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COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON RULES

- - -

Wednesday, May 10, 2006

10:25 a.m.

- - -

Room 400, City Hall

Philadelphia, Pennsylvania

- - -

BILL NO. 060292

PRESENT:

ANNA C. VERNA, Chair
DARRELL L. CLARKE, Vice-Chair
JACK KELLY
BRIAN J. O'NEILL
DONNA REED MILLER
JAMES F. KENNEY
BLONDELL REYNOLDS BROWN

- - -

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2 PRESIDENT Verna: Good morning,
3 everyone. I thank you all for your patience.

4 This is a Public Hearing of the
5 Committee on Rules regarding Bill No. 060292.

6 Before Mr. McPherson reads the title
7 of the bill, I would like the record to
8 indicate that we do have a quorum. To my
9 extreme left is Councilman Kelly, Councilman
10 O'Neill. To my extreme right is Councilwoman
11 Miller and Councilman Clarke.

12 I would ask Mr. McPherson to please
13 read the title of the bill.

14 MR. MCPHERSON: An ordinance
15 amending Section 14-1611 of the Philadelphia
16 Code, entitled "Benjamin Franklin Parkway
17 Controls," by providing for additional height
18 controls in the vicinity of the Benjamin
19 Franklin Parkway, under certain terms and
20 conditions.

21 PRESIDENT Verna: Thank you.

22 May we hear from City Planning? Do
23 we have anyone here from City Planning?

24 All right. I don't have a list of
25 witnesses.

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2 Good morning. Councilman Kenney is
3 also present.

4 Senator Fumo, I see you're in the
5 audience, and I don't want to detain you while
6 we wait for someone from City Planning to
7 arrive. So you're certainly more than welcome
8 to testify at this time.

9 Let the record indicate also that
10 Councilwoman Brown has arrived.

11 Good morning and welcome.

12 SENATOR FUMO: Thank you, Madam
13 President for allowing me to testify today. I
14 won't make any more wisecracks about City
15 Planning. But I think if they had been a
16 little more diligent, it would make your life a
17 little bit easier.

18 We have a similar problem, as you're
19 aware, on the waterfront that the Governor and
20 I opposed a moratorium. We're going to have
21 some meetings with the City and hopefully get
22 something going there as well.

23 But what I have found of late -- and
24 it's good and bad -- is that Philadelphia is
25 now besieged by out-of-town developers who have

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2 looked upon us as a stepchild to be exploited.
3 We have some gorgeous neighborhoods. We have
4 some wonderful focal points. And the people
5 that live here and have lived here for a long
6 time appreciate the aesthetic value that they
7 bring to our city. They're part of the things
8 that make Philadelphia, Philadelphia.

9 We are not New York City. We do not
10 want to be New York City. We are Philadelphia.
11 We are a large city of small neighborhoods that
12 is friendly to live in, easily manageable and
13 very picturesque, as well as being very
14 historic.

15 We now find that as a result of a lot
16 of hard efforts on the part of my office and
17 others, we were able to, among other things,
18 get the Barnes to come to Philadelphia.
19 Because of that, which is I think going to be
20 just spectacular for the city, unscrupulous
21 developers want to come in and make money off
22 of that.

23 They will take their money and run.
24 They will go back to New York City. They will
25 go back to Israel. They will go back to

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2 wherever they came from and be gone. Donald
3 Trump flies in here the other night, casts
4 aspersions upon the Governor, myself,
5 criticizes us and then gets in his helicopter
6 and flies back to New York.

7 I think Philadelphia ought to be
8 about Philadelphians. While we do want to grow
9 our city, we want to grow it in a responsible
10 way. And we also want to make sure that the
11 people who live here now and the people who
12 have invested their fortunes, their homes or
13 their fortunes, are protected from these people
14 that fly in and fly out and do this.

15 We had a particular problem occur in
16 the area that I live, in the Spring Garden
17 section of the city, where just about
18 unbeknownst to everyone, including I believe
19 District Councilman Darrell Clarke and I have
20 discussed this, someone went in and got an
21 over-the-counter permit to build a 47-story
22 tower of condominiums on a site that is now
23 presently a low-rise motel that is being used
24 basically for student housing for Temple.

25 In addition to that 47-story on the

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2 drawing board I believe is another -- what was
3 it, Darrell? 30 stories next to it?

4 COUNCILMAN CLARKE: Yes.

5 SENATOR FUMO: That kind of
6 impact on that residential neighborhood would
7 be devastating. It not only creates the shadow
8 lines and everything else that's going to
9 affect the neighborhood, but when you think
10 about possibly another -- I'll be
11 conservative -- 500 families, affluent families
12 living in that area -- if they're affluent and
13 they're living in Philadelphia, they're not
14 going to have one car. They're going to have
15 two or three cars. Our code provides one car
16 per unit.

17 That alone, just the cars in the
18 neighborhood, will destroy the neighborhood.
19 It's tough enough as it is to park. You've got
20 older Victorian homes there that are precious.
21 They're masterpieces. They're part of our
22 heritage. You can't start knocking them down
23 and putting holes in them and putting garages
24 in them for the residents to park.

25 In addition, what does that do to the

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2 traffic flow in the area, and congestion?

3 Eventually, if we allow this to continue, it's
4 going to destroy what we now know as our own
5 Champs Elysees, the Parkway. And that would be
6 devastating.

7 So I would urge that we act
8 immediately. And I thank the Councilman for
9 introducing an overlay, and I understand today
10 as an amendment to make it even a little bit
11 better. And I also understand that because of
12 the quickness that we're going to have a
13 community meeting with the leadership in the
14 next week or two to define it even better. But
15 we have to do something, and we've got to do
16 something quickly to protect our city.

17 In addition -- and not just on that
18 issue or on this bill -- I would urge the
19 Council to take another look at its zoning
20 code. The fact that you can have -- and I
21 don't understand it well enough. But this is
22 what? An R-12 or whatever it is, unlimited
23 height. That's got to be looked at, the fact
24 that you can go in and get an over-the-counter
25 permit for a building monstrosity. I would

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2 suggest that you limit it to any construction
3 over 50,000 square feet has to go somewhere to
4 tell somebody what they're doing.

5 When you impose a height limit with
6 an overlay, you're not saying we can't build a
7 building any bigger than that. But what you
8 are saying is if you want to exceed that limit,
9 you've got to come to the Zoning Board, you've
10 got to come to the community and justify.

11 In addition, I'd ask you to take
12 another look at your code because these are a
13 new phenomenon for us. I would suggest that
14 any condominium developer where it's selling
15 for 500 dollars a square foot have to have two
16 parking spaces; taking into account that if a
17 person buys a 1,000 square foot apartment,
18 they're going to pay 500,000 dollars. And on
19 average, if you're buying that kind of
20 apartment -- it could be 2,000; you're going to
21 have to spend a million dollars for that --
22 you've got to believe they have two cars. If
23 it's more than that, if it's 750 a square
24 foot -- and you can let those numbers flow with
25 inflation -- there ought to be three parking

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2 spaces.

3 It's about time that developers start
4 to respond and be responsible to the needs of
5 the communities in which they develop and also
6 to their own customers. When you do a condo,
7 it's not like an apartment building where the
8 tenant complaints to you every other month that
9 there's a problem. The condo, you're in and
10 out, you're gone, and now it's your problem.
11 But your problem becomes every taxpayer's
12 problem.

13 So I would greatly urge either this
14 committee or whatever the appropriate committee
15 is to take another look at our zoning codes,
16 which I think are vastly, grossly outdated from
17 when they were drawn because we never
18 envisioned this kind of development hitting our
19 city. If we don't do something, we're going to
20 destroy the character of Philadelphia. We're
21 going to make it a mini, if I may, half-ass New
22 York that nobody is going to like.

23 If you want to live in New York, you
24 go to New York. If you want to live in
25 Philadelphia, you live in Philadelphia. No one

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2 wants a bastardization between the two because
3 that destroys the fabric and the character of
4 the city.

5 So I would urge you all to support
6 the Councilman's amendment today and hopefully
7 another amendment in the next few weeks when we
8 can refine it. I would also really, really
9 urge you to take another look at the zoning
10 code as it applies to modern Philadelphia. My
11 staff in Harrisburg, which has worked with you
12 before on the budget and other issues, would be
13 more than happy to come down and assist you in
14 any way that we can.

15 I would also ask you to somehow force
16 the Planning Commission of Philadelphia to
17 become more active. Maybe with an ordinance to
18 empower them more. I don't know what the
19 solution is. But it's not this
20 administration's fault.

21 It's been historic now for the
22 last -- I don't know -- 15 or 20 years that
23 that agency, which I understand does have a
24 vast amount of expertise, is not being used,
25 consulted or being effective as it should be.

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2 It's a shame to beat them up. I think it's a
3 question of you've got this A-team sitting over
4 here and nobody lets them do anything.

5 Unleash them. Let them go out. I
6 mean, we've got to have some effective citywide
7 planning to avoid this kind of stuff and to
8 avoid doing it piecemeal. So that you've got a
9 plan in advance so that when a developer comes,
10 he knows what the rules are. And if he's got
11 to get a minor change, he knows where to go to
12 get that minor change. And he also knows he's
13 not going to destroy the fabric of the city.

14 Thank you. I'll answer any
15 questions.

16 PRESIDENT VERNA: Thank you very
17 much, Senator. We really appreciate your
18 coming in to testify. You certainly have
19 expressed the importance of this very bill
20 before us.

21 At this time the Chair recognizes
22 Councilman Clarke.

23 COUNCILMAN CLARKE: Thank you,
24 Madam Chair.

25 Senator, I just want to thank you for

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2 working with us, getting deeply engaged in the
3 issue. We had fun sitting together at the
4 community meeting. I look forward to having
5 many more. Then we will be reaching out to all
6 of the communities to craft some legislation
7 that will make sense for all of the particular
8 communities, understanding that this is a
9 rather broad area which this legislation
10 currently affects.

11 We understand that the probability
12 that one particular height limit will
13 reasonably address all of the areas encompassed
14 in this legislation is probably limited. So
15 over the next two weeks, like you recommended,
16 we'll be more than willing to sit down and
17 craft something that works for every particular
18 community, and possibly extend it to other
19 parts of the communities that are not included
20 in this particular bill.

21 So thank you for coming.

22 SENATOR FUMO: And I think it
23 should be clear that neither the Councilman nor
24 myself are anti-development. We just want good
25 development done in a proper fashion.

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2 COUNCILMAN CLARKE: Thank you.

3 PRESIDENT VERNA: Thank you very
4 much.

5 Are there any other questions or
6 comments from members of committee? The Chair
7 recognizes Councilman O'Neill.

8 COUNCILMAN O'NEILL: Senator,
9 I'd first like to thank you for your comments
10 on how to try to fix things in the future.
11 Parking, those people that live in the
12 neighborhoods are the ones that understand that
13 the best.

14 One thing we do here in Council is we
15 support each other. I have different issues in
16 the Northeast with zoning. Councilman Clarke
17 and others that don't have those kind of issues
18 are very supportive without even blinking
19 because it's my residents and I represent them
20 and vice versa.

21 The Planning Commission, though, you
22 hit a nerve. I've been hearing for years --
23 and the Councilwoman was just mentioning to me
24 at side-bar -- it's a repeated story. The
25 Planning Commission has no power.

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2 But when we ask the Planning
3 Commission just give us the legislation that
4 will give you the power, we want you to have
5 the power, we want somebody besides L & I, who
6 just process permits, to have some influence
7 over larger developments, to be able to break
8 them down, to be able to become planners, we've
9 been very unsuccessful.

10 We have good people over there. I
11 think they're talented. But I'm not sure how
12 much they want it because there's been no
13 evidence that they want to be proactive.

14 SENATOR FUMO: I think part of
15 the problem is that they are part of the
16 executive branch and have to live under that.
17 I don't know. I mean, this goes back -- it
18 predates Ed Rendell, and Ed Rendell did it as
19 well.

20 One of the ironies was when I got
21 them to impose the moratorium, everybody said
22 now all of a sudden he's for a planning
23 commission. But that's why I think Council has
24 to find a way legislatively to carve out a new
25 role for this. Maybe restructure it. Maybe

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2 have appointees of the City Council. Maybe
3 have other appointees on there. Empower it
4 differently. Give it a different budget, if
5 you will.

6 Maybe when you do that, their rulings
7 would not be binding, but at least you'd be
8 taking advantage of the expertise. Neither you
9 nor I nor Councilman Clarke nor anybody really
10 have the expertise for this. I mean, this
11 height restriction is just an effort to put a
12 cork on the bottle before it overflows. But
13 they are the people that make careers out of
14 it, who get Ph.D.'s in this stuff, whose
15 expertise we'd like to draw upon.

16 So maybe what you've got to do is
17 totally restructure that with Council
18 appointees, Mayoral appointees, other people.
19 Put them over here, give them their separate
20 budget. When you do that, I think you'll
21 probably constitutionally have to take away any
22 power to strictly enforce what they do. But at
23 least you would then have the expertise
24 available so that when somebody comes, they'd
25 like to be able to say to you or the Zoning

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2 Board or somebody, you know, we went to the
3 Planning Commission and it fits. Then you've
4 got that to rely upon.

5 Right now -- I mean, the Councilman
6 and I, make it so many feet. I don't know.
7 Just do it real quick. Delaware Avenue, shut
8 it down. And there we did that because I urged
9 PennDOT and General Services and DEP, and
10 hopefully we're going to involve the city, to
11 give us a plan.

12 I don't know what to do with all
13 those cars. But I do know that casinos are
14 coming. One of them is going to be in my
15 district by definition. One of them is going
16 to be on the waterfront. And for those of you
17 that have driven in that area, if any of you
18 have, and tried to get to Ikea on an average
19 day, forget it.

20 So now the possibility of -- I think
21 the last request we had was for four or five
22 hundred condos. That's another 1,000, 2,000
23 families who have to use Delaware Avenue. And
24 one or two casinos with another 10,000 people.
25 The street can't handle that.

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2 Look, we have an investment in
3 casinos as well. The city is going to go do
4 very well by that. You're getting a nice piece
5 of change from the money we put in there. And
6 so is the state.

7 So we've got to -- I don't know how
8 to do it. I don't know what the answer is.
9 But somebody has to have an idea, and that's
10 where I think the Planning Commission comes in,
11 and their expertise. We shouldn't have to be
12 supplanting our authority legislatively and
13 executively helter-skelter without expertise
14 when we've got this whole A-team sitting over
15 here.

16 Now, some of them could be flaky.
17 Some of them could have bizarre ideas. And you
18 take that into consideration as well and get
19 real. I mean, the art of politics is taking
20 the two extremes and bringing them together and
21 making them work. But here we have no extremes
22 except desperation.

23 COUNCILMAN O'NEILL: Thank you.
24 I think looking at some other cities that have
25 done it already and seeing what kind of

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2 legislation supports their planning efforts in
3 Boston, Chicago.

4 SENATOR FUM0: No executive
5 branch wants to give up its authority and its
6 power to say to a developer okay. They don't
7 want to do that. And that's understandable.
8 If you were mayor, you wouldn't want to do it.

9 But it's your obligation as the
10 legislative side of this to say, understanding
11 that as a reality, political reality, we've got
12 to have this too. Kind of like the GAO and all
13 that stuff in Washington.

14 COUNCILMAN O'NEILL: Thank you.

15 PRESIDENT VERNA: You're
16 welcome.

17 The Chair recognizes Councilman
18 Kelly.

19 COUNCILMAN KELLY: Good morning,
20 Senator.

21 SENATOR FUM0: Good morning,
22 Councilman.

23 COUNCILMAN KELLY: I'm just
24 curious. You're, of course, a member of the
25 community over there. This location is 22nd

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2 and Spring Garden, if my memory serves me
3 right.

4 SENATOR FUM0: Yes.

5 COUNCILMAN KELLY: What would be
6 your recommendations of how this site could be
7 used that would be acceptable to the community?

8 SENATOR FUM0: I think you've
9 got to take a history of this particular
10 development. The people that own this
11 property, we found out, just didn't buy it. So
12 they spent a lot of money planning on
13 development. They bought it years ago and
14 milked it as the motel that it was.

15 I don't think they -- in fact, the
16 community I think is upset on a number of
17 issues -- invested any money back in it. They
18 put some money in, but nowhere near what they
19 should have to make it a first-class facility.

20 It reminds me of Sam Rappaport when
21 he would buy an historic building and let it
22 fall apart so that he could finally say, well,
23 now I've got to tear it down because it looks
24 like crap. It was almost that bad.

25 They cut a deal with Temple to do

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2 housing there, and that gave them enough cash
3 flow. Now they come here three, four, five
4 years later and say we want to build this.
5 They could still make a ton of money if they
6 were to demolish that and put luxury townhomes
7 three and four stories high. I mean, make a
8 ton of money on their investment.

9 There's an old saying that I use a
10 lot, and that's that bulls and bears will eat
11 and pigs will choke. On this one they're being
12 more than pigs. A 47-story building and a
13 30-story building? I don't care if they cut
14 them down to 20 stories. It's still an
15 intrusion on the neighborhood.

16 That neighborhood, if you go look at
17 it, is basically a bunch of Victorian homes.
18 There's no reason why in today's market -- and
19 we can see it all over the city where they're
20 getting a couple million dollars apiece for
21 nice townhomes three and four stories high with
22 parking.

23 They could do that. But why do that
24 if you can really hit a home run and take your
25 money and run? These are not long-term

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2 Philadelphians who live in the area who are
3 going to be affected by that.

4 So there are I think alternative
5 uses, but not alternative uses that would
6 penalize them. Alternative profitable uses
7 that they just don't want to look at because
8 they have the arrogance of saying we don't have
9 to, we've got a permit.

10 Now, I funded the community with
11 state money. They will fight them legally --
12 and I think we've got some great grounds -- and
13 tie them up forever. But that isn't the way
14 development should have to proceed in
15 Philadelphia.

16 COUNCILMAN KELLY: I agree with
17 you. I'm familiar with that location and
18 familiar with that section. I agree with you.
19 Townhomes would be I think an ideal solution to
20 them.

21 SENATOR FUMO: And they'd sell
22 like that at a really good profit.

23 COUNCILMAN KELLY: That's true.
24 Thank you, Senator.

25 PRESIDENT VERNA: Thank you.

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2 Are there any other questions or
3 comments from members of the committee?

4 Seeing none, Senator, we thank you
5 for coming in today to testify.

6 SENATOR FUMO: Thank you, Madam
7 President. Thank you, Members of Council.

8 PRESIDENT VERNA: We appreciate
9 your suggestions. Thank you very much.

10 SENATOR FUMO: Thank you.

11 PRESIDENT VERNA: It is my
12 understanding that we do have someone from City
13 Planning that has arrived.

14 Good morning. Please identify
15 yourself for the record and proceed with your
16 testimony.

17 MR. MARTIN GREGORSKI: Good
18 morning, Madam President, Members of the Rules
19 Committee.

20 PRESIDENT VERNA: Before you
21 proceed, do we have copies of your testimony?

22 MR. MARTIN GREGORSKI: You
23 should have a copy. I have a copy here if you
24 do not have one.

25 PRESIDENT VERNA: Do members

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2 have copies of the testimony?

3 Very well. Please identify yourself
4 and proceed with your testimony.

5 MR. MARTIN GREGORSKI: Good
6 morning, Madam President and Members of the
7 Rules Committee. My name is Martin Gregorski.
8 I am a zoning planner in the Development
9 Planning Division of the City Planning
10 Commission. I am here today to testify on Bill
11 No. 060292. Bill No. 060292 was introduced by
12 Councilmember Clarke on April 20, 2006.

13 Because this bill was introduced on
14 the date of the Commission's last meeting, this
15 bill has not yet been considered by the
16 Commission. This bill amends Section 14-1611
17 of the Philadelphia Code by providing
18 additional height controls in the vicinity of
19 Benjamin Franklin Parkway. This ordinance
20 would establish a maximum height of 250 feet
21 for any buildings in an area bounded by Spring
22 Garden Street, North Broad Street, Arch Street,
23 the Ben Franklin Parkway, North 22nd Street and
24 Pennsylvania Avenue.

25 It is important to indicate to the

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2 Council several facts that will have a bearing
3 on this legislation. First, the existing
4 controls for the height of buildings within 200
5 feet of Benjamin Franklin Parkway range between
6 200 feet and 268 feet in height between Broad
7 Street and 18th Street and 80 feet to 180 feet
8 in height between Fairmount Park and 18th
9 Street.

10 These controls would be added to the
11 controls that already exist under 14-1618 of
12 the Philadelphia Zoning Code which limit the
13 height of buildings to 185 feet in an area
14 bounded by Arch Street, 23rd Street, Cuthbert
15 Street, 22nd Street, Walden Street, 21st Street
16 and 20th Street. This section of the Code was
17 established as a result of passage of Bill No.
18 990496 on December 30, 1999.

19 Additionally, the buildings along the
20 Parkway are generally between 150 and 200 feet
21 in height. The highest buildings are located
22 between City Hall and 17th Street, with several
23 buildings being over 200 feet in height. Some
24 examples would be the Suburban Station Building
25 is 233 feet in height. The One Parkway

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2 Building is 235 feet in height.

3 At the Art Museum end of the Parkway,
4 there are a few buildings over 150 feet in
5 height. One is the Pennsylvania Apartment
6 Building located on Pennsylvania Avenue at 24th
7 Street, which is 200 feet high. Another is the
8 Park Towne Apartment Building along Park Towne
9 Place at 24th Street, which consists of several
10 buildings over 150 in height.

11 The Planning Commission is scheduled
12 to consider this bill at its meeting of May 18,
13 2006. We will be happy to answer any questions
14 of the Committee.

15 PRESIDENT VERNA: Thank you very
16 much.

17 Can you tell us if the Planning
18 Commission itself has any plans or suggestions
19 relating to height limitations for areas
20 generally abutting the Parkway?

21 MR. MARTIN GREGORSKI: We have
22 held with the Benjamin Franklin Parkway
23 Controls for some time. But in light of recent
24 events with the tower that is to be erected, we
25 have started taking a look at the height

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2 controls. I think that there is a number of
3 occasions that have arisen that have changed
4 things from what was before.

5 We have a new building code where
6 legally required windows are not -- there are
7 buildings that can be built without them. The
8 site in question that we're talking about was
9 R-15 zoned, which had a height requirement
10 based on legally required windows. There's no
11 legally required windows. So they could go up
12 very tall.

13 Also, the market for sometime
14 wouldn't bear another large building there.
15 But now it has. And I think that it is time
16 that we reconsider height controls along the
17 Parkway to either expand the controls or maybe
18 a rezoning of the areas would be appropriate at
19 this time.

20 PRESIDENT VERNA: When do you
21 think that will happen?

22 MR. MARTIN GREGORSKI: I think
23 as a result of the meeting that we're having on
24 the 18th there will be some recommendations
25 from both the staff and probably from the

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2 Planning Commission proper to get started on
3 working on either -- working to get the height
4 controls set up as they are in the bill, maybe
5 looking to see if the boundaries are correct
6 and the like, or to rezone the areas around
7 there. That will come as a result of the May
8 18th meeting we're having.

9 PRESIDENT Verna: Thank you.

10 The Chair recognizes Councilman Clarke.

11 COUNCILMAN CLARKE: Thank you,
12 Madam Chair.

13 Good morning.

14 MR. MARTIN GREGORSKI: Good
15 morning.

16 COUNCILMAN CLARKE: I'm glad to
17 hear that the Planning Commission is looking to
18 possibly change some of the limitations or make
19 some amendments or recommendations. Earlier in
20 the testimony -- I'm not sure if you were
21 here -- it was said that the community groups
22 both on the north and south side of the Parkway
23 will be meeting within the next two weeks to
24 craft some possible amendments to this bill
25 that will work for their individual

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2 neighborhoods. I would like to ask you if the
3 Planning Commission can be available, if
4 needed, to make sure that we're not working at
5 different ends.

6 MR. MARTIN GREGORSKI: We'll
7 make ourselves available, yes.

8 COUNCILMAN CLARKE: We'll have a
9 consensus at the end of the day, and we would
10 like to have Planning Commission support the
11 ultimate bill that we pass.

12 MR. MARTIN GREGORSKI: We would
13 certainly work with the neighbors.

14 COUNCILMAN CLARKE: Off the top
15 of your head, can you tell me what designations
16 currently don't have height limits? R-13's?

17 MR. MARTIN GREGORSKI: R-15's.
18 Most of the Center City height controls are
19 based on FAR's where you can go very tall but
20 very thin buildings. So you could get tall
21 buildings. Mostly it's the R-15's. There's
22 some industrial districts, which wouldn't be
23 around here, that don't have height limits.

24 COUNCILMAN CLARKE: So 13's and
25 15's?

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2 MR. MARTIN GREGORSKI:

3 Basically.

4 COUNCILMAN CLARKE: All right.

5 Thank you. Thank you, Madam President.

6 PRESIDENT VERNA: You're

7 welcome.

8 The Chair recognizes Councilman

9 O'Neill.

10 COUNCILMAN O'NEILL: Yes, thank

11 you.

12 Mr. Gregorski, I read all the height
13 limitations that are up and down the Parkway in
14 different areas. I assume this is one that
15 doesn't have height limitations, this area in
16 question.

17 MR. MARTIN GREGORSKI: This area
18 is not covered.

19 COUNCILMAN O'NEILL: That
20 meeting of the Planning Commission that's
21 coming up is eight days away. What I didn't
22 see in your testimony is what the staff
23 recommendation is going to be on this bill.

24 MR. MARTIN GREGORSKI: We don't
25 have one yet. There's a meeting this morning

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2 that I just came from that they're going
3 through it. Basically, our staff
4 recommendation comes as a result of the
5 Executive Director presenting what we have to
6 the staff and getting all the input and making
7 a decision, and that's happening right now. So
8 I can't tell you.

9 COUNCILMAN O'NEILL: You're part
10 of the staff that's going to have input. What
11 would cause input other than to support this
12 bill? What are the issues on the other side?

13 We know the issues with the
14 community. Senator Fumo spoke eloquently about
15 it. What would drive you in a different
16 direction?

17 MR. MARTIN GREGORSKI: I think
18 what would mainly drive us in a different
19 direction is how to go about it. Is the
20 overlay appropriate or should we just go and
21 rezone everything? It may be that the R-15's
22 aren't appropriate anymore. I don't think
23 anyone envisioned a 500-foot building in R-15.

24 It may be that rezoning may be
25 better. This may be something that we do as a

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2 stopgap to do a full rezoning because that
3 takes longer, as you well know.

4 COUNCILMAN O'NEILL: Sounds
5 pretty logical. Stopgap, then do the zoning,
6 because you know the zoning is not going to get
7 done in time to help anybody right now.

8 I think there's a strong feeling
9 among people that have just become involved in
10 this issue through this bill that you have to
11 do something and do it very fast at the
12 Planning Commission to support this community,
13 support the District Councilman and just do
14 what is right. I can't even imagine that at
15 this point there's even hesitancy about doing
16 that.

17 Could you also look at -- I don't
18 know if you were here for the testimony. But
19 the parking situation in this area is like I'm
20 sure many others in densely populated areas
21 that are fairly affluent. People have cars.
22 And in Philadelphia you need a car. I don't
23 care how good public transportation is. You
24 need a car. It's not New York.

25 Recognizing reality and going beyond

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2 just the one space per unit, regardless of the
3 size of the unit, could you take a good look at
4 that and bring that back from this hearing?
5 We'd rather have you recommending it than us
6 imposing it without your recommendation.

7 MR. MARTIN GREGORSKI: The
8 Planning Commission at the May 18th meeting
9 will be looking at the results of the Center
10 City Parking Study to look to make changes. We
11 had last month put forth some recommendations
12 that the Planning Commission would use as
13 guidelines when developers come in with
14 developments, but they don't have any teeth as
15 yet.

16 This parking study is going to
17 recommend specifics about what some of the
18 zoning code changes may need to be made
19 regarding park. That's also going to be at the
20 May 18th hearing. It will be just for a
21 presentation at this hearing and then next
22 month for adoption.

23 COUNCILMAN O'NEILL: So you are
24 thinking about adding additional parking
25 requirements?

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2 MR. MARTIN GREGORSKI: We're
3 looking at that as part of it.

4 COUNCILMAN O'NEILL: I guess the
5 64,000 dollar question for many people is I
6 know when we get remapping bills to map certain
7 properties the first thing we have is testimony
8 from the Planning Commission, usually a map.
9 We have a little two-story little motel over
10 there that obviously wants to be a lot more.
11 But at one point in time someone rezoned that
12 area R-15 with the Planning Commission's
13 recommendation.

14 Do you have any knowledge of why the
15 Planning Commission would rezone a two-story
16 property with unlimited height restrictions
17 built into the zoning when there are other
18 zoning classifications that would limit the
19 height?

20 MR. MARTIN GREGORSKI: When it
21 was zoned, it was 30 some years ago, a little
22 bit before my time.

23 COUNCILMAN O'NEILL: I didn't
24 think you were here for it, believe me. But
25 you keep pretty good records over there.

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2 MR. MARTIN GREGORSKI: We do.

3 COUNCILMAN O'NEILL: What was
4 going on?

5 MR. MARTIN GREGORSKI: Really, I
6 can't say. In my opinion, the fact that a
7 500-foot building could be built in R-15 is
8 shocking to me. I don't believe there's not a
9 legally required window on there that doesn't
10 fit the setback requirement that's required.

11 I think that because of the building
12 code changes -- we envisioned maybe a garden
13 apartment building in R-15. But I don't expect
14 to see a 500-foot building. I just think it's
15 just things have changed and it may be time to
16 relook at those classifications.

17 COUNCILMAN O'NEILL: I think the
18 best thing you can do at the Planning
19 Commission now is take back what you've heard
20 today.

21 MR. MARTIN GREGORSKI: I will do
22 that.

23 COUNCILMAN O'NEILL: Thank you.

24 PRESIDENT VERNA: Thank you.

25 I think you must keep in mind about

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2 the parking requirements. The Senator talked
3 about Barnes coming in. To the best of my
4 knowledge -- and maybe Councilman Clarke could
5 address it -- I don't think that the parking
6 issue has been addressed for Barnes. The
7 expansion of the library, I don't think that
8 the parking issues have been addressed about
9 the expansion.

10 I think we sit here and we react on
11 every one of these issues. We have been asking
12 for I don't know how long that the City
13 Planning Commission really do a study and have
14 strategic plans. We do things piecemeal and
15 sometimes it's not the best thing to do. So I
16 think that all of these issues should be put
17 into consideration when you're talking about
18 parking requirements.

19 Are there any questions or comments
20 from Members of the Committee?

21 COUNCILMAN KELLY: I just have
22 one comment.

23 PRESIDENT VERNA: Councilman
24 Kelly.

25 COUNCILMAN O'NEILL: Thank you,

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2 Madam Chair. I just have one question here.

3 As far as listening to the testimony
4 this morning, I understand that the developer
5 has a permit to construct a 47-story building.
6 What can be done to prevent this developer from
7 going through with the plans of building this?

8 MR. MARTIN GREGORSKI: I think
9 that's a difficult questions. I think there
10 may be some legal means for it. Once you get a
11 permit, obviously you can appeal that permit.
12 But presuming that L & I issued the permit
13 correctly --

14 COUNCILMAN KELLY: Then the
15 recourse is going through the courts?

16 MR. MARTIN GREGORSKI: You would
17 first go to the Zoning Board to appeal the
18 issuance of that permit. Then if you didn't
19 get that permit appealed, then you could take
20 it to the Court of Common Pleas.

21 COUNCILMAN KELLY: Thank you.

22 PRESIDENT Verna: Any other
23 questions or comments from Members of the
24 Committee?

25 Seeing none, I thank you. And I

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2 would appreciate your remaining for the rest of
3 the hearing just to hear what perhaps the
4 neighbors may have to say.

5 MR. MARTIN GREGORSKI:

6 Certainly.

7 PRESIDENT VERNA: Thank you.

8 I do not have a list of witnesses who
9 would like to be recognized. Mr. Gallery, I
10 see your hand is up. Would you please approach
11 the witness table, identify yourself and
12 proceed with your testimony.

13 MR. JOHN GALLERY: Thank you
14 very much, Council President Verna and Members
15 of the Committee.

16 I first of all want to apologize for
17 my voice. I hope that the microphone allows
18 you to hear me. I would also like to apologize
19 that I do not have my comments in writing
20 because I wanted to hear other comments before
21 making my own. But I have some notes and I
22 will try to translate them into something I can
23 submit to you later.

24 I want to first of all say that I
25 completely support all of the comments which

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2 Senator Fumo made. One of the great downsides
3 of the wonderful development of housing that's
4 going on in Philadelphia at the moment is this
5 problem of developers wanting to build projects
6 that are completely out of scale with the
7 neighborhoods in which they're being placed.

8 I see this constantly in working with
9 historic neighborhoods throughout the city,
10 particularly in Center City and adjacent to
11 Center City. The problems that are being
12 raised in this neighborhood by the developments
13 that are just out of scale are not unique here
14 they are broader. And your comments about the
15 need to look for broader ways to address these
16 are entirely appropriate.

17 I also strongly support the comments
18 that Senate Fumo made about the need to really
19 look at the underlying issue, and that is the
20 deficiencies of the zoning code. And I very
21 much the support the efforts that Councilman
22 Clarke, Senator Fumo and the neighborhoods are
23 taking to try to address this problem here and
24 your effort to look at a legislative solution
25 that will help anticipate future problems.

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2 But I'm here today to basically
3 answer Councilman O'Neill's question: What are
4 the downsides to this particular piece of
5 legislation? And I'm here to caution you that
6 I do not think that amending the Benjamin
7 Franklin Parkway Controls is the appropriate
8 way to achieve the goal that you're trying to
9 achieve; and that it may, in fact, create
10 complications that you have not envisioned,
11 which may be addressed -- and I was pleased to
12 hear Councilman Clarke indicating that there
13 would be further examination and perhaps
14 amendment of this bill.

15 Some of the issues that I'm going to
16 raise may be capable of being addressed in some
17 amendments to the bill. But there are some
18 reasons why the parkway controls may not be the
19 right way to achieve this at all. And there
20 are four reasons that I'd like to put before
21 you.

22 The first is history. You may find
23 it strange for me to say that the Parkway
24 Controls are in fact an historic document.
25 They're an historic object. In many respects,

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2 they're quite similar to historic buildings.

3 You may not realize how unique these controls
4 are.

5 They were created more than 80 years
6 ago and have never been amended. They were
7 unique in the United States at the time they
8 were created in setting forth from a public
9 perspective a set of design controls to imply
10 meant a long-term vision in the building of the
11 Benjamin Franklin Parkway. They have existed
12 and they have been fully functional and
13 important to the city during this entire 80
14 years.

15 Their purpose is really to carry out
16 the vision of the Parkway. They're not land
17 use controls. They're not zoning controls.
18 They're not height controls. They are design
19 controls. And what you're trying to achieve in
20 this particular situation is not a control of
21 design. It's something else.

22 The fact that they are design
23 controls is reinforced by the way they are
24 implemented. It's been described that this
25 bill is an overlay. It's not an overlay. It

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2 is an amendment to the boundaries of the
3 district of the Benjamin Franklin Parkway
4 Controls.

5 It will be administered by the Art
6 Commission, not by the Zoning Board of
7 Adjustment. The Art Commission's function
8 within the Benjamin Franklin Controls
9 jurisdiction is design review, aesthetic
10 considerations of what buildings look like,
11 what they're materials are, what their colors
12 are.

13 The underlying controls of the
14 Benjamin Franklin District, which it seems to
15 me from reading the existing legislation would
16 be carried into these two boundaries, involve
17 two things. And I'm quoting from the bill,
18 from the Benjamin Franklin legislation. No
19 building permit -- excuse me.

20 No building shall be erected or
21 altered within the boundaries nor shall any
22 permit be issued without the approval of the
23 Art Commission. No permit in these entire
24 boundaries for any alteration of any building
25 without the approval of the Art Commission.

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2 You want to put a roof deck on the
3 back of your house, you have to go to the Art
4 Commission. You want to tear down a one-story
5 building and put a wing on the back of your
6 house and put on a two-story addition, you have
7 to go to the Art Commission. It doesn't even
8 say exterior.

9 You want to change your kitchen and
10 you need a building permit for it, do you have
11 to go to the Art Commission? The way the
12 legislation reads, I would say yes. Every
13 single property owner requiring a permit for
14 any action would have to go to the Art
15 Commission, not the Zoning Board.

16 The second thing it says is no permit
17 to erect a sign shall be granted unless it's
18 been approved by the Art Commission. Now, this
19 is a smaller thing. But every single business
20 in this entire area would have to go to the Art
21 Commission to get approval for any sign it
22 wanted to put on its building.

23 I don't think you want those
24 administrative complications on property
25 owners. I don't think that's your intention.

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2 But by changing the boundary you essentially
3 are taking the rules that apply to the existing
4 boundary and you're extending them to the new
5 boundary. And the rules are just what I read:
6 No permit approvals.

7 Not only would this create
8 complication for the residents and property
9 owners, but I don't know whether anyone has
10 asked the Art Commission, which has one staff,
11 whether they would have the ability to
12 implement the implications of this.

13 In addition, look at the height
14 control. It's the Art Commission that has to
15 determine whether or not proposals are above or
16 below 250 feet. How could they do that without
17 examining every permit that's applied for?
18 Because they are the ones, not L & I, that has
19 to exercise the jurisdiction over the Parkway
20 Controls.

21 I think there are some really serious
22 administrative problems. Maybe there are ways
23 to address these. I don't know. But by
24 extending the boundaries, you extend all of
25 these things which are part of the Parkway

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2 Controls.

3 The third point I want to raise and
4 Councilman Clarke has already raised -- and I
5 really appreciate your comments -- 250 feet is
6 not a magic number. As you said, there may be
7 some sections within here where it's too high.
8 There might even be some where it's too low.
9 And again, I think since those decisions would
10 be made by the Art Commission, not a zoning
11 variance, it would be important to really try
12 to tailor something in which height limits
13 reflected the different character of the
14 neighborhoods. And I know you said that as an
15 issue you might be considering in the next
16 couple of weeks.

17 I would like to suggest two things to
18 you. The first is that you look at other
19 alternatives. A height limit was imposed by
20 City Council in the Olde City District, a
21 60-foot height limit. It was an overlay. It's
22 been in effect for -- I forget what it is
23 now -- three or four years.

24 I don't know why there's a difference
25 here. I don't know why you couldn't use the

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2 same mechanism that was used in establishing
3 that height limit to do in fact a zoning
4 overlay height limit for this section of the
5 city. That approach would eliminate all the
6 issues that I've raised in terms of the role of
7 the Art Commission, the functions of the
8 Benjamin Franklin Parkway Controls. That seems
9 to me the preferable direction.

10 But if there is continued
11 consideration of expanding the parkway
12 controls, then I think you really need some --
13 I don't know if there are any people here. But
14 you really need some opinions from the Law
15 Department as to whether all of these other
16 requirements extend over there and whether you
17 really want the Art Commission to be the
18 administrative body that's making these
19 decisions.

20 I think there are some -- the Art
21 Commission, as we all know, is a funny body. I
22 think there is some downside to the Art
23 Commission having jurisdiction over alterations
24 to individual properties in an area this large,
25 particularly because it has no guidelines. For

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2 the parkway, it has a clear set of design
3 objectives and guidelines. But beyond that
4 zone, it has none. What's the basis of its
5 decisions? I really don't know.

6 So let me just in closing say I
7 applaud the efforts to deal with this problem.
8 I think it's a serious problem, not just in
9 this neighborhood but in others. I applaud
10 Councilman Clarke and Senator Fumo's support to
11 the neighborhood on this issue. I think it's
12 important to find a solution to it.

13 I'm just trying to caution you that
14 this may not be the right one or this may carry
15 with it issues that have not been thought
16 about, that might need to be considered in
17 looking at how this initial bill might be
18 amended. Thank you very much.

19 PRESIDENT Verna: Thank you,
20 Mr. Gallery.

21 Are there any questions or comments
22 from Members of the Committee?

23 Seeing none, we thank you for coming
24 in to testify.

25 Do we have anyone else who would like

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2 to testify? Please approach the witness table.

3 Identify yourself for the record and
4 proceed with your testimony.

5 MR. ALAN RUBIN: I'm Alan Rubin.
6 I am a resident of Spring Garden and have been
7 for almost 40 years. I have been the chairman
8 of the zoning committee for essentially 40
9 years as well.

10 I'd like to comment first on Senator
11 Fumo's statements, which I am totally in accord
12 with, and discuss Mr. Gallery's statements. A
13 very interesting academic discussion by
14 Mr. Gallery. But we have a particular
15 emergency essentially.

16 There are, to my knowledge, at least
17 five other buildings that I've heard are about
18 to be proposed at various sites in this area,
19 which basically was the Franklin town area.
20 It's almost all fallow land. There's a park.
21 There are a few other buildings, a granary.
22 There's not a lot of residential there. But it
23 affects our residential area, which is an
24 historic district, significantly.

25 These are mostly out-of-town

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2 developers. I have no idea how high they plan
3 to go. But they have big tracts of land and
4 they can go very high. I urge that this bill
5 be passed today in spite of the interesting
6 issues that are presented by Mr. Gallery.

7 That does not mean an overlay or some
8 other planning issue should be taken because
9 after this meeting, if there is not a control
10 on the issuance of permits, they will be
11 issued. People will apply for permits on these
12 other sites within days, certainly within
13 weeks.

14 I'm sure their plans have been drawn.
15 I don't want to mention the specific sites.
16 But there are five sites that I'm absolutely
17 familiar with and there are plans to build very
18 large buildings on them, one of which is right
19 behind the proposed Barnes building.

20 It's an out-of-state developer. He's
21 already done something in the neighborhood.
22 And that building, frankly, is a terribly ugly
23 building. It has had no review by the Planning
24 Commission that I know of. And if it did,
25 someone should be ashamed of themselves.

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2 We do need those kinds of controls.

3 We do need the Planning Commission or some
4 other agency with some aesthetic and some
5 traffic issues to be dealt with. Anyone is
6 able to build anything. You could build a
7 quilted aluminum building. No one is here to
8 stop anything.

9 It's only by luck that you get a good
10 architect, and we have plenty in the city that
11 are doing it. Then you have people that are
12 just putting up anything. I think there's a
13 building going up right behind the Rodan. It's
14 fenced off already. No one has ever seen the
15 building. But I have a very strong feeling
16 that no one is going to want to look at that
17 building once it's done.

18 So I urge this Council Committee to
19 pass this because there is an immediate
20 emergency issue. Thank you.

21 PRESIDENT Verna: Thank you very
22 much. One moment, sir.

23 The Chair recognizes Councilman
24 Clarke.

25 COUNCILMAN CLARKE: Thank you,

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2 Madam President.

3 I was not going to respond to
4 Mr. Gallery's testimony. But the fact that you
5 have will require that I respond in some way,
6 shape or form.

7 I understand the sensitive nature of
8 individuals who are interested in the Art
9 Commission and the Planning Commission. But at
10 the end of the day, it's my responsibility as a
11 Councilperson representing that area to act.

12 I can't sit around, with all due
13 respect to Mr. Gallery and his concerns about
14 staffing levels at the Art Commission and
15 recommendations by the Planning Commission, I
16 can't sit around and not act while somebody
17 figures out a way to fund additional staff
18 people or not come up with a strategy to delete
19 that particular portion of this legislation
20 that currently lies within the Parkway
21 Controls.

22 We have a serious problem pending.
23 We have a serious problem that could possibly
24 happen as a result of other proposals coming
25 down the pipeline. I think it's prudent for us

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2 to act now to do something to, as Senator Fumo
3 said, put a cork in the bottle. Then we can
4 intelligently sit down and craft the ultimate
5 legislation that will make sense for all
6 interested parties.

7 So with all due respect to
8 Mr. Gallery and his concern about the Art
9 Commission's role, I think we need to proceed
10 and do what we need to do today. I just want
11 to thank you for having the same mind-set as I
12 do.

13 MR. ALAN RUBIN: Thank you very
14 much, Councilman.

15 PRESIDENT VERNA: Thank you.

16 Do we have anyone else that would
17 like to testify? Please approach the witness
18 table, kindly identify yourself for the record
19 and then proceed with your testimony.

20 MS. PATRICIA FREELAND: Good
21 morning. My name is Patricia Freeland. I'm
22 from the Spring Garden Neighborhood of
23 Philadelphia.

24 I have here with me Siraik Zakarian,
25 the owner of the Bergdoll Mansion, which is

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2 located at 22nd and Green Streets, Russell
3 Meddin from the Logan Square Neighbors
4 Association, and Kevin Greenberg from the
5 Fairmount Civic Association. We're all here in
6 support of an ordinance to put strict height
7 controls on the area between the Parkway and
8 Spring Garden Street.

9 We, in Spring Garden, have been
10 spending countless hours, many years over maybe
11 the last 40 years trying to revitalize our
12 community. We got the area turned into an
13 historic district. So we are now under strict
14 oversight. Our community is an area of mostly
15 three- and four-story houses. We recently took
16 on the blighted eastern end of the
17 neighborhood, and we will soon have a true
18 mixed income community of beautiful homes for
19 all residents of all income levels in that
20 area.

21 We work untold hours to accomplish
22 these things. So it was with absolute horror
23 and anxiety that we learned of a 47-story tower
24 that had been given an over-the-counter permit
25 as of right to go in right below Spring Garden

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2 Street at 21st Street. That means that our
3 lives will now be hijacked for many, many hours
4 trying to fight this tower because we will not
5 let it go forward.

6 Siraik Zakarian, who is to my right
7 here, has spent her own monies, countless hours
8 restoring the Bergdoll Mansion, which the
9 Historical Commission considers the most
10 important historical residence in the city.
11 The 47-story tower would literally tower over
12 her home. It would tower over our Victorian
13 neighborhood, and it would make a mockery of
14 our Victorian historic district.

15 We also have with us, I should note,
16 many members of the community who will also
17 dedicate many hours fighting this tower.

18 Would you all please stand up and
19 hold your signs up? Thank you.

20 PRESIDENT VERNA: Excuse me.

21 The record will reflect that there are
22 approximately 35 or 40 area residents that are
23 here with their signs.

24 MS. PATRICIA FREELAND: And
25 there are many more that could not come because

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2 they're at work.

3 I would like to just echo Mr. Rubin's
4 comments. If we do not have this legislation
5 and people go in and put up these towers with
6 no oversight whatsoever, we will literally have
7 a wall between us and Center City. Right now,
8 he have Cityview. That's at 26 and 21 stories.
9 That is a wall between us and Center City.

10 We cannot see things of that height
11 or higher going in. There have to be controls.
12 There has to be oversight. People must be made
13 to go to a zoning hearing.

14 Thank you very much. We appreciate
15 your efforts.

16 PRESIDENT VERNA: You're
17 welcome. Thank you.

18 MR. RUSSELL MEDDIN: Hi, my name
19 is Russell Meddin and I am the vice president
20 of the Logan Square Neighborhood Association.
21 Last night we had a board meeting in which our
22 board unanimously approved to support this bill
23 introduced by Councilman Clarke.

24 The Benjamin Franklin Parkway
25 dissects our neighborhood into a north side and

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2 a south side. Our neighborhood boundaries are
3 from Broad Street to the river, from Spring
4 Garden down to Market Street. The Benjamin
5 Franklin Parkway is our main street.

6 This type of legislation, which would
7 give us a little more say on what's happening
8 on our main street, is very, very important to
9 us. And I do hope that you can move this along
10 and make it part of the laws of Philadelphia.
11 We really do need help here.

12 Also, I'd like to say one thing that
13 I heard earlier and I just wanted to mention
14 this. The person from the Planning Commission
15 said that that they were surprised or somewhat
16 taken aback by the advent of a 47-story
17 building going in close to the Benjamin
18 Franklin Parkway. In my thoughts, I believe
19 it's called the Planning Commission, not the
20 reacting commission. I think Council needs to
21 take care of that quickly.

22 Thank you very, very much.

23 MR. KEVIN GREENBERG: Hello, my
24 name is Kevin Greenberg and I'm president of
25 the Fairmount Civic Association. To be

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2 absolutely clear, I'm off the clock and not
3 wearing my other hat right now. The relevant
4 department will respond accordingly as
5 necessary.

6 I just want to very briefly echo the
7 comments of Senator Fumo, of Mr. Rubin, of Pat
8 and Russell and of the Councilman. Thank you
9 very much for introducing this. This
10 neighborhood is a lovely neighborhood, and it
11 is a neighborhood of scale. What has been
12 proposed and what is being proposed is out of
13 scale, and we are not happy with that. We
14 greatly appreciate the Councilman's efforts to
15 address this.

16 We'd like to have lower height
17 limits. We'd like to expand the area. I know
18 the Councilman is open to working with us on
19 that as well, and we appreciate that. I just
20 want to, for the record, state our position.
21 We concur on everything related to this bill
22 that the Senator, that Pat, that Russell and
23 others have said, and we appreciate Council's
24 consideration and action on this today. Thank
25 you.

1 BILL NO. 060292 - 5/10/06

2 PRESIDENT VERNA: Thank you all
3 very much.

4 MS. SIRAIK ZAKARIAN: I'm Siraik
5 Zakarian and I just happen to be the owner of
6 the Bergdoll Mansion. I too would like to echo
7 my colleagues' comments about the neighborhood
8 and personally say that 25 years ago when I
9 came to this neighborhood, our neighborhood was
10 not the most wonderful place to live. But
11 thanks to Pat Freeland and her colleagues and
12 Alan Rubin, the neighborhood has really
13 improved tremendously. It has become a jewel
14 in the city.

15 We have all worked very, very hard to
16 not only improve our own personal residences,
17 but to make sure that the streets and the
18 neighborhoods are safe and a wonderful place
19 for families to live in. Not many other areas
20 in the Center City can boast the number of
21 schools, children and families that live in
22 this area.

23 However, with the advent of these
24 high-rise buildings that are going to block our
25 views of Center City, that are going to

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2 increase the traffic -- that is the most
3 important thing at the moment for people living
4 in the neighborhood. People park on sidewalks
5 when there is any event on the Parkway.

6 We're not really talking about what
7 happens at times of functions on the Parkway,
8 which is every weekend during the summer
9 months. People have no place to park. They
10 park on sidewalks. They really don't have --
11 the people living in the neighborhood don't
12 have the peace and quiet that we all strive
13 for.

14 To add a number of high-rise
15 buildings with hundreds more cars floating
16 about, the entire spirit of our neighborhood is
17 going to change. For that reason, I'm very
18 much against any of these high-rise buildings
19 that are proposed in the neighborhood and in
20 favor of height limits, of course.

21 As I said, you know, the Parkway is
22 so beautiful with the original architectural
23 buildings that are there. Why can't we
24 continue that character of building? It's a
25 museum neighborhood. Why should we have

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2 suddenly at least on the north side of the
3 Parkway these very, very high-rise buildings,
4 modern buildings?

5 Improvements are always welcome. But
6 they have to really -- they have to somehow
7 carry the spirit of the neighborhood and the
8 architecture of the neighborhood. This is
9 going to change if developers from other states
10 come in, from abroad come in, and they start
11 putting their ideas into a neighborhood without
12 discussion with the people who live there. So
13 I thank you.

14 PRESIDENT Verna: Thank you. We
15 certainly all agree with you that it is a
16 beautiful neighborhood.

17 Do we have any other witnesses that
18 would like to testify?

19 MS. Patricia Freeland: Thank
20 you very much.

21 PRESIDENT Verna: You're
22 welcome. Thank you for coming in.

23 Please approach the witness table.
24 Good morning. Welcome.

25 MS. JOVITA Hill: Good morning.

1 BILL NO. 060292 - 5/10/06

2 Thank you very much for this opportunity.

3 Councilman Clarke, thank you ever so much for
4 introducing this bill.

5 COUNCILMAN CLARKE: You're
6 welcome.

7 MS. JOVIDA HILL: I am a member
8 of Logan Square Neighbors Association. I am
9 also a member of the Friends of Logan Square
10 North of the parkway. I am also the Democratic
11 committeeperson in the 8th Ward, 24th Division.

12 My house is smack dab in the middle
13 of this proposed district. I live on 20th
14 Street between Callowhill and Hamilton. I
15 appear here today in support of Bill 060292.

16 Like most Philadelphians, I am
17 absolutely thrilled by development the likes of
18 which I have never seen in my entire adult
19 life. All over the city there is new
20 construction that promises to change the future
21 of Philadelphia. But if the future is going to
22 be a right one, it is incumbent on city leaders
23 to not abdicate our futures to developers.

24 Unfortunately, far too much of what
25 happens here is left to developers who lack a

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2 stewardship vision for our city. The
3 stewardship responsibility falls on your
4 shoulders and on the shoulders of the community
5 representatives that are here today.

6 One of the things that make
7 Philadelphia so unique is our city's rich
8 architectural heritage. This is particularly
9 true of the neighborhoods that surround the
10 city's most beautiful boulevard, the Benjamin
11 Franklin Parkway. I applaud Councilman
12 Clarke's bill because it takes into account
13 that by imposing a height restriction, it
14 offers an element of protection for the
15 Parkway. However, I don't think this bill goes
16 far enough.

17 As proposed, this bill would expand
18 the boundaries of the Benjamin Franklin Parkway
19 Controls and would require a 250-foot height
20 restriction. Actually, it is my belief that
21 the height restriction should be lower.

22 Many urban planners believe that
23 unchecked high-rise development can destroy the
24 streetscape of historical cities like
25 Philadelphia and bring with it associated

1 BILL NO. 060292 - 5/10/06

2 problems of traffic congestion and pollution.

3 This school of thought has a preference for
4 medium density housing that makes better use of
5 public space and offers a better sense of
6 community.

7 Skyscrapers are alienating and they
8 detract from the environment at street level.
9 Furthermore, residential high-rise buildings
10 provide for a level of anonymity that is not
11 conducive to community cohesiveness and safety.

12 I would hate to see my beloved
13 neighborhood turned into a conglomeration of
14 high-rise condominiums. One of the things that
15 I find so attractive about the neighborhood is
16 its social fabric. You have many opportunities
17 to interact with your neighbors when you're
18 sweeping your front or tending to your flowers
19 or shoveling the snow. A neighborhood of
20 high-rises don't allow for this level of social
21 interaction.

22 Furthermore, we must be vigilant
23 about the appropriateness of plopping
24 high-rises in the middle of neighborhoods that
25 are prized for some of the most magnificent

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2 examples of 19th century architecture.

3 But if I can leave you with one
4 thought, that would be that the decision you
5 make here today will be one that will shape the
6 future of our city for many generations.
7 Therefore, I urge you to please support this
8 bill. We are the major stakeholders in this
9 community. The vision for our city's future is
10 far too important to leave to developers.
11 Thank you.

12 PRESIDENT VERNA: Thank you very
13 much.

14 Any questions or comments from
15 Members of the Committee?

16 Again, I thank you for coming in to
17 testify.

18 MS. JOVIDA HILL: And I thank
19 you for the opportunity.

20 PRESIDENT VERNA: You're
21 welcome.

22 Do we have any other witnesses that
23 would like to be recognized?

24 Seeing none, this will conclude our
25 Public Hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

of the

COMMITTEE ON RULES

- - -

Wednesday, May 10, 2006

- - -

Public Meeting conducted by the
Committee on Rules, held in Room 400, City
Hall, Philadelphia, Pennsylvania, on the above
date, to consider action on the following:

BILL NO. 060292

- - -

PRESENT:

ANNA C. VERNA, Chair
DARRELL L. CLARKE, Vice-Chair
JACK KELLY
BRIAN J. O'NEILL
DONNA REED MILLER
JAMES F. KENNEY
BLONDELL REYNOLDS BROWN

- - -

1 PUBLIC MEETING - 5/10/06

2 PRESIDENT VERNA: We will now go
3 into our public meeting.

4 The Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam President.

8 Madam President, we circulated an
9 amendment to this bill earlier. This amendment
10 essentially changes the height limitation from
11 250 feet to 125 feet. There will probably be
12 subsequent amendments after the community has
13 several meetings to discuss the issues relating
14 to their particular area. But at this time
15 we're going to offer one amendment.

16 I would like to propose an amendment
17 to Bill No. 060292. I move for the adoption of
18 the amendment.

19 COUNCILMAN O'NEILL: Second.

20 PRESIDENT VERNA: It has been
21 moved and seconded that the amendment be
22 adopted.

23 All in favor will please signify by
24 saying aye.

25 Those opposed?

1 PUBLIC MEETING - 5/10/06

2 The ayes have it and the amendment is
3 adopted.

4 Again, the Chair recognizes
5 Councilman Clarke.

6 COUNCILMAN CLARKE: Madam
7 President, I move that Bill No. 060292 as
8 amended be reported out of committee with a
9 favorable recommendation and request for Rules
10 suspension as to allow reading at the next
11 session of Council.

12 COUNCILMAN O'NEILL: Second.

13 PRESIDENT VERNA: It has been
14 moved and seconded that Bill No. 060292 be
15 reported out of committee with a favorable
16 recommendation as amended, further that the
17 Rules of Council be suspended so as to permit
18 first reading at our next session of Council.

19 All in favor will say aye.

20 Those opposed?

21 The ayes have it. The motion
22 carries.

23 This concludes our public meeting.

24 Thank you all very much.

25 (Applause.)

1 PUBLIC MEETING - 5/10/06

2 PRESIDENT VERNA: I would just
3 like to say something in closing. I think it's
4 wonderful to come in, not knowing what this
5 Committee would hold. But I just want you all
6 to know that I think you're extremely fortunate
7 to have Councilman Clarke and certainly Senator
8 Fumo representing you. I know that between the
9 two of them working with the community this
10 will be resolved.

11 So I just wanted to give them
12 recognition and thank you. And as I said, I
13 think you're very fortunate to have both of
14 them representing you. Thank you.

15 (Public Meeting adjourned at
16 11:33 a.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 Wednesday, May 10, 2006, were
reported fully and accurately by me, and that
this is a correct transcript of same.

RE: COMMITTEE ON RULES

BRIAN L. RASCO