with
13 expansions to its main campus along with a
14 gymnasium, a business center, a children's day care,
15 and parking garage. GlaxoSmithKline has added its
16 corporate headquarters and parking garage to the
17 area as well, not to mention the Fresh Fields Whole
18 Food Center at 20th and Callowhill and the new 9th
19 Police District and the Philadelphia Sports Club
20 strip mall. These are just the recent developments
21 to the area the last 10 years.

22 "We still have the Free Library of
23 Philadelphia, Family Court, Hallahan Catholic Girls
24 School, Youth Study Center, Children in Crisis
25 Center that all add up to rush hour gridlock and

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2 congestion from 16th and Vine Street to 20th and
3 Spring Garden Street on any given night.

4 "I must also mention ever special event
5 held on the Benjamin Franklin Parkway that can bring
6 this entire area to a halt for 4 to 12 hours,
7 depending on its size.

8 "I ask you, along with my fellow
9 neighbors of the 1800 block of Carlton Street who
10 are now virtually boxed in to pass this legislation
11 in order to put some type of control on this area
12 that is already overly developed and congested.

13 "In the City of Philadelphia today,
14 there is an urgent need and demand for single-family
15 dwellings that can only add to a failing tax base as
16 opposed to apartment dwellers who pay no property
17 taxes.

18 "I would like to thank all the Members
19 of City Council for their consideration and
20 cooperation in this matter."

21 That is Mark Perry you lived on Carlton
22 Street, I think, since he was 10 years old.

23 Now, may I quickly now read my letter?

24 COUNCILMAN KENNEY: Sure.

25 MS. KORFF: As a homeowner living in the

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2 neighborhood outlined in Bill 020689, I see numerous
3 undeveloped lots in the area. I would like to
4 address my deep concerns over the way development
5 proceeds here.

6 This neighborhood sits just north of the
7 City's most precious cultural museums and
8 institution which line the Benjamin Franklin
9 Parkway. While the many parades and events on the
10 Parkway enhance our lives, we are also the residents
11 which are most affected by enormous congestion they
12 bring into our neighborhood. Our homes are
13 surrounded by at least five high-rise buildings
14 within a three-block radius. If every undeveloped
15 lot were to develop to their maximum height allowed
16 by the current code, we would be so densely
17 overcrowded that neither the residents living here
18 now nor the many Philadelphians who come to enjoy
19 the cultural area would find this situation
20 manageable.

21 The potential for overdevelopment must
22 also be addressed in order to ensure that the
23 architectural and historical character of our city's
24 most grand avenue, the Benjamin Franklin Parkway, be
25 preserved. While the Parkway sits just to our

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2 south, the beautiful victorian mansions on Spring
3 Garden Street are immediately to our north. To
4 allow more high-rises and strip malls to be built in
5 the are between the two would be detrimental to
6 everyone.

7 As the zoning stands now, the devoted
8 homeowners who have chosen this beautiful area to
9 live and work could very possibly find their
10 properties devalued and the peaceful quality of life
11 here deteriorate.

12 At a time when all research shows that
13 the City lacks enough housing and especially larger
14 single-family homes, it would be tragic to drive
15 even more people away. You have to look no further
16 than 19th and Fairmount to see the demand for larger
17 townhouses. In a less desirable area than ours,
18 those homes all sold for approximately \$400,000
19 before they were even built. The April issue of
20 Philadelphia Magazine on real estate spoke to the
21 issue of baby-boomers who are looking to resettle
22 back into the City once they no longer have small
23 children to care for. They are faced with a very
24 limited supply of quality housing.

25 The comprehensive plan for this area

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2 needs to be evaluated, and this bill does just that.
3 This neighborhood has the potential to be one of the
4 most revitalized and prosperous communities in our
5 City if developed properly. We don't lack massive
6 high-rises or littered, empty lots; but we do lack
7 the kind of housing people are fleeing to the
8 suburbs for.

9 With all of the beautiful new venues
10 along Avenue of the Arts, popular restaurants lining
11 Market Street through Old City and world class
12 hotels, it's time to give the people who love this
13 City a reason to move here. Thank you. And thank
14 you, Councilman Clarke, for introducing the
15 legislation.

16 COUNCILMAN KENNEY: Thank you very much
17 for your testimony.

18 MS. KORFF: You're welcome. I've also
19 offered some visuals if you'd like to enter them.
20 These are lot some of the vacate lots in the
21 proposed legislation.

22 COUNCILMAN KENNEY: Thank you very much.

23 Roseanne Adams, please.

24 MS. ADAMS: My name is Roseanne Stagno
25 Adams, I live at 1911 Hamilton. I'm a member of the

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2 Logan Square Neighborhood Association, I'm co-chair
3 of Friends of Logan Square North of the Parkway, and
4 I'm a member of CPNA, Coalition of Philadelphia
5 Neighborhood Associations.

6 Thousands of people choose to leave the
7 City of Philadelphia each year. In the year 2000
8 alone we had the second worse loss in residence in
9 the entire nation. Why? All the numerous studies
10 tell us the very big part of the problem is that
11 young couples do not choose to settle and raise a
12 family in Philadelphia. The empty-nesters may be
13 coming in, but we are hemorrhaging young families.

14 Barbara Kaplan as head of the
15 Philadelphia Planning Commission spoke before CPNA,
16 the Coalition of Philadelphia Neighborhood
17 Associations in 1998, and she stated that among the
18 City's neighborhoods, South Philadelphia was losing
19 the most families. The Planning Commission decided
20 to do a survey. While schools and crime were also
21 cited, a lack of larger, suitable housing was also a
22 major part of the problem. People want larger
23 single-family homes. Yet the City of Philadelphia
24 has a tremendous shortage of just such homes.

25 The Spring Garden Community Development

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2 Corporation took a plunge and decided to build just
3 such larger family homes at 19th and Fairmount
4 Avenue in a blighted area just a few blocks from the
5 special services district Councilman Clarke is
6 proposing. Despite that less-than-desirable
7 location, the demand for these old style stole row
8 homes was enormous. These large three on
9 four-bedroom row homes with a small backyard and
10 garage all sold for about \$400,000 before the
11 drywall went up. They're now building still larger
12 row homes three blocks away in an even less
13 desirable location for an asking price of \$600,000.
14 That's how short we are of family homes.

15 What Councilman Clarke's bill will do is
16 encourage the construction of family-friendly homes
17 over residential high-rises. We already have our
18 fair share of high-rises in this immediate area.
19 Young families, however, don't choose to raise their
20 children in massive 24-story structures. They want
21 the feel of a family home. They want the sense of a
22 neighborhood. If we're going to stop this exodus of
23 growing families, then we need to build
24 neighborhoods, not just skyscrapers. Nor do we have
25 a need for any additional residential skyscrapers in

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2 this immediate area. I believe, therefore, that the
3 Councilman's bill echos the sentiments of myself and
4 the majority of all my neighbors when this bill
5 encourages the construction of family-friendly
6 housing over high-rises within this area.

7 I would like to support my testimony by
8 introducing into the record the following six
9 newspaper articles. They are: 1, Philadelphia, The
10 Incredible Shrinking City; 2, Can the Bleeding Stop;
11 3, The Exit Wound; 4, It's Going on 50 Years; 5,
12 More on Unhappy News; 6, As City Population Falls,
13 Demand for Some House Drives up Prices.

14 Thank you.

15 COUNCILMAN KENNEY: Thank you very much.

16 Jovida Hill, please.

17 MS. HILL: Good morning. Thank you very
18 much for this opportunity. My name Jovida Hill and
19 I am Co-Chair Friends of Logan Square North of the
20 Parkway. I'm also a member of the Logan Square
21 Neighborhood Association and I am a homeowner who
22 resides in the proposed Logan Square Special
23 District. I would like to especially thank
24 Councilman Clarke and Rules Committee for this
25 opportunity to contribute to your decision-making

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2 process.

3 I echo the sentiments of my neighbors.

4 I have the census data just like they do; I won't
5 repeat it in terms of what's needed. But what I am
6 including in my testimony is a report from the
7 Brookins Institution Center on urban and
8 metropolitan policy and it's entitled "10 Steps to a
9 Living Downtown." And what the study does is give
10 10 steps that cities can follow to make downtowns
11 more livable. Those 10 steps are: Housing must be
12 downtown's political and business priority. The
13 second, downtown must be legible. That's street
14 signs, the streetscape. Downtown must be
15 accessible. Downtown must have new and improved
16 regional amenities. Downtown must be clean and
17 safe. Downtown must preserve and reuse old
18 buildings. Downtown regulations must be streamlined
19 and support residential growth. City resources
20 should be devoted to housing. And the ninth thing
21 of which I am most concerned with and which this
22 bill addresses is that the edge of downtown should
23 be surrounded by viable neighborhoods.

24 My neighborhood is just that viable
25 neighborhood. And in order to keep it viable, we

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2 need to have a height restriction.

3 So I'm not going to continue all the
4 other things that I have. I'll submit this. But I
5 just wanted to make sure that this report, "10 Steps
6 to Living Downtown" will be included as part of the
7 my testimony. And I thank you very much.

8 COUNCILMAN KENNEY: Thank you very much
9 for your patience in waiting.

10 Frank Feingold, please.

11 MR. FEINGOLD: Good morning, Members of
12 City Council. I want to thank you for this
13 opportunity. I want to say that my statement is
14 much more brief than my neighbors'.

15 For the past five years, my family of
16 three have lived at 20th and Hamilton streets. All
17 of us are in favor of Bill 020689 that was
18 introduced by Councilman Darrell Clarke.
19 Additionally, the neighbors that I have spoken to
20 are also in favor of this bill. We are also members
21 of Friends of Logan Square North of the Parkway.

22 Primarily, this bill would promote the
23 development of residential housing which would
24 strengthen the Logan Square neighborhood and benefit
25 the City as well. We are all aware of the City

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2 losing population. So it becomes important to offer
3 opportunities where families can move into new
4 housing in established neighborhoods. This helps
5 the neighborhood develop a sense of community and
6 pride and helps the City by becoming a more
7 desirable place to live.

8 As I have traveled around the City
9 recently, I have noticed small pockets of new
10 residential dwellings going up all around, most
11 noticeably, driving south on north 13 street from
12 Temple University. This new development will surely
13 bring new people into the City and help keep people
14 within our borders. The spirit of new residential
15 development should be carried over into the areas
16 specified in Bill 020689. This bill is the right
17 thing to do, and it is a step in the right
18 direction. Support from Councilmembers on this bill
19 will be greatly appreciated. Thank you.

20 COUNCILMAN KENNEY: Thank you very much.
21 Tully Speaker.

22 MR. SPEAKER: Thank you, Chairman
23 Kenney, Members of the Rules Committee. My name is
24 Tully Speaker, T-U-L-L-Y; Speaker, like Speaker of
25 the House. I served as president of the Logan

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2 Square Neighborhood Association in the interval
3 between July of 2001 and June 2002. I serve as an
4 ex officio member of the Board of LSNA. The
5 boundaries of that organization are Broad Street,
6 Market Street, Schuylkill, and south edge of Spring
7 Garden Street. I'm here because our president is in
8 Georgia and our vice president had other
9 commitments. As a former president, I hope to speak
10 for the sense of the neighborhood, but I caution
11 that I am not speaking as representing an action of
12 the Board because the Board has not considered, in a
13 formal agenda item, this bill. It is on the agenda
14 for our next meeting the second Tuesday of February.

15 I am in favor of this bill and speak
16 most heartily in favor of it. The bill is
17 consistent with the long-standing LSNA policy. LSNA
18 equals Logan Square Neighborhood Association. That
19 policy has been in existence for 40 or more years.
20 It respects and supports the interests of the
21 immediately involved neighbors when there is any
22 zoning matter to be considered.

23 Some seven to eight years ago, the Logan
24 Square Neighborhood Association entered into an
25 agreement regarding the development of a parcel in

1 1/29/03 - RULES - 020495, 020649, 020733

2 the area that's under consideration. LSNA entered
3 into that, signed the agreement and has held to that
4 agreement.

5 About two years ago in my presidency, a
6 developer of one of those parcels proposed amending
7 that agreement to allow a multi-story development;
8 initially, a six-story development, and then perhaps
9 with 10 stories or more at the edges of it. At a
10 series of meetings following that proposal, the LSNA
11 Board considered it and heard from their neighbors,
12 groups of 20 to 50 ordinary people who lived
13 immediately near that proposed development. The
14 action of the Board at that time affirmed the
15 existing agreement with a developer but did not
16 accept, did not affirm, did not in any way support
17 the proposed change. Frankly, we thought the matter
18 was dead. We thought that it was going to stay as
19 an open-air parking lot or possibly become a low
20 rise residential area. It was clear that all of the
21 neighbors wanted a height limit that was consistent
22 with the current proposed legislation.

23 Thus, LSNA tacitly agreed to this
24 proposed height limit by affirming its existing
25 agreement but not accepting a revision of it. We

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2 did that because that is what would be the wishes of
3 the people who were most closely involved, those who
4 would be immediately affected. This is not
5 capricious. In other instances, LSNA has given its
6 blessing to taller structures. For example, the
7 Relan Corporation is proposing multi-story
8 development between the Schuylkill River and 23rd
9 Street. That may go to six and in some instances
10 eight stories. We heard testimony from the
11 immediate neighbors there. They welcomed that
12 change. And under those circumstances, the Logan
13 Square Neighborhood Association, its Board,
14 supported a taller set of structures than those
15 immediately adjacent.

16 Thus, we have been consistent in abiding
17 with the wishes with those who are most closely
18 affected. And so I endorse this bill personally and
19 I expect that in its meting on 11th of February, the
20 Logan Square Neighborhood Association will formally
21 move to support this legislation. Thank you.

22 COUNCILMAN KENNEY: Thank you very much.
23 Jeff Farhy, please.

24 MS. WESLER: Jeff was unable to attend,
25 but I have his testimony and I will read that. My

1 1/29/03 - RULES - 020495, 020649, 020733
2 name is Loretta Wesler. I am the vice president of
3 the Hamilton Townhouse Association. I am on the
4 Board of the LSNA. Here's his testimony, which I am
5 in agreement with.

6 Our association is in favor of
7 Councilman Clarke's bill. It will help create a
8 balance between both residential and commercial
9 interests which will protect and sustain a vital
10 neighborhood crucial to urban residents.

11 In March of 2002, our association held a
12 special meeting of its members to address the future
13 development of the property at 19th and Hamilton
14 Street. The members of our association in a near
15 unanimous vote supported a position that future
16 development be limited to four stories in order keep
17 to the scale with the existing surrounding
18 residential homes. While we have not had sufficient
19 time to reconvene the board for an official stance
20 on this recent bill, past position as taken by the
21 Hamilton Townhouse Association is in keeping with
22 the spirit and intent of the Councilman's bill.
23 Thank you very much.

24 COUNCILMAN KENNEY: Thank you very much
25 for your testimony.

1 1/29/03 - RULES - 020495, 020649, 020733

2 Mark Liverant, please.

3 MR. LIVERANT: Good afternoon,
4 Councilman Kenney and Members of the Rules
5 Committee. My name is Mark Liverant. I'm an
6 attorney and a colleague of Bob Lane's over at
7 Morgan Lewis. I'm here to object to Bill No. 020689
8 on behalf our client Forest City.

9 As I'm sure you know, Forest City is a
10 major property owner with residential and commercial
11 in the City of Philadelphia. The properties owned
12 by Forest City include the historical Drake Tower
13 Spruce Street which was purchased a few years ago
14 and completely refurbished and renovated. It also
15 owns the old Bell building on Arch Street which it
16 converted into luxury loft apartments. Forest City
17 owns Franklin Town and Museum Towers, among other
18 properties. Not only is Forest City a major
19 property owner, but it is a good corporate citizen
20 of the City of Philadelphia. It's committed to
21 having a strong presence in the City and being an
22 active participate and contributor in the continued
23 growth and development of Philadelphia.

24 Forest City is very concerned because of
25 the material adverse impact that the proposed

1 1/29/03 - RULES - 020495, 020649, 020733
2 ordinance would have on its future expansion.
3 Forest City was only advised of the bill a little
4 over a week by Tom Chapman at the City Planning
5 Commission. Forest City has not had ample time or
6 opportunity to evaluate the impact that such
7 proposed ordinance would have on its future
8 planning. In addition, it is also quite possible
9 that such ordinance would constitute impermissible
10 spot zoning, and more time is needed to evaluate it.

11 Thank you very much for your time.

12 COUNCILMAN KENNEY: Thank you for your
13 testimony.

14 Councilman Clarke.

15 COUNCILMAN CLARKE: Thank you, Mr.
16 Chairman. Good afternoon. Does Forest City own a
17 parcel of land in this proposed area?

18 MR. LIVERANT: Yes, it does.

19 COUNCILMAN CLARKE: Where.

20 MR. LIVERANT: I believe the parcel is
21 on Buttonwood Street across from the Museum Towers
22 property. And I believe it's used for surface
23 parking right now.

24 COUNCILMAN CLARKE: Buttonwood Street
25 across from the Museum Towers.

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2 MR. LIVERANT: I believe it's between
3 18th and 19th on Buttonwood.

4 COUNCILMAN CLARKE: So you're saying
5 just above the park?

6 MR. LIVERANT: Correct.

7 COUNCILMAN CLARKE: FROM that area to
8 Spring Garden?

9 MR. LIVERANT: Yes.

10 COUNCILMAN CLARKE: Is it a vacant
11 parcel?

12 MR. LIVERANT: I believe it is vacant,
13 yes.

14 COUNCILMAN CLARKE: It is or you
15 believe?

16 MR. LIVERANT: Well, I believe it's used
17 for surface parking.

18 COUNCILMAN CLARKE: Okay. Thank you.

19 COUNCILMAN KENNEY: Thank you very much.

20 Councilman O'Neill.

21 COUNCILMAN O'NEILL: Mr. Chairman, thank
22 you. First of all, I'd like to commend the
23 witnesses. I rarely heard the kind of testimony
24 we've heard today, not just objecting to something
25 not just supporting something else, but stating in

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2 great detail the human reasons for it. And I would
3 just suggest to Council, and I know there's other
4 property owners involved, that the notes of
5 testimony from this hearing should be shared with
6 all the owners. If they really want to be
7 contributors, they should sit down with these
8 homeowners and try to work out something that's in
9 the best interest of everyone because this is a real
10 effort. And I deal with zoning a lot up in my
11 district, but it's not height related and it has a
12 lot of other issues. But I can very much sympathize
13 and also congratulate so many people who came in,
14 even though they gave separate testimony, it all fit
15 together with a puzzle in terms of what this
16 neighborhood wants and what property owners who are
17 developers or future developers should be dealing
18 with. Thank you.

19 COUNCILMAN KENNEY: Thank you.

20 Councilman Nutter.

21 COUNCILMAN NUTTER: Thank you, Mr.
22 Chairman.

23 Is that Mr. Liverant?

24 MR. LIVERANT: Yes.

25 COUNCILMAN NUTTER: Now, you said that

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2 the parcel that your client owns is presently
3 surface parking?

4 MR. LIVERANT: That is correct.

5 COUNCILMAN NUTTER: How large is the
6 parcel?

7 MRL LIVERANT: I'm not sure the exact
8 acreage. I think the whole parcel that they own is
9 about four acres.

10 COUNCILMAN NUTTER: Four acres. And the
11 location again was?

12 MR. LIVERANT: They own property between
13 18th and 19th and Buttonwood and Spring Garden. I'm
14 not sure of the -- I guess it's Hamilton below.
15 Between Hamilton and Spring Garden.

16 COUNCILMAN NUTTER: And what do they
17 propose to build there?

18 MR. LIVERANT: I'm not sure of their
19 exact plans, if any, at the present time, but the
20 proposed ordinance would definitely have an impact
21 on any future development that they would be able to
22 do on the parcel.

23 COUNCILMAN NUTTER: How long have they
24 owned the property?

25 MR. LIVERANT: I believe they purchased

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2 it within the last five years.

3 COUNCILMAN NUTTER: And what have they
4 done with it so far?

5 MR. LIVERANT: I think right now it's
6 just surface parking. They bought the apartment
7 building Museum Towers from its previous owner.

8 COUNCILMAN NUTTER: I was particularly
9 taken by your expression of concern that you had
10 just learned of the legislation, you said, about
11 five days ago?

12 MR. LIVERANT: A little over a week ago.

13 COUNCILMAN NUTTER: I would hope that
14 you would, having had that experience, would have
15 somewhat heightened sensitivity and understanding.
16 If you were here for the earlier testimony, I think
17 our colleague Councilman Clarke was only recently
18 informed himself about a developer seeking to build
19 upwards of a, we're not sure, 10 to possibly
20 17-story building and only learned of that in the
21 relatively near term. And so not in so much in the
22 motion that two wrongs make a right, at least my
23 mother told me that that wasn't the case, but you
24 can certainly appreciate with lack of notice how
25 people may react. And what is perceived by you as

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2 adverse impact to your client is also taken as
3 potential adverse impact to Councilman Clarke and
4 his constituents. And so all of us, I think, need
5 to have a greater sensitivity with regard to that
6 issue.

7 So you have a client that has a piece of
8 property. You don't have a development proposal
9 presently, but you're concerned about future impact
10 whatever that future may be; is that your testimony?

11 MR. LIVERANT: That's correct. The
12 property is currently zoned RC4.

13 COUNCILMAN NUTTER: Do you know if your
14 client has any plans to develop the property in the
15 next five years?

16 MR. LIVERANT: I do not know.

17 COUNCILMAN NUTTER: So you're just kind
18 of generally concerned?

19 MR. LIVERANT: Yes.

20 COUNCILMAN NUTTER: Okay, I appreciate
21 your concern. Thanks.

22 COUNCILMAN KENNEY: Thank you.

23 Councilman Clarke.

24 COUNCILMAN CLARKE: Thank you, Mr.

25 Chairman.

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2 Are you familiar with a proposal -- now
3 that you're bringing up the fact that your client
4 owns this parcel around maybe two years ago, it may
5 have just been a conceptual proposal to locate a
6 parking facility and a supermarket on that site.

7 MR. LIVERANT: I'm not aware of that
8 proposal, no.

9 COUNCILMAN CLARKE: Because I think at
10 one point there was some discussion about
11 potentially locating a parking facility and a
12 supermarket. And it may not have been more than
13 four stories. As a matter of fact, I think they
14 were asking for some support from the City, some
15 financial incentives such as a TIF. And I don't
16 know if the Planning Commission recalls.

17 Mr. Lombardo, he's shaking his head yes.
18 We'll ask him about that.

19 It was, in fact, a proposal at least
20 made to me early on in the process, which I
21 appreciated the fact that your client came and sat
22 down and talked about it, but was not ready to
23 proceed. So, therefore, there was no need for any
24 discussion with any of the surrounding areas. But I
25 do recall at one point there was some discussion

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2 about that. All right, thank you.

3 COUNCILMAN KENNEY: Thank you very much
4 for your testimony.

5 MR. LIVERANT: Thank you for your time.

6 COUNCILMAN KENNEY: That brings us to
7 the end of the witness list, but I believe Mr.
8 Lombardo and I think there's a representative from
9 Licenses and Inspections that may want to come
10 forward at this time for some additional questions.

11 Rich, could you identify yourself for
12 the record, and they the Chair will recognize
13 Councilman Clarke for questions.

14 MR. LOMBARDO: My name is Richard
15 Lombardo, I'm Deputy Executive Director of
16 Philadelphia City Planning Commission.

17 COUNCILMAN KENNEY: Councilman Clarke.

18 COUNCILMAN CLARKE: Thank you, Mr.
19 Chairman.

20 Good afternoon, Mr. Lombardo. Mr.
21 Lombardo, earlier there were a number of questions,
22 not only to speak of the particular development, but
23 about the policy of the Planning Commission, as
24 Councilman Nutter said earlier, I was made aware of
25 the proposed development and we initiated the phone

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2 call so it wasn't a heads-up from the Planning
3 Commission. I expressed my concern because of that
4 particular area, the history with that area,
5 particularly the Rodan Towers place where you know
6 there was a substantial amount of opposition for, at
7 one point, a proposed 20-story condominium. Well,
8 actually the was a hotel initially, I believe. And
9 subsequently it ended up being a proposal for a
10 10-story condominium. And there are still some
11 people who have some levels of opposition to that
12 development. My concern that a proposal that
13 ultimately may be of equal height, we're still
14 trying to understand, as Councilman Nutter said
15 earlier, how a 10-story building somehow reaches 176
16 feet in height, which I'll be asking the L&I
17 representative here about. This whole issue about
18 process and procedure, how we weren't notified. And
19 I understand it's not required, but I would have
20 thought that given the history of that particular
21 hearing, the fact that we had a pending public
22 hearing on that particular parcel, when in the 11th
23 and a half hour a developer runs in and ask for an
24 approval of a plan that, frankly speaking, sounds
25 somewhat questionable at best, and somehow the

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2 Councilman is not notified of that and the community
3 is obviously not notified. I wanted to talk to you
4 about the policy that's currently in place and the
5 potential of possibly changing the policy. I know
6 that there is this issue that as of right that you
7 are required to give approval. And I'm not sure if
8 that's just an internal policy, if that's a policy
9 relating to the zoning code or if there's some
10 charter mandated policy. Can you kind of talk to me
11 about that?

12 MR. LOMBARD0: Sure, I'd be glad to.
13 Part of that is sort of this strange dichotomy we
14 have in Philadelphia is in a lot of places you have
15 a planning department and they are a department just
16 like L&I is a department. We are the Planning
17 Commission, but we also function as a planning
18 department. We sort of have two roles. In our role
19 as a commission, we serve as the commission on all
20 their charter mandated obligations, which is like
21 today, testifying on bills that we're representing
22 the Planning Commission. Under laws that Council
23 passes, the state passes, the federal government
24 passes we act as a planning department, which means
25 we don't go back to the Planning Commission, we do

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2 what the law says and that's all we're limited to
3 do. And we've been advised by the Law Department on
4 numerous occasions where there's a crossover, we
5 really don't have any flexibility to say, "We're
6 going to hold this plan because it goes against
7 something we know that's in the work or something
8 we're working on or planning study we're doing."
9 We have to look at the law, and if the law says it's
10 permitted me sign off and send it on it's way.

11 We also pride ourselves for years on
12 doing these reviews while people wait. You don't
13 have to call for an appointment, you don't have to
14 take a number, you don't have to wait like at the
15 ground floor of MSB. Someone comes in, someone
16 deals with them while they wait and we get them
17 through our process. To that end, to some degree we
18 almost insisted the planners that do that work don't
19 take into account bills that are pending or things
20 that are pending. And that's the way that works.

21 Practically, if we know that something
22 is coming from our office is going to need a street
23 striking or zoning change or it's going to have to
24 engender some other public review, we try to give
25 Councilpeople a heads-up. We do try to call up and

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2 say, "This just came through, they're going to see
3 you for an ordinance to close the street, they're
4 going to be going to the zoning board for a
5 variance." That's the way we try to do business.

6 In this case, it obviously was a -- it
7 seems to be an as-of-right development and nobody
8 notified you and no one then did the other step. It
9 should have been the person that stamped for plan.
10 I'm not going to put the blame on Tom since he's not
11 here, but usually that falls upon the division
12 director who sort of knows, has a broader picture of
13 what's going on than the individual planners that
14 are doing it. And I will talk to Tom and apologize
15 that you did not get the heads up that the plan was
16 coming through. And I understand, it just came
17 through in the last week also, last four or five
18 days. But, in fact, we have no leeway other than to
19 do it, to stamp it, send him on his way to L&I and
20 let you know -- there isn't an obligation, it's more
21 of a working relationship. We try to work with
22 everybody here. To inform you that this has
23 happened, that this --

24 COUNCILMAN CLARKE: When you say you had
25 no leeway, is that a requirement of what?

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2 MR. LOMBARD0: We --

3 COUNCILMAN CLARKE: A business friendly
4 department or is it as a result of --

5 MR. LOMBARD0: Doing things when people
6 wait ,that's a department choice to try to be
7 friendly to everyone. Actually, it isn't business
8 friendly. Most of the people we're seeing are
9 homeowners that are coming in that want to do an
10 addition on their house, put up a deck, put up a
11 fence, put up a swimming pool. It's not just
12 businesses coming in. I think the majority of a
13 thousand we see a year, probably 900 of them are
14 homeowners doing improvements to their homes, and we
15 don't want to bog them down -- we don't want people
16 walking out, as people talked about their quality of
17 life, feeling that they've waisted the whole day at
18 the Planning Commission or they had to come back
19 three times to get their swimming pool approved. So
20 we try to do things --

21 COUNCILMAN CLARKE: That's what I'm
22 asking. You said it's.

23 MR. LOMBARD0: It's our policy to do
24 that.

25 COUNCILMAN CLARKE: It's basically a

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2 policy and you want to be a user friendly agency.

3 Is it a law that you have to do it at the time when
4 the individual brings in --

5 MR. LOMBARDI: No, it's not a law that
6 we have to do it at the time.

7 COUNCILMAN CLARKE: So, technically, you
8 could say --

9 MR. LOMBARDI: But conversely we've been
10 told by the Law Department on numerous occasions
11 when lawsuits have been involved that we can't act
12 -- we just can't act to hold something up for four
13 or five days because we want to hold it up for four
14 or five days if we can do our review and there's no
15 reason for us not to do it the first day or first
16 hour. We can't just take it upon ourselves not to
17 do it. When things become time sensitive, like
18 obviously in the case of something being an
19 ordinance, things become time sensitive of when they
20 got their permit. So we can't -- because we know an
21 ordinance may be coming, we can't hold something up
22 in order to let the ordinance get ahead of it. We
23 have to do what we're being asked of as an
24 administrator.

25 COUNCILMAN ORTIZ: I think the issue is,

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2 you inform the develop. Did you have any
3 information from the developer from Forest City
4 Enterprises about any plans that they had that you
5 felt compelled to --

6 COUNCILMAN CLARKE: Councilman, the
7 proposed development was by a different developer.

8 COUNCILMAN ORTIZ: Or any developer.
9 That you felt compelled inform them of this
10 ordinance?

11 MR. LOMBARDO: No, I can't speak for
12 Tom, I myself got a call from a law firm asking if
13 we anything about the bill, and I referred him to
14 Tom because I didn't know anything about the bill
15 personally. So I would assume -- I don't know who
16 told who, but I would think that if Tom Chapman who
17 is the Director of Development Planning talking to
18 someone from Forest City, it was probably in
19 response to an inquiry either directly by them or by
20 an attorney who may have said, "Will you call my
21 client and tell them what this bill is about?"

22 COUNCILMAN ORTIZ: But I want to know
23 whether you --

24 MR. LOMBARDO: But we don't go out of
25 our way to notify developers of a pending bill.

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2 COUNCILMAN ORTIZ: At this point, I want
3 to know if you had information, any information from
4 any developer about the planned use of this parcel.

5 MR. LOMBARDO: Not until they came
6 through our doors for, at least I know of, to get
7 permit approval.

8 COUNCILMAN ORTIZ: And permit approval
9 to do what?

10 MR. LOMBARDO: I have never seen the
11 plan. Let me answer that question a little more and
12 elaborate. The letter we sent asking about a
13 concern about the process, part of that is because
14 this area is urban renewal area. It's a little bit
15 more than a normal homeowner buying a property and
16 being subject to whatever the underlying zoning is.
17 There's deed restrictions that run with the property
18 which basically, as you're buying that property,
19 you're also getting -- you can look at it two ways.
20 You're restricted but you're also getting assurances
21 because the restrictions will say you can only build
22 up to 50 feet or you can only build up to 250 feet.
23 And we raise that concern only because we've been in
24 the past when dealing with land that's subject urban
25 renewal controls, we have been advised by the

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2 lawyers, both sides of the lawyers, that there's
3 going to be a process to make sure that everybody
4 who's a redeveloper is informed controls. So that's
5 the only reason why we raise that. We didn't go out
6 and notify any redevelopers. We just raise that as
7 a simple flag. Our concern about the process. I'm
8 saying I don't want, after what was said --

9 COUNCILMAN NUTTER: Point of
10 information.

11 COUNCILMAN KENNEY: Point of
12 information.

13 COUNCILMAN NUTTER: Thank you, Mr.
14 Chairman.

15 Councilman Clarke, I know you're in the
16 middle of a question. Mr. Lombardo, one, you and I
17 have worked very well together over the years and
18 we're maintain that relationship even through the
19 course of this hearing. What I took the
20 Councilman's questioning to be was not only about
21 the larger process, and then he asked you are you
22 prohibited by law and you started talking about,
23 well, the Law Department tells us that we can't hold
24 things up or we can't unnecessarily hold things up
25 or we can't delay things by four or five days. I

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2 didn't hear the Councilman say anything about that.
3 I don't think he's inferring that or implying that
4 or even necessarily requesting that. I thought what
5 I was hearing, and even from the previous testimony
6 or the Q and A, I think what we're asking for -- and
7 it does sound like a policy issue, if not, kind of a
8 general courtesy between and among all of the public
9 servants at least. If someone could build a nuclear
10 facility out in West Parkside as a matter of right,
11 I'm just asking and I think what I hear the
12 Councilman asking is, even if they have a right to
13 do it, I'd like somebody to give me a call within a
14 half hour, 45 minutes of when any Joe Schmoe
15 Somebody walks in the door and says "I know the
16 zoning allows for nuclear facility in the West
17 Parkside Industrial Park and I want to come in and
18 have my plans reviewed."

19 I'd just like somebody to pick up the
20 phone and say, "By the way, a guy stopped by today
21 and said he'd like to build a nuclear facility in
22 your district. Now you can do it as a matter of
23 right and we sent him on over to L&I. I thought
24 we'd like to let you know."

25 I think that's what we're talking about.

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2 MR. LOMBARDO: And I agree with you.

3 And I apologize for going off in a stream of
4 consciousness.

5 COUNCILMAN NUTTER: You know, a 10-story
6 building in some neighborhood is a pretty big
7 building. And if the person can't figure out of 175
8 feet how many stories that is, I'm really concerned
9 about that person trying to go do whatever it is
10 that they want to do because 175 is not 10 stories.
11 So if a person walks in and says, "I want to do this
12 in an area that probably doesn't have any buildings
13 of that height or is probably surrounded by
14 buildings that much smaller, someone should say, and
15 you indicated at a higher level looking at the
16 broader picture, "I think we might want to let the
17 Councilman know that Sam Jones just walked in and
18 would like to build a 15-story building in an area
19 that has duplexes or townhouses or whatever it has.
20 We'd just like to let him know. We're not holding
21 him up, we're not stopping his planning, we're not
22 telling him he can't do it." But at least give us
23 the opportunity to then do something about it from
24 the perspective of what we do for a living.

25 MR. LOMBARDO: And I agree with you.

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2 And I said I can't explain why that didn't happen
3 and I agree it should have happened. I apologize
4 for not answering your question directly. I went
5 off on a stream of consciousness. I was just trying
6 to sort of walk back of how we came to this
7 departmental policy, and it was a result of being
8 told we have to do things administratively. So we
9 said, okay, then we'll do them while people wait.
10 We'll do them as professional and quickly as we can.
11 And that's how we got to why we do it the way we do
12 it.

13 COUNCILMAN CLARKE: That leads me to ask
14 you the question. What exactly what type of review
15 does this person with this stamp do?

16 MR. LOMBARDO: They are looking at and
17 see if it needs any -- there's several different
18 things. We have throughout the City various zoning
19 overlays that this Council passes. We have
20 requirements for facade review. We have
21 environmental review. And we have a review under
22 the subdivision code. As a fail-safe, in the best
23 of all worlds L&I --

24 COUNCILMAN CLARKE: Let's stop there.
25 Environmental review, what does that entail?

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2 MR. LOMBARDO: The environmental review
3 usually involves us reviewing things that involve
4 either where you have to comply with some state
5 storm water management procedures during
6 construction or if it involve the disbursement of
7 federal CBDG funds it would have to comply with some
8 federal environmental regulations. They're the type
9 of environmental reviews we do. If it's close to
10 the river, it's going to be in a floodway or a flood
11 plane. You'd have to build above a certain
12 elevation to ensure that all the plans comply with
13 those elevations. They're the reviews the
14 environmental unit does. This property would not
15 have been before us for an environmental review.

16 The working relationship we have with
17 L&I to make sure nobody -- because these things are
18 scattered all over the zoning code, the building
19 code, the code of general ordinances. They're to
20 send everything that involves new construction to
21 us. We see about a thousand a year. Probably on a
22 vast majority of them we put a stamp on it that says
23 for the practical matter "Our review is not
24 necessary," and we stamp it with that and send
25 people out the door. That's basically --

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2 COUNCILMAN CLARKE: So what you're
3 saying is that it went to L&I first, then came to
4 you; is that what you're saying?

5 MR. LOMBARD0: Well, I don't know about
6 that because, again, attorneys who are familiar with
7 the process know they have to come to us eventually.
8 Some of them come to us first automatically before
9 they go to L&I.

10 COUNCILMAN CLARKE: Wait a minute now.
11 You said that it goes through an L&I process. This
12 is your recent statement. It goes through an L&I
13 process and then it comes to you and you guys
14 basically look at an as-of-right use, so you assume
15 that the scrutiny happened at the L&I level?

16 MR. LOMBARD0: Most people walk in our
17 door say, "I was at L&I, they told us we had to come
18 see you." And we review it while they wait.

19 COUNCILMAN CLARKE: So in this case, the
20 suggestion is that maybe they didn't go through the
21 L&I scrutiny, maybe they came directly to you, as
22 you said that happens on numerous occasions.

23 MR. LOMBARD0: That's right.

24 COUNCILMAN CLARKE: So then they go to
25 L&I. I mean, is there a policy? Should you go to

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2 L&I first, then the Planning Commission? Or do you
3 go to the Planning Commission, then L&I? Or do you
4 kind of do whatever you want to do?

5 MR. LOMBARDO: I'm not aware of any
6 policy L&I may have. I mean, there are a couple
7 instances where someone going through the L&I
8 process have to go so place else first where they
9 have to go to the Streets Department for curb cut
10 approvals or -- I don't know if they have a policy
11 that they have to come through L&I and checked in
12 first or whether they can go directly to the Streets
13 Department first or the Planning Commission.

14 COUNCILMAN CLARKE: I'm talking about
15 the general policy. I'm talking about the process
16 of development. I want to build this 10-story,
17 17-story, whatever this thing is. Where do I go
18 first? Do I go to the Planning Commission first or
19 do I go to L&I first?

20 MR. FINK: May I?

21 COUNCILMAN CLARKE: Sure.

22 COUNCILMAN KENNEY: Identify yourself
23 for the record.

24 MR FINK: My name is Michael Fink, I'm
25 Director of Construction Services for Licenses and

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2 Inspections. Typically, our examiners require that
3 an applicant for projects such as you're describing
4 would go to the Planning Commission first to get
5 their initial review and approval before we will
6 take the application in and begin a full review
7 under the Zoning Code.

8 COUNCILMAN CLARKE: So they have to go
9 to the Planning Commission first?

10 MR. FINK: Yes, sir.

11 COUNCILMAN CLARKE: All right, we've got
12 that cleared up.

13 MR. LOMBARD0: I wasn't sure. That
14 makes sense because we're the ones that ask them to
15 send them to us before they get too far in the
16 process so we know what's going on.

17 COUNCILMAN CLARKE: So if you just
18 approve the right? It's a building of whatever
19 height, this is zoning classification allows that to
20 happen; you don't really do much more beyond that?

21 MR. LOMBARD0: We don't even look --
22 actually the stamp we put on this particular plan
23 was the one I alluded to which basically says we
24 didn't need to review it because they're not
25 involved in anything that we are responsible for, is

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2 the stamp we put on. So we didn't even look at it.
3 But these people, they're the same that know zoning.
4 That's where I got to my point if we see something
5 and something pops out at us, this is going to need
6 a variance or it's going to need an ordinance, we
7 clearly right off the bat will contact the various
8 district councilperson.

9 COUNCILMAN CLARKE: I'll move this along
10 because I know people have been here a long time.
11 Getting back to the earlier discussion about the
12 process of notification, and trust me, I like the
13 fact that you want to have a user friendly agency.
14 We had a similar situation a couple months ago with
15 the Streets Department where they were issuing
16 over-the-counter permits for street closures and
17 pedestrian footway closures. I introduced a bill.
18 The Department came in and said it could be
19 problematic in terms of their ability to move the
20 process along. We got an agreement that there would
21 be a simple document that would be fore-faxed to
22 Councilperson. The Councilperson signs a signature,
23 particularly when there's going to be a substantial
24 impact. In this particular case, it was a situation
25 where a street or a sidewalk would be closed, I

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2 think it was beyond six months, which can obviously
3 impact on individual's lives, particularly where
4 there are occupied properties as it was Walnut
5 Street, to give you an example. And we developed a
6 process that they simply sent it over. The
7 Councilman says, "Okay, fine, I know about it. If
8 there's any problem with the community, I'm in the
9 process now, I'll take the weight."

10 Is there a possibility of having a
11 similar type process in the Planning Commission,
12 some kind of a process that allows the person who is
13 ultimately going to have to take the responsibility
14 for things for happening in neighborhood, because at
15 the end of the day if something goes wrong,
16 Councilmembers will get blamed for it, not the
17 Deputy Planning Director, not L&I; Mike, not you,
18 none of you guys are going to get blamed. It's
19 going to be the elected official. And I'm okay with
20 that because I begged for this job. But if I'm
21 going to be responsible for something that
22 ultimately happens in the community, particularly
23 something of the magnitude, I'd like to be in that
24 process.

25 MR. LOMBARD0: Well, my answer to that

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2 is -- and it obviously didn't work this, so I can't
3 answer. I thought we were covering that by matter
4 of sort of in-house procedure of having a District
5 Council contacted when we're aware of something
6 that's a major development in their area. I think,
7 really, in this case it slipped through -- it did
8 not get done that way. I'd rather take a shot of
9 saying we'll try to make sure it doesn't happen
10 again and reinforce to people -- it's only one unit,
11 it's the development planning unit that when things
12 come through there that are not -- maybe back a step
13 up -- that's new development, it's more than
14 somebody building a house, but a new development, a
15 new building.

16 COUNCILMAN CLARKE: Some threshold.

17 MR. LOMBARDO: That we will notify -- as
18 part of the process, we will notify District Council
19 office. That's what I thought we were doing now,
20 and I will commit we'll continue to try to do that.
21 We will do that, not try to do.

22 COUNCILMAN CLARKE: I'd like to see
23 something a little -- like Councilman Nutter, I work
24 with you guys --

25 MR. LOMBARDO: The problem I have with

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2 what you're suggesting is, say, the issue that there
3 are things that all they're in our office for is for
4 us to say, "You don't need to be here." And you're
5 asking for us to send -- what, we'd have to go send
6 them over to get some sign-off.

7 COUNCILMAN CLARKE: But you're giving
8 them a stamp. You're giving them a stamp. That
9 starts the process. I mean, you're not just simply
10 telling the person, "No, you don't need anything."
11 They get that stamp.

12 COUNCILMAN CLARKE: The stamp is for L&I
13 purposes to show that they've been there.

14 COUNCILMAN CLARKE: They get that stamp
15 and that's like "Hey, I'm rolling now. I got a
16 stamp. I go over the L&I. You're basically
17 grandfathered in once they start that process,
18 right?

19 MR. LOMBARD: What the stamp says is
20 they've been to our office and the subdivision
21 regulations do not apply to this property. That's
22 what the stamp says, and it's signed by one of the
23 people at the counter who look at it, Bill or one of
24 the other people.

25 COUNCILMAN CLARKE: I hear what you're

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2 saying. I understand that the stamp, it allows that
3 person to go to L&I, which I'm understanding now
4 that this person did the same day so they can be
5 grandfathered into the existing zoning. That's
6 substantial, that's not just some minor little
7 wave-off.

8 MR. LOMBARDO: I understand what --

9 COUNCILMAN CLARKE: Particularly in this
10 case where we have a pending zoning hearing about
11 this particular issue. I mean, zoning legislation
12 on this particular location. I mean, that's major.
13 So I'd like to see you guys give some serious
14 thought to some kind of process that gets up in the
15 loop since we're going to be responsible. I mean, I
16 trust you, I've worked with you a number of years.

17 MR. LOMBARDO: I will go back and sit
18 down with Maxine and we'll discuss it with you, how
19 well we can do to avoid this, setting some kind of a
20 process that satisfies your concern, Council's
21 concern, District Councilman's concern to satisfy --
22 and you have to bounce it off, satisfies the other
23 concern that we aren't acting in a way that we
24 shouldn't be because we're being told -- I mean, I
25 don't of L&I can do this. I don't want to put them

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2 on the spot. What you're sort of asking is when an
3 examiner would get a plan, this particular plan, he
4 would say, "Wait a minute. I gotta send this over
5 to the District Councilperson before I can review."

6 COUNCILMAN CLARKE: We may set a
7 threshold. We may say something that's so many
8 square feet.

9 MR. LOMBARDO: We have this
10 conversation. I commit we will do that.

11 COUNCILMAN CLARKE: Okay. I'd like to
12 ask Mr. Fink a couple questions with respect to the
13 process now that I understand going to L&I for some
14 type of review. Can you tell me what's going to
15 happen that review process, particularly given the
16 fact that there's some uncertainty about the height
17 of the building.

18 MR. FINK: I'm not familiar with the
19 particular project or the application. But
20 typically an application will come in with a set of
21 plans. Those plans meet some standard level of
22 information. That information typically includes
23 the height of the building, the number of floors,
24 and the square foot of floor area associated with
25 that building. All that information and a lot of

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2 other information is used to determine whether or
3 not the project meets the requirements of the zoning
4 code and a permit can be issued. If it does not,
5 then a refusal is issued and the person would have
6 to seek a variance.

7 COUNCILMAN CLARKE: So if somehow this
8 whole issue about -- and I hate to keep belaboring
9 this point because something's just not right with
10 this 176 feet and the 10 stories. If somehow it
11 comes in and review this proposal that somehow the
12 10 stories and the 176 feet don't jive, there's
13 extreme inconsistencies in the development plan
14 relating to those floors, then there's a potential
15 that you deny the permit based on the
16 inconsistencies in the development proposal.

17 MR. FINK: The numbers that were
18 presented today do sound inconsistent to me
19 personally, but not having seen the plan, we do not
20 know whether or not that information is correct,
21 whether or not that information was presented
22 legitimately on the plan, whether that plan could
23 indicate everything from towers to different types
24 of grading. There's a lot of different variables
25 that may help to explain difference of our

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2 understanding.

3 COUNCILMAN CLARKE: Okay. Thank you.

4 COUNCILMAN KENNEY: Thank you very much.

5 Thank you for your testimony.

6 That will conclude the testimony on this
7 bill.

8 We will now move to Bill No. 020812,
9 which is an Ordinance approving the redevelopment
10 proposal of the Redevelopment Authority of the City
11 of Philadelphia for the redevelopment of the Logan
12 Urban Renewal Area being the area generally bounded
13 by Loudon Street on the north; railroad right-of-way
14 on the east; Roosevelt Boulevard and Wingohocking
15 Street on the south; and 11th Street on the west;
16 approving the urban renewal plan and determining
17 that such plan and redevelopment proposal conform to
18 the general locality plan and make adequate
19 provisions for individuals, business concerns and
20 families who are displaced; determining the
21 necessity for changes in and for zoning, streets,
22 alleys, public ways, street patterns, location and
23 relocation of public utilities; determining that the
24 urban renewal plan and redevelopment proposal meet
25 all non-discrimination requirements of Federal,

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2 State and Local Laws and regulations and policies
3 promulgated with respect thereto; declaring that
4 certain expressly designated and provided for
5 condemnation is not imminent with respect to the
6 Project; and declaring the redevelopment
7 undertakings in the project to be an important part
8 of the City's program to remove and prevent the
9 spread of urban blight.

10 Please identify yourself for the record
11 and proceed.

12 MR. WETZEL: My name is Herbert Wetzel,
13 Executive Director of the Redevelopment Authority of
14 the City of Philadelphia. Mr. Chairman and Members
15 of the Committee, I'm here to speak in support of
16 Bill No. 020182, which is the first redevelopment
17 proposal and urban renewal plan for the Logan
18 Redevelopment Area and the Logan Urban Renewal Area.

19 Logan triangle is bounded Loudon Street
20 on the north, 11th Street on the West, east to the
21 railroad right-of-way behind Marshall Street and
22 south to Wyoming Avenue. This bill would authorize
23 the Redevelopment Authority to acquire properties
24 under Mayor's Neighborhood Transformation
25 Initiative, a strategy to rebuild Philadelphia's

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2 neighborhoods as striving communities with clean,
3 secure streets, recreational and cultural outlets
4 and quality housing. Among the central goals of NTI
5 are to eliminate blight caused by dangerous
6 buildings, debris-filled lots, and abandoned cars,
7 litter and gravity, and promote redevelopment
8 through large-scale land assembly.

9 Consistent with the overall NTI goals,
10 the Redevelopment Authority intends to acquire 21
11 acres encompassing 942 vacant lot, 32 vacant
12 structures, 10 occupied residential structures, and
13 2 commercial businesses for site assemblage in
14 anticipation of future development.

15 Mr. Chairman and Members the Committee,
16 I respectfully request favorable consideration of
17 Bill No. 020812 and would also ask the suspension of
18 Council Rules to allow a first reading on February
19 6, 2003. Thank you.

20 COUNCILMAN KENNEY: Thank you very much.
21 Mr. Wetzel, at the last hearing in December, we had
22 several individuals testify in situations where
23 homeowners and business owners had not idea their
24 properties were being considered for acquisition.
25 Some had very extensive plans for renovation and

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2 development or sale, and yet they had never heard
3 from the RDA. At that hearing you promised to
4 review your notification procedures and get back to
5 us with some reforms to provide greater community
6 input and notification. To date, my office at least
7 has not received any of that updated policy.

8 MR. WETZEL: Yes. Let me tell you what
9 we're proceeding to do on this. The two ordinances
10 before you today actually would have been heard last
11 session or prior to Christmas. However, we had to
12 create and make some changes in urban renewal areas
13 to allow for these takings to move forward. We are
14 not coming back with any additional ordinances, and
15 we're in the process of providing to Council a plan
16 for the notification of business owners and occupied
17 properties that would be condemned as a result of
18 this.

19 Let me just tell you that the research
20 we did indicates that we can expand significantly
21 the notification process. It is only the minimum
22 requirement that we advertise in city-wide
23 circulation newspapers. That is only the minimum
24 requirement. And we're working on a process to do
25 direct notification of homeowners.

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2 COUNCILMAN KENNEY: But isn't the most
3 simplest at least effort to send a letter to the
4 homeowner?

5 MR. WETZEL: That's going to be part of
6 the plan we're going to present you.

7 COUNCILMAN KENNEY: This as a real
8 contention portion of the last December testimony
9 and Councilmembers were uniformly concerned and
10 upset about that. Why could we not between December
11 and now send a letter? I don't understand what the
12 difficulty is in sending a letter. Now, if the
13 letter doesn't get responded to or the person
14 doesn't live in the area, that's fine. At least
15 we've made some minimal effort. To me, I don't know
16 why it would take so long to develop a plan. Even
17 though these bills should have been done in
18 December, they're being done now and it's almost
19 February. I don't understand what the difficult
20 part about sending a letter to a homeowner is.

21 MR. WETZEL: It's not difficult. What
22 we wanted to do is do the appropriate research,
23 understand what we could do and not do, come back
24 with a formal written plan. One of the questions
25 that we looked at and one of the questions that was

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2 raised is, do we send owners -- if you look at this
3 particular taking, we would be delivering letters to
4 900 vacant lots. Or do we send letters to the
5 occupied structures and the occupied businesses?

6 COUNCILMAN KENNEY: But without the
7 prerequisite research, theoretically or
8 hypothetically, if you send out the 900 letters and
9 it went to a vacant lot, I mean, the Board of
10 Revision taxes doesn't have any problems sending
11 don't stuff to vacant lots.

12 (Laughter.)

13 COUNCILMAN KENNEY: But at least you
14 could say, "Look, while we're formulating this
15 policy, we at least sent a letter out." And guess
16 what, the vacant lots I don't care about. It's the
17 people living in the house are going to get the
18 letter. Even if it's only 30 of them out of 900 get
19 a letter, those are the live people that need the
20 letter. Now, the vacant lot I don't care about.
21 Let them return it to us. As a matter of fact, the
22 post office may be doing research for us by sending
23 us back undeliverable mail that we can then record
24 as being undeliverable. But in the meantime, the 30
25 or 40 business owners and homeowners, they get some

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2 notification that, "By the way, we're thinking about
3 taking your house." I mean, that's kind of a really
4 nice thing to say to somebody, "Your house is
5 possibly being taken by us and we have a hearing
6 about it. May be you want to come."

7 MR. WETZEL: Like I said, we are going
8 to institute a policy that will provide written
9 notification to occupied businesses and occupied
10 structures. Our concern is --

11 COUNCILMAN KENNEY: I hear what you're
12 saying.

13 MR. WETZEL: Let me just continue on
14 this one. There has been numerous -- in this
15 particular case, there's an active community
16 organization. The Councilwoman has been active in
17 meetings. There has been full notification of
18 everyone in that area. There have been meetings,
19 flyers, and discussions prior to the Councilwoman's
20 agreement to support this. So in essence --

21 COUNCILMAN KENNEY: Councilwoman Tasco
22 is an extremely effective Councilperson. She's
23 going to do her homework and her job. But the point
24 is, is that with you're talking about taking
25 somebody's home or business, you just need to send

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2 them at least a letter.

3 MR. WETZEL: We have agreed and we will
4 do that.

5 COUNCILMAN DICICCO: Do you physically
6 have people who walk the through the community to
7 survey the community for identification purposes,
8 vacant lots versus vacant buildings, occupied
9 building?

10 MR. WETZEL: Yes.

11 COUNCILMAN DICICCO: Could you not, kind
12 of following up on the Councilman's suggestion, have
13 some sort of at least an initial letter that could
14 literally be placed in someone's mailbox at the time
15 of that walk-through, if you will. Kind of at least
16 get it on the radar screen. Because, as you know,
17 we all know that often times the occupant may not
18 necessarily be the owner.

19 MR. WETZEL: That is correct.

20 COUNCILMAN DICICCO: Where you have an
21 occupied building. And a vacant building, it takes
22 forever sometimes to find out who owns it, but at
23 least in those cases where you have a building that
24 is occupied some sort of notification just to -- and
25 in this case, I understand there's a very active

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2 community group. But there are some areas where
3 there's no one. And people don't even know to call
4 their elected officials in those cases. As they're
5 walking through, just put some sort of a notice in
6 the door.

7 MR. WETZEL: I agree with you. I think
8 one of the things that we've learned -- I accept the
9 criticism of the Members.

10 COUNCILMAN DICICCO: I'm not
11 criticizing. I'm suggesting.

12 MR. WETZEL: It's a desire to improve
13 government, and that's how I take it.

14 I think up until NTI, all the
15 acquisition work we did generally was the result of
16 community support, Councilmanic support, where the
17 developer was known and there were no surprises.

18 COUNCILMAN DICICCO: It's a learning
19 process right not. We're growing. I understand.

20 MR. WETZEL: Now, we're going into
21 territory where there aren't necessarily community
22 organizations and the mechanisms. And we
23 wholeheartedly agree that there has to be a better
24 notification process. It's unfair to suggest that a
25 citizen should be only notified by a newspaper ad.

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2 I agree with that, and we're going to change that.

3 COUNCILMAN DICICCO: Not to delay this
4 hearing any longer than we have to, but my first
5 experience with, I guess, a lack of proper
6 notification, in my opinion, was in 1989 when I had
7 formed a civic association we had requested then
8 Councilmember Tiune to do a zoning change, a
9 classification change. And I remember from that
10 point going forward how people were very upset to
11 find out that their properties were being deemed to
12 be reclassified, rezoned. Notification for zoning,
13 and I still think it probably is the same way today
14 from the Planning Commission was a poster at
15 intersections and some advertisement in a newspaper.
16 Poster, advertisement in the paper, still, a lot of
17 people were left. And I always asked that why
18 couldn't they send something out with -- at the time
19 I was suggesting getting to the department that send
20 out their tax bills, but I have since learned that
21 that may not be the best way either. So it's an
22 ongoing problem, not just with NTI, with other ways
23 which we are not properly notified, so...

24 MR. WETZEL: I agree with you. We
25 immediately started working on this, and it was

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2 clear to me that all we were doing was meeting the
3 minimum statutory requirement. That's not
4 necessarily good government. It's legal, but it's
5 not necessarily good government or the right thing
6 to do. And we concur the right thing to do is for
7 those people occupying buildings or occupying
8 commercial structures to be formally notified in
9 writing. The vacant lots is whole other story.

10 COUNCILMAN KENNEY: But those letters
11 will come back and we'll know that it's a vacant lot
12 if we don't know already.

13 One other question relative to the
14 general process. At our last hearing, again, in
15 December, you explained that last June you solicited
16 from each district councilperson their request for
17 acquisitions and how you formed an intergovernmental
18 committee to review each request on each property to
19 ensure it was eligible. This committee was to
20 finalize the different urban renewal package as to
21 the first in an analyzed process in which we will be
22 delivering ordinances twice a year for land
23 assembly, correct?

24 MR. WETZEL: Uh-huh.

25 COUNCILMAN KENNEY: So far we've had two

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2 hearings. We've only covered half of the council
3 districts, and my office is repeatedly asked why
4 that's the case and what is the schedule for the
5 other council district acquisitions.

6 MR. WETZEL: And you have not received a
7 pipeline report?

8 COUNCILMAN KENNEY: As far as my staff
9 is aware --

10 MR. WETZEL: We'll get you a pipeline
11 report.

12 COUNCILMAN KENNEY: What was the process
13 for deciding which council district properties to
14 acquire in December and which to acquire today and
15 which to put off later?

16 MR. WETZEL: There were a number of
17 criteria that was used. One was there was the
18 opportunity in a number of areas where there was
19 significant -- if you remember the testimony about
20 acquisition zones. The bulk of the properties in
21 the condemnation packages that were previously
22 approved, and as an example in this bill, were areas
23 where there was a significant amount of vacant
24 structures and vacant lots. That was one of the
25 first criteria where we could put together a large

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2 amount of real estate in a relative short period of
3 time.

4 The second was where there were really
5 identifiable projects that could move forward in the
6 very near term, within the next 12 months.

7 So that's how we moved those forward.
8 Because of the shear volume of that sort of side
9 yards and other smaller requests were moved to the
10 spring schedule. So what we wanted to be able to do
11 is aggregate large-scale acquisitions where there
12 was the available land and then move on the assembly
13 of land for which there was an identified developer
14 and a project would potentially going into
15 construction in the next 12 months.

16 COUNCILMAN KENNEY: What's the schedule
17 for the additional acquisitions?

18 I mean the stuff that we dealt with in
19 December and are dealing with now we're generally
20 aware of. But what's happening going forward?

21 MR. WETZEL: Those ordinances will come
22 May 1st.

23 COUNCILMAN KENNEY: But is there prior
24 information as to -- we'll get the ordinances, of
25 course, in May, but what do the ordinances entail?

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2 MR. WETZEL: We'll share you with the
3 pipeline. We have not gone through all the -- we've
4 had additional requests through the end of December
5 from District Councilpeople, so we're in the process
6 of reviewing all those additional requests.

7 COUNCILMAN KENNEY: Have we prioritized?

8 MR. WETZEL: We've just started working
9 on them.

10 COUNCILMAN KENNEY: The Year One program
11 statement acquisition budget was 14 million. I had
12 asked previously but never received a response for
13 the percentage of that budget was spent -- for what
14 percentage of that budget was spent on the bills we
15 passed in December and what percentage represents
16 the bills before us today and what percentage
17 remains for the acquisition of the other Council
18 Districts?

19 MR. WETZEL: Let me answer this way.
20 And we'll give you the numbers.

21 COUNCILMAN KENNEY: I guess I'm
22 including the bills today are actually the bills
23 from December.

24 MR. WETZEL: The ordinances that were
25 approved in December represent 11.1 million; the

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2 bills before you represent 2.396 million, for a
3 total 13,545,000.

4 COUNCILMAN KENNEY: Not a lot left.

5 MR. WETZEL: I would like, if you give
6 me the opportunity -- it was very clear a couple of
7 things, and in this case hindsight is really 20/20.
8 Unlike other activities under NTI such as
9 stabilization or demolition in which there was a
10 Councilmanic allocation between and among various
11 council districts, the land assembly did not have
12 such an allocation. We opened the door and in came
13 40-plus million in requests. And in many ways,
14 there were those at Councilpersons who were planing
15 to use their money over a multi-year period, versus
16 others who were very aggressive on the front end of
17 this. We're going to come back with a resolution
18 for additional funding, because obviously we will
19 have burned off of this year's budget except for
20 500,000, and we've got a lot of requests to meet.
21 With a proposed allocation plan for each district
22 .And then the Councilpersons can determine how they
23 want to spend that money. In one year, four years
24 or five years.

25 COUNCILMAN KENNEY: Councilman Nutter.

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2 COUNCILMAN NUTTER: Thank you, Mr.
3 Chairman. First, Mr. Chairman, I was distracted
4 when you were asking one question. I just heard the
5 tail end of it which had to do with the pipeline and
6 a earlier information request, and I think Mr.
7 Wetzel indicated that that information had been
8 sent, but --

9 COUNCILMAN KENNEY: My understanding of
10 the answer, and correct me if I'm misinterpreting
11 it, it is that the information for the first round
12 of takings was provided but they have not provided
13 the list and the schedule for the subsequent takings
14 which were supposed to become as a request in May;
15 is that correct?

16 MR. WETZEL: Yes. We were accepting
17 through the end of December requests from
18 Councilpersons for land assembly. We had a cutoff
19 date. Now what we're doing is budgeting each one of
20 those requests to find out what is the scale of all
21 of this.

22 Does that answer the question?

23 COUNCILMAN KENNEY: That information
24 that we request apparently is going to be
25 represented in a May ordinance.

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2 MR. WETZEL: No, we can deliver that way
3 before that.

4 COUNCILMAN KENNEY: But that's where
5 it's ultimately going to come to us.

6 MR. WETZEL: Right.

7 COUNCILMAN KENNEY: But in the mean
8 time, in the interim, we're requesting what the
9 properties are and what the schedule is for their
10 acquisition. It's coming in the May ordinance. Am
11 I accurate?

12 COUNCILMAN NUTTER: I was trying to
13 understand the response to the pipeline question and
14 that a document had been sent to the Councilman but
15 the Councilman didn't think that he had received it.

16 Was a document sent that represents this
17 pipeline?

18 MR. WETZEL: No, the problem is, is that
19 to get to the pipeline, we had to allow
20 Councilpersons because we had an agreement to submit
21 up through the end of December as a cutoff date for
22 the spring. And we're going through each of those
23 requests, budgeting them, and then as a result of
24 that, we will have what is the pipeline.

25 COUNCILMAN NUTTER: So we're forming the

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2 pipeline.

3 MR. WETZEL: Well, all the requests are
4 in. Now we're budgeting those requests, and then we
5 can then produce the pipeline.

6 COUNCILMAN KENNEY: How much in advance
7 prior to the submission of the May ordinance do you
8 think you'll have that information available.

9 MR. WETZEL: Councilman Nutter, we will
10 know at least six weeks in advance of any ordinances
11 coming here what the pipeline looks like, have it
12 fully budgeted.

13 COUNCILMAN NUTTER: And when you use the
14 term "budgeted," are you using that in a context of
15 property X, we believe it will cost Y to acquire it
16 and then that goes on the list and that becomes a
17 part of the budget? Is that how you're using that
18 term?

19 MR. WETZEL: That's partly how I'm using
20 the term. What we're looking at is, somebody might
21 have a list of 45 properties, 45 vacant lots. We
22 have a market study says the vacant lots in that
23 area are worth 2,000 a piece, that's the easy one.
24 Then it gets more complicated as we move up the
25 scale.

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2 But to have a rational discussion about
3 what can and can't be done within budgetary
4 constraints, we have to estimate the cost of each
5 one of these requests. I think that's what I'm
6 trying to say, if that makes any sense.

7 COUNCILMAN NUTTER: Now, I think this is
8 the first time that I heard that there was going to
9 be a May ordinance. I'd been under the impression
10 from last year that there were going to be these two
11 rounds, but that one come in the fall. Is that
12 sometime in the October-November time period did we
13 deal with those?

14 MR. WETZEL: That's correct.

15 COUNCILMAN NUTTER: And that one was
16 coming in the winter is what I thought I heard back
17 at that time.

18 MR. WETZEL: Well, we said spring.

19 COUNCILMAN NUTTER: Because I never
20 thought May 1st qualified as any part of the winter.

21 MR. WETZEL: You are correct.

22 COUNCILMAN NUTTER: That's what the
23 almanac says, anyway.

24 Why does it take so long -- and I think
25 the cutoff date was December 27th. Why does it take

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2 so long from that point to then get an ordinance on
3 May 1st.

4 MR. WETZEL: Well, I think there's a
5 number of things. One is we've got to do the
6 budgeting process, and we've had a lot of requests
7 for land assembly. We have to do the budgeting.
8 Then what we're going to have to do -- part of this
9 process has been the continuous engagement with
10 District Councilpeople and their staff as we move
11 forward through this.

12 COUNCILMAN NUTTER: Right. I got that.
13 But hold on for a second. I'm assuming that or at
14 least I would like to think that the way you're
15 going to do this -- we also have a Year 2 NTI budget
16 to approve, which I don't know when that's going to
17 happen or I don't know whether there was a NTI bill
18 that was a part of the 13 bills that was introduced
19 yesterday or not. But it seems to me that the NTI
20 budget for, I guess, it's FY 04 would have to match
21 up with all of these requests. I'm, again, under
22 the impression that NTI is now going to be dealt
23 with in the course of our normal budget process, I
24 could be wrong about that, which usually has us
25 taking action somewhere in the March-April time

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2 period. Don't all of these requests and what, in
3 your use of the term "and the budget" for the
4 acquisitions have to match up with what the
5 acquisition budget will be in the FY '04 NTI program
6 and statement? And how can we approve the one
7 without knowing what the other one is?

8 MR. WETZEL: Do you mind if I back up
9 just a little bit.

10 COUNCILMAN NUTTER: It depends on how
11 far back you want to go.

12 MR. WETZEL: Not very far.

13 COUNCILMAN NUTTER: Okay. Don't go back
14 too far.

15 MR. WETZEL: It was a clear as a result
16 of opening this door that the demand for acquisition
17 was tremendous; and rightfully so, because it
18 generally can lead to something. What we heard at
19 the hearings was two things:

20 One was clearly about notification and
21 doing that in a much superior way than we've done it
22 in the past, and we're addressing it.

23 The second one was a rational
24 distribution of the NTI acquisition dollars between
25 and among council districts. We're going to come

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2 back in the very near future to Council with a
3 proposal for this rational distribution. That will
4 result in a different view of acquisitions because
5 someone may be asking for two times what their
6 allocation is and, therefore, will have to make
7 decisions about out of this list of acquisitions
8 they are proposing, what is most important to move
9 forward. And we need to engage in that process
10 which is two steps. One is proposing a rational
11 allocation that is acceptable to Council, and then
12 analyzing the request within the context of that
13 allocation. And so the first step of this -- while
14 we're doing the budgets, while we're taking in all
15 the requests, we're going to come back in the near
16 future with a proposed allocation plan that then
17 will frame the decision-making process because left
18 with the door open, the request just never --
19 they're not going to stop and they're going to
20 exceed what we rationally can do.

21 COUNCILMAN NUTTER: I understand that.
22 Somebody's got to be door keeper and you might not
23 want to leave the door open too long. Let me tell
24 you where I'm coming from.

25 This program or this idea or this

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2 concept has been under discussion now in one way,
3 shape, or form, and it didn't always have the NTI
4 name attached to it. It was Blight Elimination
5 Program when it was proposed in March of 1999. From
6 January 2000, it continued to be discussed. I
7 believe in April of 2001, a document which was
8 actually a more of a bond offering document, not a
9 program, no statement, and very little explanation
10 of what the program was about, was sent over here,
11 in April of 2001. It is now January which of 2003.
12 In the last budget that was approved, there was one
13 lot listed in that budget for acquisition in the 4th
14 District. I believe the dollar amount was \$22,000.
15 I didn't ask for that lot. I didn't ask for anybody
16 to acquire that lot. But I ended up with something
17 that I didn't even ask for. And now you're saying
18 that an ordinance will come over on or about May 1,
19 2003, which will basically be the first time that
20 any substantive component of the NTI program other
21 than, I guess, the vacant lot cleanup activity which
22 was citywide will have touched the district.

23 I know things have not moved along as
24 quickly as people would like, and the Mayor
25 articulated that even yesterday. I know you had to

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2 extend the deadline. I dealt with the fact that
3 there was basically no activity in the 4th in the
4 first round. You had all these other places. The
5 door was wide open. People jumped in. Maybe I was
6 a little slow that day. I don't know what the case
7 may be, but there had certainly been discussions,
8 and I'll come through the door a lot quicker in the
9 future.

10 An ordinance comes over in May. May is
11 going to be, I don't know, a fairly active month for
12 a few people around here. So I'm trying to figure
13 out when we'll actually do it. I'm sure we'll get
14 it finished before we leave whatever the last day is
15 in June, mid-June, third week of June, whatever the
16 case is. But it seems to me, and it's certainly my
17 request, that to the extent that the list can be put
18 to together in a timely fashion, you can call it
19 pipeline --

20 MR. WETZEL: Wish list?

21 COUNCILMAN NUTTER: Wish list, you can
22 go wireless, you can do it anyway you want. There
23 should be something put together that says "This is
24 what's happening in these districts. This is the
25 list properties that we're trying to take a look

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2 at," and give people some idea as soon as possible
3 what their bottom line is for the moment. You'll
4 look at the properties, you'll try to figure out
5 budgets and the like. But I'd certainly like to see
6 something that's going to translate into an
7 ordinance sometime before May 1st, as we're now in
8 the fourth year of this discussion. And I don't
9 think that's unreasonable.

10 MR. WETZEL: We can provide the list
11 without a budget. I'm assuming you would prefer a
12 budget, but we can provide the list of requests that
13 are in the system without budgets at this point in
14 time as a first cut. And then when the budgets are
15 put in, then that could be the second cut.

16 COUNCILMAN NUTTER: How long do you
17 thing it will take to -- I mean, obviously, I've not
18 done this so I don't know how you figure out what
19 it's going to cost to acquire property X versus
20 property Y. Although I was left with the impression
21 in the first go-round of this that you were pretty
22 much -- and obviously the vacant lot situation is a
23 lot simpler, but I was left with the impression that
24 you were pretty much anticipating a certain dollar
25 amount per property unless, I guess, you ran into

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2 some unusual situation or some mansion somewhere or
3 something like that. But, I mean, your average row
4 house property in Philadelphia is -- it's 16 to 18
5 feet wide, it's so many feet deep, it's 2 or 3
6 stories. I mean, they're all pretty much the same,
7 to some extent. They vary neighborhood by
8 neighborhood, I understand that. But you can start
9 allocating some ranges based on neighborhood of what
10 these properties are going to cost to put them in a
11 package and put them together. You want to refine
12 it, you want to have the deeper details, but it just
13 seems to me that May 1st, from what we came out of
14 last year, now the heightened interest, people have
15 clicked in that there's actually going on out there
16 and now they want to know when is it going to
17 happen.

18 MR. WETZEL: My staff indicates that we
19 can first deliver you the list of addresses.
20 Secondly, that we will have the budgeting complete
21 by the end of February, the first week of March that
22 we could deliver the budgets and that will get you
23 to that point.

24 COUNCILMAN NUTTER: Once you've got the
25 addresses and you've got a budget, I think those are

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2 the fundamental elements of an ordinance, right?

3 MR. WETZEL: Yes, but I do think what we
4 have to do is to come to common ground on an
5 allocation system within which then decisions are
6 made if somebody is asking for more acquisition than
7 they're allocated. And then they're going to have
8 to decide which is more important. That will not be
9 the case for you because you haven't asked for a lot
10 at this point in time. I know we have a series of
11 requests, but not nearly --

12 COUNCILMAN NUTTER: That's part of my
13 problem, I don't ask for enough, notwithstanding
14 what people think.

15 MR. WETZEL: I just want to make one
16 comment. Yes, this has been discussed for four
17 years, but I would like to say that there has not
18 been budget authority to do land assembly until the
19 ordinance passed and we could issue the bonds.

20 COUNCILMAN NUTTER: I understand that.

21 MR. WETZEL: And I do want to compliment
22 the hard-working folks at the Redevelopment
23 Authority. This represents -- 300 condemnations was
24 a good year; 500 was an extraordinary year over the
25 last 20 years. They've been able to put together,

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2 the first set was over 2,500. This is another set.
3 They are working as hard and as efficiently as
4 possible. This is new territory in many ways. So
5 in a period of less than six months from the passage
6 of the budget authority, we have done five times the
7 condemnations that we've done in any one year over
8 the last 25 years. And, yeah, we're learning as we
9 do this, too, because we're really pushing the
10 limit, but folks have really stepped up.

11 COUNCILMAN NUTTER: I fully appreciate
12 your comments. And if I even left a hint of an
13 impression that there was a lack of appreciation and
14 understanding for the amount of work involved, I
15 mean, I'm man enough to say I apologize for that. I
16 know the folks are working very hard. And again,
17 never having done this myself, I am willing to also
18 acknowledge that I don't know all the intricate
19 details that are involved in trying to make these
20 kinds of things happen. But as you have your
21 burdens and responsibilities, we have ours. And as
22 you are pushed and pulled in a variety of directions
23 get certain things done, we are as well. And so
24 there is a sensitivity on both sides of this table
25 about who's doing what, hopefully, with whom, not to

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2 whom. But we have a need to get some things done.
3 You're trying to do the best that you can under
4 limited and extraordinary circumstances, and I'm
5 just trying to convey a certain sense of frustration
6 because there's another group of people, most of
7 whom are not in this room, who are sitting out in
8 the neighborhoods somewhere trying to figure out
9 what in the world all of us are doing and we're all
10 on the payroll and they don't really care about our
11 day-to-day issues or problems. What they know is,
12 "I got this raggedy place next to me, I keep hearing
13 these stories. I'm in the pipeline. I got a
14 hotline. Someone's got another line. All I know is
15 no one's doing anything for me." They don't want to
16 hear about any of the process and procedure or who
17 can send a notice or who can't or we're getting a
18 legal opinion about, you know, whatever we're trying
19 to find out about on that different day. And that's
20 the real world that all of us function in.

21 MR. WETZEL: And I don't disagree with
22 that. I think what I was trying to say was if we
23 had had budget authority for four years and this is
24 all we'd done, you should run me out of this room.
25 But we've only had budget authority for a little

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2 over seven months. And what I'm trying to
3 articulate is people have really stepped up in this
4 government to move this forward. That's what I'm
5 trying to say. If we had had that authority for
6 four years, you should run me out of this room, but
7 we haven't. We've only had it for seven months and
8 I think people have done an extraordinary job in
9 that seven month-period. Are there things that need
10 to improve? Absolutely. We're going to make
11 changes in the notification because of the comments
12 that we heard from you. Was there a need for a
13 rational allocation plan? Obviously. And we're
14 going to come back with one because it's the only
15 fair way we can do business.

16 Some people want to use their NTI
17 acquisition resources over multiple years, where
18 others want to do something right now. And we have
19 to respect that and we're going to come back with a
20 plan that respects that.

21 COUNCILMAN NUTTER: Well, I do
22 unfortunately, lastly, have to say -- and it's only
23 in the realm of the notion of opening doors and you
24 did open a particular one. I understand about how
25 long you've had budgetary authority to do certain

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2 things. My only response back to you on that
3 particular issue is, that budgetary authority
4 probably could have happened at an earlier point
5 this time if those of us who are responsible for
6 giving that authority had the kind of information in
7 a timely fashion that would have allowed us to make
8 rational, reasonable, responsible decisions in a
9 timely fashion. Short of that, at least for myself,
10 if I don't understand what's going on, I'm not
11 giving anybody authority to do anything, even if
12 ultimately it's for my benefit because if I can't
13 explain it, I'm not supporting. So we don't need to
14 continue that back and forth. But all of this could
15 have probably happened at an earlier point in time
16 if there had been a more open process and a sharing
17 of information and less hide the ball and if you
18 don't ask the right question you don't find out
19 what's going on. Thank you.

20 COUNCILMAN KENNEY: Anyone else?

21 MR. REDDING: Good afternoon, Mr.
22 Chairman and Members of the Committee. My name is
23 Richard Redding, Acting Director, Community Planning
24 Division at the Philadelphia Planning Commission,
25 testifying today on Bill No. 020812.

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2 The bill approves the redevelopment
3 proposal for the Logan Urban Renewal Area located
4 near 9th and Wyoming. The bill authorizes
5 acquisition of approximately 985 properties proposed
6 for redevelopment and neighborhood revitalization.

7 The Planning Commission approved this at
8 its November meeting of 2002. I'll be happy to
9 answer any questions.

10 COUNCILMAN KENNEY: Thank you very much
11 for your testimony.

12 Are there any questions for this
13 witness?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing none, we now
16 have Niane Catia O'Leary (ph).

17 COUNCILMAN KENNEY: Good afternoon.
18 Please identify yourself.

19 MS. O'LEARY: Good afternoon. My name
20 is Niane Catia O'Leary, now living at 6391 Sherwood
21 Road in Overbrook Farms.

22 In April 1997 I purchased a half duplex
23 on 4717 North Marshall Street, which is now in
24 famous Logan Triangle. At the time of purchase,
25 neither my Realtor or anyone inform me of the

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2 engineering study and the single home programs. The
3 other half of the duplex in 4715 in Marshall Street
4 was bought by the City sometime in 2000.
5 Eventually, the vandals and druggies came in and
6 pulled out stuff and vandalized the placed, pulled
7 out the pipes. One of my two tenants became fearful
8 of his safety and the left, and the other tenant had
9 threatened to do so, leaving me with property
10 providing no income but expense, insurances and
11 taxes to pay and utilities and maintenance of the
12 home. My sorry plight is the direct result of the
13 City buying and condemning the half of the duplex
14 next to me and not buying and condemning my half.
15 If my half of the duplex could now be purchased and
16 condemned, the City is free to demolish the building
17 and my problems would be solved.

18 I anxiously await a response. Thank you
19 very much.

20 And the reason I'm here today, I
21 received this from the mail. This is a thing from
22 the Inquirer. That's the only thing I received.
23 That's why I'm here today.

24 COUNCILMAN KENNEY: I appreciate you
25 coming in. What I'd like you to do is if someone

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2 from RDA could talk specifically about this, whether
3 or not this can be resolved, it will be helpful.
4 One of those gentlemen there will.

5 Mr. Lipschultz, please.

6 MR. LIPSCHULTZ: Good evening. Thank
7 you for allowing me to testify today.

8 My name is Harry T. Lipschultz, and I
9 have been a resident of Logan and owner of
10 Lipschultz Family Pharmacy, Incorporated, in the
11 Logan Triangle from 1957 until 1997. For 60 years,
12 from 1937 until 1997, our family pharmacy served the
13 Logan community with a wide-ranging level of
14 healthcare-related products and health information
15 services, in addition to providing general needs, as
16 one would expect of full-service commercial concern.

17 Before the term "Logan Triangle" became
18 synonymous with urban decay, desolation, and
19 destruction, our pharmacy located at the corner of
20 10th and Courtland Streets or 4545 North 10th
21 Street, was open 7 days a week and 365 days a year.

22 For those not familiar with the Logan
23 Triangle situation, allow a brief history lesson.
24 In 1906, the financial house of Wolf Brothers
25 purchased 80 acres of land, including what is now

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2 known as the Logan Triangle. Clarence Wolf was the
3 financial advisor to then Mayor Reyburn of
4 Philadelphia. In 1907, the Chief of the Bureau of
5 Highways and Street Cleaning, William Benson, and
6 the director of Public Works, George Stearns, who
7 both had previously worked for Clarence Wolf,
8 directed that all future rubbish and ash picked up
9 in the Central District, or what is now known as
10 Center City, be hauled away and dumped in the Wolf
11 tract, in an area constituting the Logan Triangle.

12 In the early '20s, housing was
13 constructed on top of soil brought in and placed on
14 top of the ash, cinder, and rubbish landfill. The
15 organic material used as fill beneath the soil and
16 houses came in contact with water and decayed as a
17 result. The properties build upon this ground
18 slowly began to shift and sink into the unsupported
19 ground. The sinking homes of Logan became widely
20 known to City officials in the late '70s as a result
21 of an engineering study performed by Lippincott
22 Engineers at the behest of the City of Philadelphia.

23 In 1986, a natural gas line disruption
24 caused an explosion in a dwelling in the 4600 block
25 of North 10th Street. It was at this point in time

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2 that the subsidence problems of the area due to the
3 aforementioned activities of the 1900s became widely
4 known. An organization known as the Logan
5 Assistance Corporation or LAC was created by the
6 Wilson Goode administration to assist residents of
7 Logan in a relocation program designed to compensate
8 owner-occupied property owners for their homes and
9 relocate them with assistance to comparable housing
10 throughout the City. In addition, non-home owning
11 tenants of the area occupying rental units were
12 allocated assistance in locating new housing and
13 benefits in the form of compensation for moving
14 expenses to relocate out of the affected area.

15 I won't speak to the record of LAC in
16 this endeavor. That story is for another time.

17 The total compensation received by Logan
18 Triangle owner-occupied residents was usually in
19 excess of the then current equity values for
20 comparable housing within the City. In other words,
21 residents of the affected area were able to make the
22 best of a bad situation with the assistance of the
23 City via its LAC mechanism. As we discovered later,
24 the compensation offered to residents utilized a mix
25 of City, State, and Federal Housing and Urban

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2 Development or HUD funds with the City making their
3 own rules with respect to the HUD funding
4 allocations since HUD regulations plainly state that
5 if a governmental entity uses HUD funds to assist
6 and relocate identified affected residents, they are
7 obligated to render the same assistance to any
8 businesses within the given affected area.

9 Many may be familiar with a similar
10 situation that occurred in upstate Pennsylvania
11 where the town of Centralia was evacuated over a
12 period of may years due to an underground fire. In
13 Centralia, the local agency charged with relocation
14 and compensation duties assisted and compensated
15 businesses as well as residents, as fairness would
16 surely dictate.

17 In Logan, however, the City under the
18 auspices of LAC clearly did not follow either HUD
19 regulations nor any such fairness doctrine, as at no
20 time was any assistance or compensation tendered to
21 our pharmacy.

22 As the years progressed throughout the
23 early '90s, more and more residents were relocated
24 from the area to the extent that where you once had
25 a thriving neighborhood pharmacy concern descended

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2 into the throes of insolvency. Simply put, you
3 cannot expect to conduct the business of a
4 neighborhood pharmacy or any business which depends
5 on daily consumer traffic to survive in an area
6 devoid of neighbors.

7 In 1997, the Lipschultz Family Pharmacy
8 was forced to close. Despite repeated requests to
9 various then Rendell administration officials,
10 including Chief of Staff David Cohen and
11 Redevelopment Authority Director Noel Eisenstat, our
12 pleas for help went unanswered. Despite repeated
13 requests in writing for definitive word on our
14 status, nothing was ever offered. In short, we
15 could not get anyone in authority to put in writing
16 the rationale for not assisting us as everyone else
17 in Logan had been. Plausible deniability is the
18 terminology I've heard used in cases such as this.
19 Don't put anything in writing which may come back to
20 haunt you.

21 Not being litigious by nature, but
22 feeling as if we had been unjustly treated, we
23 pursued the matter via our legal system. And I say
24 legal system as opposed to justice system due to the
25 fact that in our case we observed precious little

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2 justice. After numerous years in Commonwealth and
3 Federal Court jurisdictions, we were ultimately told
4 we should have known back in 1987 that the City was
5 not going to assist us, and as such, our case was
6 dismissed as time-barred. In hindsight, we should
7 have been clairvoyant and known the City would not
8 be held accountable to meet its obligations to us as
9 defined by the aforementioned HUD regulations. We
10 also found it interesting that Bennett Levin, former
11 head of Licenses and Inspections for the Rendell
12 administration, upon deposition stated that had we
13 donated funds to the election campaign for Mr.
14 Rendell, he doubted we would have had any difficulty
15 securing assistance for relocation and compensation.
16 I suppose there's little precedent for that opinion
17 based on our history.

18 What was it about us that was different?
19 We served the Logan community for 60 years,
20 continuing to assist our neighbors after all other
21 commercial operations say the Medical Center had
22 fled the area. Essentially, we were punished for
23 remaining loyal to the rapidly diminishing number of
24 Logan community residents. The question has been
25 put to me with respect not to why we ultimately were

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2 forced to close in 1997, but how were we able to
3 manage to stay as long as we did. Vendors and sales
4 people had for many years refused to patronize us,
5 as we were perceived to be a dangerous situation in
6 so many different ways. Basic municipal services
7 such as police, sanitation, and fire acted as if we
8 no longer existed. The 35th District Police Captain
9 was astounded to hear at a Town Watch meeting in
10 1994 that we were still in, as he put it, that
11 no-man's land. I ought to know, I attended many
12 such local community meetings with well-meaning but
13 powerless low level officials. Unless the media was
14 present to report on the usual pre-election
15 posturing, the authorities that could make a
16 difference never seemed to show up.

17 Throughout the mid-'90s, the constant
18 battle with vandals who would strip our siding, the
19 crack addicted squatters probing for ways to
20 burglarize our facility, the lack of patrons, the
21 ever-receding number of structures, the dumping of
22 discarded appliances and vehicles, and the general
23 despair associated with living and working under
24 such conditions took its toll. Hours would pass
25 before another patron would enter the store. We

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2 truly found ourselves in that no-man's land. In
3 July of 1997, the pharmacy ceased operations.

4 In August of 1997, we contacted Mr.
5 Eisenstat of the RDA and pleaded with him to exert
6 any influence he might possess to have the building
7 at 4545 North 10th Street, which housed the pharmacy
8 and living quarters, demolished to prevent the
9 vandalism and desolation that had occurred elsewhere
10 as a consequence when Logan residents were forced to
11 vacate their properties. Despite our request, the
12 building was allowed to stand for many years after,
13 to be picked apart by the local pillage and plunder
14 set that frequented the area.

15 If you've ever had your home burglarized
16 or your possessions stolen from you, you can
17 understand what I mean. If you recall the
18 helplessness you felt. If not, try to imagine your
19 home or business vandalized and destroyed, pipes,
20 furnishings, and fixtures ripped out and sold as if
21 they had no value other than to pay for the next
22 fix. Try to relate to the feeling one has when your
23 property and possessions are taken, with you
24 powerless to intervene.

25 To add insult to injury, I was recently

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2 informed that upon finally seeking permission to
3 demolish the building, which occurred without any
4 attempt at contacting us, further proving no regard
5 for basic human decency, L&I officials, those same
6 people who all along had been at the forefront of
7 our demise by their constant intrusions and
8 interventions, such as having barricades placed on
9 our street to effectively choke us off from contact
10 with our patrons and vendors, constantly sending
11 notices since 1989 stating they were going to have
12 us evicted and our building torn down, laughed,
13 laughed on their way out of the hearing stating, "We
14 finally got the Lipschultz place."

15 I also recall Mr. Eisenstat's comment in
16 early '97 that he was happy L&I had not condemned
17 us, otherwise he would have been forced to
18 compensate us. It's quite convenient how things
19 work out if you know how to manipulate the system.

20 And so I look forward to the
21 implementation of the ordinance we now see before
22 us, Bill No. 020812 that speaks to the eagerly
23 anticipated and long overdue redevelopment of the
24 Logan Triangle. I would like to note a specific
25 section of the ordinance that states, "Approving the

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2 urban renewal plan and determining that such plan
3 and redevelopment proposal conform to the general
4 locality plan and make adequate provisions for
5 individuals, business concerns and families who are
6 displaced." I would also like to call attention to
7 Section 4 that states that the plan adequately
8 provides for assistance to aid in relocation and to
9 minimize the displacement of business concerns which
10 are to be displaced.

11 I trust there will be equal thought and
12 consideration regarding business concerns that,
13 through no fault of their own, have already been
14 displaced. Thank you.

15 COUNCILMAN KENNEY: Thank you for your
16 testimony.

17 Don Turner.

18 MR. TURNER: Don turner. I'm the
19 occupant of the only remaining business there or the
20 only remaining eligible business there. First I
21 wanted to give out -- besides being the only
22 eligible business remaining, I'm also on the LAC
23 Board, so I wear two hats.

24 First I'd like to speak a few minutes
25 about the ineligibles. And Ms. O'Leary, I believe

1 1/29/03 - RULES - 020495, 020649, 020733
2 was up speaking. The first page I gave you was
3 really -- I guess I wanted to tell her, she didn't
4 Logan, Logan landed right on her. And if you take a
5 look from the Bennet Levin memorandum which is the
6 first one, you see his idea was all you needed to do
7 was put a uniquely colored notice on each zoning or
8 material so that no house could be sold, and guess
9 what, you wouldn't have any ineligibles. What
10 they're trying to do now is pay the ineligibles less
11 than the eligibles. I kind of think there's an
12 amount of code negligence on the part of the City
13 that it was nobody's job to put a color on a file so
14 nobody could buy their house. The lady would have
15 never been in that position if somebody would have
16 done that.

17 Also, I noticed -- I wanted to say that
18 the City basically caused the ineligibles by letting
19 them buy the property, they made their own
20 ineligibles. And even if they pay the ineligibles
21 less, they would have had to pay the eligibles who
22 would have been there the same amount anyway. So
23 they should still pay them the same amount. Not
24 only that as a reason why they should pay them the
25 same amount, they had to live in an area where

1 1/29/03 - RULES - 020495, 020649, 020733

2 there's no code.

3 Now, if you take a look at the
4 Philadelphia Planning Commission on the second page,
5 it takes a look at the picture they got. My office
6 is in the far ground. This is the picture they
7 happen to use. Now, that's really an understatement
8 what the area looked like. I think they had to go
9 find hard ways because now it looks good. If you
10 notice in the Hutchinson Street, the first two
11 blocks near my office are nearly perfect. But if
12 you look at what the office looked like most of the
13 time, this is the area -- the area now looks much
14 better than it ever did. So to look at it now and
15 make a comparison really isn't fair. But if you
16 look at the picture of my office where the tires
17 are, it doesn't look that way, now but this is what
18 we had to live through.

19 And the Redevelopment Authority, as Mr.
20 Wetzel said, always did the legal thing, not the
21 right thing. You're exactly right. You did the
22 legal think and you were able to catch Mr.
23 Lipschultz on the statue of limitations that we
24 should have known we had to sue you. Instead of
25 doing the right thing and at least calling us up on

1 1/29/03 - RULES - 020495, 020649, 020733

2 the phone, saying, "If you have no money," or
3 whatever you want to do, and that way we could have
4 made at least plans 17 years ago.

5 If you notice down the street, there's
6 always some property that was being torn down. They
7 didn't tear them down all at once. And since
8 there's no codes, there's no streets, there's no
9 snow removal, it's a nice way for her to raise her
10 children.

11 Also, we had -- the next page of that
12 shows the Logan Assistance bylaws. And it clearly
13 says in here "resettling the occupants." It doesn't
14 say "residents," even though they may have taken
15 that before as "residents" it really says
16 "occupants." Also to coordinate the public safety.

17 Well, on the last page when I would
18 bring this up at a board meeting, I was trying to
19 tell everybody it has our exception to
20 indemnification. Now, the exception to
21 indemnification I have underlined as gross
22 negligence, willful misconduct, or criminal neglect
23 or criminal behavior. And what happened it seems
24 because we're on the board and we're a
25 quasi-governmental agency that you would then all

1 1/29/03 - RULES - 020495, 020649, 020733

2 give us protection in case something happened to
3 somebody. And I wanted us to move the ineligible
4 residents out as fast and as equitable as we could.
5 That was from me as an LAC Board member.

6 The next thing I wanted to talk on is as
7 an occupant myself. If someone wants to help me
8 pass these out.

9 COUNCILMAN KENNEY: Are you in favor of
10 the legislation or opposed to it.

11 MR. TURNER: I'm in favor of the
12 legislation with the idea that those people who have
13 been taken advantage OF by the legal system from
14 the, I guess you'd call them the City Solicitor's
15 who did the legal thing but not the right thing, I'm
16 in favor of the legislation with the idea that those
17 people who have been taken unfair advantage can get
18 mediation, mediation from the City, not anything
19 else. It's a great story unless it happens to you.

20 COUNCILMAN KENNEY: I'm sorry, what are
21 you giving us?

22 MR. TURNER: I'm the last building
23 remaining as you come up to the medical center.

24 COUNCILMAN KENNEY: What are you giving
25 us here?

1 1/29/03 - RULES - 020495, 020649, 020733

2 MR. TURNER: That's for me as the
3 occupant.

4 COUNCILMAN KENNEY: I apologize. I'm
5 just totally lost. I don't where we're going.
6 These papers are showing us what?

7 MR. TURNER: Why we've -- I guess my
8 story for why we're here. I'm here as the only
9 building in the first 22 acres. I'm the only
10 remaining building that's left.

11 COUNCILMAN KENNEY: Right. Is your
12 building being taken?

13 MR. TURNER: My building -- I will be
14 told once you approve it. Since you haven't
15 approved it, they're not allowed to really tell me
16 that right now; because in case you don't approve
17 it, they won't take.

18 COUNCILMAN KENNEY: We'll probably
19 approve it so....

20 MR. TURNER: I know, but they still must
21 stick by the law.

22 COUNCILMAN ORTIZ: You want
23 compensation.

24 MR. TURNER: I want mediation and
25 compensation.

1 1/29/03 - RULES - 020495, 020649, 020733

2 COUNCILMAN ORTIZ: I want to know what
3 it is that you want.

4 MR. TURNER: I want mediation so when it
5 comes time to compensate, we can get fair mediation.
6 That's what I've always asked for.

7 COUNCILMAN ORTIZ: Based on?

8 MR. TURNER: Based on what they should
9 have -- the first letter on the first page, the
10 first 100 people got letters that my block, that
11 person is --

12 COUNCILMAN KENNEY: I understand, but
13 this is July 11, 1988.

14 MR. TURNER: Yeah, that's when they got
15 the letter. I got mine when Mr. Lipschultz sued
16 everybody.

17 COUNCILMAN KENNEY: I understand. I
18 want to give as much as time as possible. But the
19 issue -- we're going over information that -- I
20 mean, some of us weren't in Council then. I want to
21 deal with what the purpose of the hearing is to talk
22 about the legislation that's before us now and
23 whether you're in favor of it or against and what
24 changes you'd like to see. It's just so much
25 information, I can't --

1 1/29/03 - RULES - 020495, 020649, 020733

2 MR. TURNER: Okay, then the only thing
3 that I will say then is that in 1994 when I went to
4 the Philadelphia City Planning Commission, they
5 asked for ideas. My idea was a whole commercial
6 center with a vocational training center above so
7 that people could go for job trainings to jobs to
8 their own business and thought maybe some of them
9 may become either rich democrats or poor
10 republicans.

11 COUNCILMAN KENNEY: I just don't how
12 that information pertains to what we're talking
13 about now. If there are specific things you want to
14 see changed in the legislation or added to the
15 legislation, that's what we're here to hear. That's
16 why we're here to listen to that.

17 I think it's been a terrible history.
18 Don't get me wrong. I think the history's been
19 absolutely disgraceful, but I don't know how it
20 applies to this.

21 MR. TURNER: I just wanted to reiterate
22 part of the salient portions of that and maybe that
23 would help when it comes up for a vote for you to
24 state that there's people who should have been taken
25 a lot earlier get some type of mediation and not

1 1/29/03 - RULES - 020495, 020649, 020733

2 depend on the goodwill of the Redevelopment
3 Authority. Thank you very much.

4 COUNCILMAN KENNEY: That's fine. Thank
5 you.

6 Is there anyone else to testify on this
7 bill?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing none, we will
10 now move to Bill No. 020811, which is an Ordinance
11 approving the redevelopment proposal of the
12 Redevelopment authority of the City of Philadelphia
13 for the redevelopment of the Kingsessing Urban
14 Renewal Area being the area generally bounded by
15 Chester Avenue on the north, South 52nd Street on
16 the east, the AMTRAK right-of-way line on the south
17 and South 61st Street and 62nd Street on the west;
18 approving the urban renewal plan and determining
19 that such plan and redevelopment proposal conform to
20 the general locality plan and make adequate
21 provisions for individuals, business concerns and
22 families who are displaced; determining the
23 necessity for changes in and for zoning, streets,
24 alleys, public ways, street patterns, location and
25 relocation of public utilities; determining that the

1 1/29/03 - RULES - 020495, 020649, 020733
2 urban renewal plan and redevelopment proposal meet
3 all non-discrimination requirements of Federal,
4 State and Local Laws and the regulations and
5 policies promulgated with respect thereto; declaring
6 that certain expressly designated and provided for
7 condemnation is not imminent with respect to the
8 Project; and declaring the redevelopment
9 undertakings in the Project to be an important part
10 of the City's program to remove and prevent the
11 spread of urban blight.

12 Please identify yourself for the record.

13 MR. WETZEL: Thank you, Mr. Chairperson.
14 My name is Herbert Wetzel, Executive Director of the
15 Redevelopment Authority of the City of Philadelphia.

16 COUNCILMAN KENNEY: You know what, we're
17 going to have to hold you there. The stenographer
18 needs a few minutes. We'll be right back.

19 (Brief recess.)

20 COUNCILMAN KENNEY: Please proceed.

21 MR. WETZEL: Mr. Chairperson and Members
22 of the Committee, I'm here to speak in support of
23 Bill No. 020811. The amendment to the southwest
24 Schuylkill redevelopment proposal and the
25 establishment of the Kingsessing Urban Renewal Plan

1 1/29/03 - RULES - 020495, 020649, 020733

2 for the southwest Schuylkill Redevelopment Area and
3 the Kingsessing Urban Renewal Area.

4 This bill would authorize the
5 Redevelopment Authority to acquire 56 properties.
6 These properties will be developed by the Board of
7 City Trust, Philadelphia Housing Development
8 Corporation, and Presby Homes and Services. All 56
9 structures are vacant and blighted and will be fully
10 rehabilitated or newly constructed to be sold low
11 and moderate income individuals.

12 This project will promote the
13 elimination of blight and result in expanded housing
14 authorities for low and moderate income individuals
15 and restore properties to the tax role.

16 Mr. Chairperson and Members of the
17 Committee, I respectfully request favorable
18 consideration of Bill No. 020811 and would ask for
19 the suspension of Rules of Council to allow for
20 first reading on February 6, 2003.

21 COUNCILMAN KENNEY: Thank you.

22 Is it safe to assume that the City
23 Planning Commission is in favor of this?

24 MR. REDDING: Yes, Mr. Chair.

25 COUNCILMAN KENNEY: The PHDC is here,

1 1/29/03 - RULES - 020495, 020649, 020733

2 and you're also in favor.

3 Mr. Paone is here to support it also,
4 correct?

5 MR. PAONE: Yes.

6 THE CHAIRMAN: Mike Wurster, Board of
7 City Trusts is also in favor.

8 And representative of Presbyterian Homes
9 is here and everyone's in favor of it.

10 Is there anyone in the room that's not
11 in favor of this bill?

12 (No response.)

13 THE CHAIRMAN: Is there anything else
14 you think need on this record to describe what the
15 bill does? You think it's pretty clear?

16 MR. WETZEL: Yes, it is, sir.

17 THE CHAIRMAN: Anyone else to testify on
18 this bill?

19 Please identify yourself for the record.

20 MS. MURRAY: Council President Verna has
21 really -- I'm Kathleen Murray, Special Assistant to
22 Council President Verna. She has spearheaded this
23 initiative, and would like to note the one component
24 of it is the link for education where each one of
25 the 90 homes that are sold, the Board of City Trusts

1 1/29/03 - RULES - 020495, 020649, 020733

2 will make available scholarships to eligible
3 children of the home buyers.

4 COUNCILMAN KENNEY: Thank you for your
5 testimony.

6 No one else to testify on this bill.

7 We will now take the following bills in
8 order, 020495, which is an Ordinance amending Title
9 14 of the Philadelphia Code, entitled "Zoning and
10 Planning," by increasing the permissible height for
11 fences located on the front lot line of certain
12 properties in residential districts; by prohibiting
13 the use of barbed/razor/concertina wire or any
14 similar type of wire on residentially-zoned
15 property; and by permitting certain architectural
16 embellishments on fences; all under certain terms
17 and conditions.

18 Bill No. 020649, which is an Ordinance
19 to amend the Philadelphia Zoning Maps by changing
20 the zoning designations of certain areas of land
21 located within an area bounded by Norris Street,
22 Broad Street, Diamond street and 15th Street.

23 And Bill No. 020733, which is an
24 Ordinance to amend the Philadelphia Zoning Maps by
25 changing the zoning designations of certain areas of

1 1/29/03 - RULES - 020495, 020649, 020733

2 land located within an area generally bounded by
3 Annsbury Street, H Street, Ramona Street and G
4 Street.

5 I would ask that the Planning Commission
6 and Licenses and Inspections testify on each of the
7 bills read, whether they're in favor or opposed to
8 those bills. I appreciate it.

9 MR. HAIGLER: Good day, Councilman
10 Kenney, Members of the Committee. My name is Otis
11 Haigler, Jr., Legislative of Regulatory Affairs
12 Manager for the Department of Licenses and
13 Inspections. In the interest of time, Councilman
14 Kenney, I would just submit my written testimony and
15 to indicate that the Department supports Bill
16 No. 020495, with any amendments that might be
17 offered.

18 COUNCILMAN KENNEY: Thank you.

19 MR. KRAMER: Councilman Kenney, good
20 afternoon. Bill Kramer, Philadelphia City Planning
21 Commission. With reference to all three bills, the
22 Planning Commission will be formally considering
23 these bills at its meeting of February 18th of 2003.
24 All three will be presented to the commission with a
25 staff recommendation of approval.

1 1/29/03 - RULES - 020495, 020649, 020733

2 COUNCILMAN KENNEY: Thank you very much.

3 Anyone else to testify on these bills?

4 (No response.)

5 THE CHAIRMAN: Seeing none, that will

6 conclude the business of the public hearing.

7 The committee on Rules will now convene

8 a public meeting -- first, the Chair recognizes

9 Councilmember Clarke for a motion to offer

10 amendments to Bill No. 020495.

11 Mr. Haigler could you please take the

12 Chair again?

13 COUNCILMAN CLARKE: Mr. Chairman, I was

14 going to offer amendment that delete the portion

15 that references barbed wire where there's actually

16 some confusion. One of my colleagues, Councilman

17 DiCicco, believed that to be law prior to the

18 submission of this particular bill?

19 MR. HAIGLER: No, it's not law. We had

20 a legal advisory from the Law Department on it, but

21 it's nothing in the Code to prohibit that. There is

22 no prohibition in the Code that we have. We've been

23 acting on it since 1995 as policy to deal with that

24 from some sort of safety perspective. I have a copy

25 of that legal advisory here. I'd be glad to show it

1 1/29/03 - RULES - 020495, 020649, 020733

2 to you.

3 COUNCILMAN CLARKE: So the deletion of
4 it per this amendment --

5 MR. HAIGLER: There's nothing in the
6 Code about it.

7 COUNCILMAN CLARKE: -- would not
8 prohibit you to continue to do it as a matter of
9 policy?

10 MR. HAIGLER: That's correct.

11 COUNCILMAN CLARKE: And then if we
12 wanted to have broader discussion on the legislation
13 we can revisit it.

14 MR. HAIGLER: That's correct.

15 COUNCILMAN CLARKE: So I'll delete it
16 out of the bill.

17 COUNCILMAN KENNEY: The amendment is not
18 necessary?

19 COUNCILMAN CLARKE: Well, they
20 apparently had the wherewithal to enforce this issue
21 as a matter of policy.

22 MR. HAIGLER: Policy.

23 COUNCILMAN CLARKE: So it's no need for
24 us to have it in the legislative form so I'm just
25 going to delete it out of the bill with the

1 1/29/03 - RULES - 020495, 020649, 020733

2 amendment.

3 COUNCILMAN KENNEY: That will conclude
4 the public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

COMMITTEE ON RULES

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Wednesday, January 29, 2003

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Public Meeting conducted by the
Committee on Rules, held in Room 696, City Hall,
Philadelphia, Pennsylvania, on the above date, to
consider action on the following:

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BILLS 020760, 020689, 020495, 020649,
020733, 020811, 020812.

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PRESENT:

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COUNCILMAN JAMES KENNEY, Chairman

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COUNCILMAN DARRELL CLARKE

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COUNCILMAN DAVID COHEN

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COUNCILMAN FRANK DICICCO

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COUNCILMAN MICHAEL NUTTER

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COUNCILMAN BRIAN O'NEILL:

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COUNCILMAN ANGEL ORTIZ

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1 1/29/03 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: Let's now enter into
3 a public meeting.

4 I first recognize Councilman DiCicco for
5 a motion to amend Bill No. 020760.

6 COUNCILMAN DICICCO: Thank you, Mr.
7 Chair. I believe my legislative assistant has
8 either handed our or he's in the process of handing
9 out a amendment to Bill No. 020760. I want to thank
10 you all of you in your participation in this
11 morning's hearings. We have worked out an amendment
12 that is what he agreement of all the parties, the
13 developer and the civic association, Old City Civic
14 Association as well.

15 For the record, I will read into the
16 record the proposed changes for the amendment.

17 COUNCILMAN KENNEY: The Chair will rule
18 that we will submit the proposed amendment which has
19 been circulated to all Members of Council.

20 COUNCILMAN DICICCO: Move for the
21 adoption of the amendment to Bill No. 020760.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: It's moved and
24 seconded.

25 All in favor on the amendment?

1 1/29/03 - RULES - PUBLIC MEETING

2 (Aye.)

3 THE CHAIRMAN: There are none opposed.

4 Bill No. 020760 will be amended according.

5 The Chair recognizes Councilmember

6 DiCicco on a motion on the amended bill.

7 COUNCILMAN DICICCO: Thank you, Mr.

8 Chair. I move that Bill No. 020760, as amended be
9 reported out of this committee with a favorable
10 recommendation and a further recommendation that the
11 Rules of Council be suspended.

12 COUNCILMAN KENNEY: Moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN KENNEY: There are none
16 opposed. Bill No. 020760, as amended, will be
17 reported out of this committee favorably. We have a
18 request for rules suspension to allow for first
19 reading at our next Council Session.

20 The Chair recognizes Councilmember

21 Clarke on a motion on Bill 020689.

22 COUNCILMAN CLARKE: Thank you, Mr.

23 Chairman. I make a motion that Bill No. 020689 be
24 reported out of Committee with a favorable
25 recommendation and a request for a suspension of the

1 1/29/03 - RULES - PUBLIC MEETING

2 rules.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Moved and seconded.

5 All in favor?

6 (Aye.)

7 THE CHAIRMAN: There are none opposed.

8 Bill No. 020689 will reported out of
9 this Committee with a favorable recommendation. A
10 request will be made for Rules suspension to allow
11 for first reading at our next Council Session.

12 The Chair recognizes Councilmember
13 Clarke on a motion, I think, to amend Bill 020495.

14 COUNCILMAN CLARKE: Thank you, Mr.
15 Chairman. Mr. Chairman, as circulated, I'd like to
16 offer the proposed amendments to Bill No. 020495 at
17 this time.

18 (Duly seconded.)

19 COUNCILMAN KENNEY: It's been moved and
20 seconded.

21 All in favor?

22 (Aye.)

23 THE CHAIRMAN: There are none opposed.

24 The amendment to Bill No. 020495 has
25 been approved and the bill will be amended

1 1/29/03 - RULES - PUBLIC MEETING

2 accordingly. Reported out of this Committee
3 favorably.

4 The Chair recognizes Councilmember
5 Clarke for a motion on the amended Bill 020495.

6 COUNCILMAN CLARKE: Mr. Chairman, as a
7 result of very recent discussions with the Members
8 of this Committee, I'm going to ask that we hold
9 this particular bill.

10 COUNCILMAN KENNEY: That will be done.

11 The Chair recognizes Councilmember
12 Clarke for a motion on Bill No. 020649.

13 COUNCILMAN CLARKE: Thank you, Mr.
14 Chairman. I move that Bill No. 020649 be reported
15 out of Committee with a favorable recommendation and
16 a request for a suspension of the rules.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: Moved and seconded.

19 All in favor, aye?

20 (Aye.)

21 THE CHAIRMAN: There are none opposed.

22 Bill No. 020649 will reported out of
23 this Committee with a favorable recommendation. A
24 request will be made for Rules suspension to allow
25 for first reading at our next Council Session.

1 1/29/03 - RULES - PUBLIC MEETING

2 The Chair recognizes Councilmember
3 Clarke on a motion on Bill No. 020733.

4 COUNCILMAN CLARKE: Thank you, Mr.
5 Chairman. I make a motion that Bill No. 020733 be
6 reported out of Committee with a favorable
7 recommendation and a request for a suspension of the
8 rules.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and seconded.

11 All in favor?

12 (Aye.)

13 THE CHAIRMAN: There are none opposed.

14 Bill No. 020733 will be reported out of
15 this Committee favorably. A request will be made
16 for Rules suspension to allow for first reading at
17 our next Council Session.

18 The Chair recognizes Councilmember
19 DiCicco for a motion on Bill 020811.

20 COUNCILMAN DICICCO: Thank you, Mr.
21 Chairman. I move that Bill No. 020811 be reported
22 out of this committee with a favorable
23 recommendation, and a further recommendation that
24 the Rules of Council be suspended.

25 (Duly seconded.)

1 1/29/03 - RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: Moved and seconded.

3 All in favor?

4 (Aye.)

5 THE CHAIRMAN: There are none opposed.

6 Bill No. 020811 will reported out of
7 this Committee favorably. A request will be made
8 for Rules suspension to allow for first reading at
9 our next Council Session.

10 The Chair recognizes Councilmember
11 DiCicco on a motion on Bill 020812.

12 COUNCILMAN DICICCO: Thank you, Mr.
13 Chair. I move that Bill No. 020812 be reported out
14 of this Committee with a favorable recommendation
15 and a further recommendation that the Rules of
16 Council be suspended.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: Moved and seconded.

19 All in favor?

20 (Aye.)

21 THE CHAIRMAN: There are none opposed.

22 Bill No. 020812 will reported out of
23 this Committee favorably. A request will be made
24 for Rules suspension to allow for first reading at
25 our next Council Session.

1 1/29/03 - RULES - PUBLIC MEETING

2 If there's nothing else, that will
3 conclude the business of the Rules Committee today.
4 We appreciate your time and patience.

5 I believe the Committee on Licenses and
6 Inspections will be convening shortly. Thank you.

7 (Council adjourned at 2:15 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of January 29, 2003, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON RULES

Lisa C. Bradley, RPR
and Notary Public