

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, November 6, 2014
10:10 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 140744, 140745, 140746, 140782, 140798,
140799, 140802, and 140803

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COUNCILMAN GREENLEE: Good morning, everyone. This is the Committee on Rules. We have retained a quorum. Councilman Kenney, the Vice Chair of the Committee; Councilman Goode; Councilman Jones, the Majority Leader, is also here; Councilwoman Reynolds Brown; and Councilwoman Tasco.

For the record, Bill No. 140746, which was scheduled today, will be held to the call of the Chair at the request of the sponsor.

Ms. Marconi, will you please read the title of the first bill before us today.

THE CLERK: Bill No. 140744, an ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 18th Street, Diamond Street, 24th Street, Norris Street, 25th Street, Ridge Avenue, Glenwood Avenue, Diamond Street, 25th Street, Sedgley Avenue, Dauphin Street,

1 11/6/14 - RULES - BILL 140744, etc.
2 and Glenwood Avenue.

3 Marty Gregorski.
4 (Witness approached witness
5 table.)

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Mr. Gregorski, before you
9 start, just for those that are here, I
10 think a number of people probably are
11 here for the bill dealing with the day
12 care centers. That will be the last bill
13 we'll take up, because the others
14 hopefully should move fairly quickly.

15 Mr. Gregorski.

16 MR. GREGORSKI: Good morning,
17 Councilman Greenlee, members of the Rules
18 Committee. I'm Marty Gregorski, a member
19 of the Development Division of the
20 Philadelphia City Planning Commission,
21 here to testify on Bill No. 140744, which
22 was introduced into City Council on
23 October 2nd, 2014 by Councilmember
24 Greenlee on behalf of Council President
25 Clarke.

1 11/6/14 - RULES - BILL 140744, etc.

2 Bill No. 140744 amends the
3 Philadelphia Zoning Maps by rezoning an
4 area bounded by 18th Street, Diamond
5 Street, 24th Street, Norris Street, 25th
6 Street, Sedgley Avenue, Dauphin Street,
7 and Glenwood Avenue. It contains
8 corrective changes to match the existing
9 land use in North Central Philadelphia,
10 as well as changes which will encourage
11 development towards the commercial
12 corridors.

13 The bill's primary objective is
14 to revise the zoning of blocks of
15 single-family homes near Temple
16 University's main campus to prevent their
17 conversion to inappropriate multi-family
18 uses.

19 On blocks which are
20 predominantly multi-family, the current
21 zoning allowing multiple dwelling units
22 will remain unchanged.

23 The bill removes obsolete
24 commercial zoning where commercial
25 activity is no longer conducted, and the

1 11/6/14 - RULES - BILL 140744, etc.

2 bill does follow the recommendations of
3 the City's Comprehensive Plan.

4 The Philadelphia City Planning
5 Commission at its meeting of October
6 21st, 2014 recommended that Bill No.
7 140744 be approved.

8 I'll be happy to answer any
9 questions at this time.

10 COUNCILMAN GREENLEE: Thank
11 you, sir.

12 Any questions?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, thank you on that.

16 Anyone else here to testify on
17 Bill No. 140744?

18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, Ms. Marconi, our next bill, please.

21 THE CLERK: Bill No. 140745, an
22 ordinance to amend the Philadelphia
23 Zoning Maps by changing the zoning
24 designations of certain areas of land
25 located within an area bounded by Broad

1 11/6/14 - RULES - BILL 140744, etc.
2 Street, Diamond Street, 18th Street,
3 Glenwood Avenue, and Lehigh Avenue.

4 COUNCILMAN GREENLEE:

5 Mr. Gregorski.

6 MR. GREGORSKI: Good morning,
7 Councilman Greenlee, members of the Rules
8 Committee. I'm Marty Gregorski, a member
9 of the Development Division of the
10 Philadelphia City Planning Commission.
11 I'm here to testify on Bill No. 140745,
12 which was introduced into City Council on
13 October 2nd, 2014 by Councilman Greenlee
14 on behalf of Council President Clarke.

15 Bill No. 140745 amends the
16 Philadelphia Zoning Maps by rezoning an
17 area bounded by Broad Street, Diamond
18 Street, 18th Street, Glenwood Avenue, and
19 Lehigh Avenue. It contains corrective
20 changes to match the existing land use in
21 North Central Philadelphia, as well as
22 changes which encourage development
23 towards the commercial corridors.

24 The bill's primary objective is
25 to revise the zoning of blocks of

1 11/6/14 - RULES - BILL 140744, etc.
2 single-family homes near Temple
3 University's main campus to prevent their
4 conversion to inappropriate multi-family
5 uses.

6 On blocks which are
7 predominantly multi-family, the current
8 zoning allowing multiple dwelling units
9 will remain unchanged.

10 The bill removes obsolete
11 commercial zoning where commercial
12 activity is no longer conducted, and the
13 bill follows the recommendation of the
14 City's Comprehensive Plan.

15 The Philadelphia City Planning
16 Commission at its meeting of October
17 21st, 2014 recommended that Bill No.
18 140745 be approved.

19 I'd be happy to answer any
20 questions at this time.

21 COUNCILMAN GREENLEE: Thank
22 you, sir.

23 Any questions?

24 (No response.)

25 COUNCILMAN GREENLEE: Seeing

1 11/6/14 - RULES - BILL 140744, etc.
2 none, anyone else here to testify on Bill
3 No. 140745?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, thank you.

7 Ms. Marconi.

8 THE CLERK: Bill No. 140782, an
9 ordinance amending Title 14 of The
10 Philadelphia Code, entitled "Zoning and
11 Planning," by revising the size
12 requirements for accessory structures for
13 residential uses, under certain terms and
14 conditions.

15 MR. GREGORSKI: Good morning,
16 Councilman Greenlee, members of the Rules
17 Committee. I'm Marty Gregorski, a member
18 of the Development Division of the
19 Philadelphia City Planning Commission,
20 here to testify on Bill No. 140782, which
21 was introduced into City Council on
22 October 9th, 2014 by Councilmember
23 O'Neill.

24 Bill No. 140782 amends the
25 Philadelphia Zoning Code by revising the

1 11/6/14 - RULES - BILL 140744, etc.
2 size requirements for accessory
3 structures for residential uses, under
4 certain terms and conditions.

5 The bill will change the
6 permitted size of an accessory
7 residential structure, such as a backyard
8 shed, from the current "the greater of
9 200 square feet or 25 percent of the
10 gross floor area of the principle
11 structure" to a new straight limit of 120
12 square feet. The current 15 feet height
13 maximum will remain.

14 The Philadelphia City Planning
15 Commission requests an additional 45 days
16 to review this bill and will consider
17 Bill No. 140782 at its meeting of
18 November 18th, 2014.

19 I'll be happy to answer any
20 questions at this time.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Gregorski. Just for the record,
23 I know we talked about this earlier.
24 Councilman O'Neill wishes this bill to go
25 forward today. The meeting, if I'm

1 11/6/14 - RULES - BILL 140744, etc.
2 calculating right, November 18th will be
3 before final passage. So it's the
4 sponsor's request that this bill move
5 forward. He is not aware of any
6 opposition. Obviously I'm going to ask
7 in a minute if there is, but just for the
8 record, that's how he wishes to proceed.

9 MR. GREGORSKI: I understand.

10 COUNCILMAN GREENLEE: Any
11 questions for Mr. Gregorski?

12 (No response.)

13 COUNCILMAN GREENLEE: Anyone
14 else here to testify on Bill No. 140782?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none, thank you.

18 Ms. Marconi, please.

19 THE CLERK: Bill No. 140798, an
20 ordinance to amend the Philadelphia
21 Zoning Maps by changing the zoning
22 designations of certain areas of land
23 located within an area bounded by 25th
24 Street, Oxford Avenue, Glenwood Avenue,
25 and Ridge Avenue.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN GREENLEE: Thank
3 you.

4 MR. GREGORSKI: Good morning,
5 Councilman Greenlee, members of the Rules
6 Committee. I'm Marty Gregorski, a member
7 of the Development Division of the
8 Philadelphia City Planning Commission,
9 here to testify on Bill No. 140798, which
10 was introduced into City Council on
11 October 16th, 2014 by Councilmember
12 Greenlee on behalf of Council President
13 Clarke.

14 Bill No. 140798 amends the
15 Philadelphia Zoning Maps by rezoning an
16 area bounded by 25th Street, Oxford
17 Street, Glenwood Avenue, and Ridge
18 Avenue. It makes corrective changes to
19 match the existing land use in the
20 Brewerytown neighborhood. The bill's
21 primary objective is to revise the zoning
22 blocks of single-family houses to prevent
23 their conversion to inappropriate
24 multi-family uses.

25 On blocks which are

1 11/6/14 - RULES - BILL 140744, etc.
2 predominantly multi-family, the current
3 zoning allowing multiple dwelling units
4 will remain unchanged.

5 The bill removes obsolete
6 commercial zoning in areas where
7 commercial activity is no longer
8 conducted, and it preserves a small
9 artist collective where artists live and
10 work in the same environment. These
11 artists have reused older industrial
12 buildings in and around the 1500 block of
13 North Bailey Street to create their art
14 in the same unit.

15 The bill follows the
16 recommendations of the City's
17 Comprehensive Plan.

18 The Philadelphia Planning
19 Commission staff at its meeting of
20 November will recommend that Bill No.
21 140798 be approved.

22 I'll be happy to answer any
23 questions at this time.

24 COUNCILMAN GREENLEE: Thank you
25 very much.

1 11/6/14 - RULES - BILL 140744, etc.

2 Any questions for

3 Mr. Gregorski?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, and I live near this area, so I
7 know how people feel about the
8 proliferation of multi-family dwellings.

9 Anyone else here to testify on
10 Bill No. 140798?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you.

14 Ms. Marconi, please.

15 THE CLERK: Bill No. 140799, an
16 ordinance to amend the Philadelphia
17 Zoning Maps by changing the zoning
18 designations of certain areas of land
19 located within an area bounded by 25th
20 Street, North College Avenue, West
21 College Avenue, Girard Avenue, 31st
22 Street, Master Street, 32nd Street,
23 Jefferson Street, 31st Street, and Oxford
24 Avenue.

25 MR. GREGORSKI: Good morning,

1 11/6/14 - RULES - BILL 140744, etc.
2 Councilman Greenlee and members of the
3 Rules Committee. I'm Marty Gregorski, a
4 member of the Development Division of the
5 Philadelphia City Planning Commission.
6 I'm here to testify on Bill No. 140799,
7 which was introduced into City Council on
8 October 16th, 2014 by Councilmember
9 Greenlee on behalf of Council President
10 Clarke.

11 Bill No. 140799 amends the
12 Philadelphia Zoning Maps by rezoning an
13 area bounded by 25th Street, North
14 College Avenue, West College Avenue,
15 Girard Avenue, 31st Street, Master
16 Street, 32nd Street, 31st Street, and
17 Oxford Street. It contains corrective
18 changes to match the existing land uses
19 in the Brewerytown neighborhood.

20 The bill's primary objective is
21 to revise the zoning of blocks of
22 single-family houses to prevent their
23 conversion to inappropriate multi-family
24 uses. On blocks which are predominantly
25 multi-family, the current zoning allowing

1 11/6/14 - RULES - BILL 140744, etc.
2 multiple dwelling units will remain
3 unchanged.

4 The bill removes obsolete
5 commercial zoning in areas where
6 commercial activity is no longer
7 conducted. It gives the owners of vacant
8 industrial buildings more options to
9 reuse their buildings for neighborhood
10 compatible light industrial or
11 non-industrial activities.

12 The bill follows the
13 recommendations of the City's
14 Comprehensive Plan.

15 The Philadelphia Planning
16 Commission requests an additional 45 days
17 to review this bill and will consider
18 Bill 140799 at its meeting of November
19 18th, 2014.

20 I'd be happy to answer any
21 questions at this time.

22 COUNCILMAN GREENLEE: Thank
23 you, sir. Again, as the previous bill
24 where the 45 days was requested, Council
25 President Clarke I know wants to move

1 11/6/14 - RULES - BILL 140744, etc.
2 this bill today. There doesn't appear to
3 be any opposition and, again, the
4 Planning Commission will consider it
5 before we have final passage.

6 MR. GREGORSKI: We understand.

7 COUNCILMAN GREENLEE: Any
8 questions for Mr. Gregorski on this bill?
9 (No response.)

10 COUNCILMAN GREENLEE: Anyone
11 else here to testify on Bill No. 140799?
12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, the record will please reflect that
15 Councilman Henon, a member of the
16 Committee, is also present. Thank you.

17 Ms. Marconi, our next bill,
18 please.

19 THE CLERK: Bill No. 140803, an
20 ordinance to amend the Philadelphia
21 Zoning Maps by changing the zoning
22 designations of certain areas of land
23 located within an area bounded by Knights
24 Road, Red Lion Road, East Keswick Road,
25 Morrell Avenue, East Crown Avenue, and

1 11/6/14 - RULES - BILL 140744, etc.
2 Clarendon Avenue.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Before you proceed, Mr.
6 Gregorski, the record will also reflect
7 Councilwoman Bass, a member of the
8 Committee, is present.

9 Ms. Gregorski.

10 MR. GREGORSKI: Good morning,
11 Councilman Greenlee and members of the
12 Rules Committee. I'm Marty Gregorski, a
13 member of the Development Division of the
14 Philadelphia City Planning Commission,
15 here to testify on Bill No. 140803, which
16 was introduced into City Council on
17 October 16th, 2014 by Councilmember
18 O'Neill.

19 Bill No. 140803 amends the
20 Philadelphia Zoning Maps by changing the
21 zoning designations in the area bounded
22 by Knights Road, Red Lion Road, East
23 Keswick Road, Morrell Avenue, East Crown
24 Avenue, and Clarendon Avenue.

25 The Philadelphia City Planning

1 11/6/14 - RULES - BILL 140744, etc.
2 Commission requests an additional 45 days
3 to review this bill and will consider
4 Bill No. 140803 at its meeting of
5 November 18th, 2014.

6 I'll be happy to answer any
7 questions at this time.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Gregorski. Again, the sponsor
10 of the bill, Councilman O'Neill, wishes
11 this go forward. I think it's a
12 relatively small change in here. It just
13 doesn't affect very many properties.
14 And, again, this bill will not have final
15 passage before the Planning Commission
16 meets on November 18th.

17 Any questions for Mr. Gregorski
18 on this bill?

19 (No response.)

20 COUNCILMAN GREENLEE: Seeing
21 none, anyone else here to testify on Bill
22 No. 140803?

23 (No response.)

24 COUNCILMAN GREENLEE: Seeing
25 none, Ms. Marconi, our last bill of

1 11/6/14 - RULES - BILL 140744, etc.
2 today.

3 THE CLERK: Bill No. 140802, an
4 ordinance amending Title 14 of The
5 Philadelphia Code, entitled "Zoning and
6 Planning," by prohibiting group day cares
7 in certain residential zoning districts,
8 under certain terms and conditions.

9 COUNCILMAN GREENLEE: Mr.
10 Gregorski.

11 MR. GREGORSKI: Good morning,
12 Councilman Greenlee and members of the
13 Rules Committee. I'm Marty Gregorski, a
14 member of the Development Division of the
15 Philadelphia City Planning Commission.
16 I'm here to testify on Bill No. 140802,
17 which was introduced into City Council on
18 October 16th, 2014 by Councilmember
19 O'Neill.

20 Bill No. 140802 amends the
21 Philadelphia Zoning Code by prohibiting
22 group day care uses in certain
23 residential zoning districts. A variance
24 would be required.

25 The Philadelphia City Planning

1 11/6/14 - RULES - BILL 140744, etc.
2 Commission requests an additional 45 days
3 to review this bill and will consider
4 Bill No. 140802 at its meeting of
5 November 18th, 2014.

6 I'd be happy to answer any
7 questions at this time.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Gregorski, and I know we're
10 going to hear from some people on this
11 bill. Again, Councilman O'Neill as the
12 sponsor does wish that this bill be moved
13 out of Committee today, but, again, the
14 bill will not be up for final passage
15 until the Planning Commission meets.

16 Just a couple questions just so
17 we're clear on this, and I know people
18 want to weigh in on this one. My
19 understanding is right now as the code
20 reads, the new code, a group day care
21 home would have to be in a detached
22 building; is that correct?

23 MR. GREGORSKI: It would have
24 to be in a detached building and in most
25 zoning districts it's already going to

1 11/6/14 - RULES - BILL 140744, etc.
2 require a special exception in front of
3 the Zoning Board. So right now it's
4 already going to the Zoning Board. This
5 would change it from a special exception
6 in front of the Zoning Board to a
7 variance in front of the Zoning Board.

8 COUNCILMAN GREENLEE: And I
9 understand that there are group homes
10 obviously in row homes right now, and
11 they probably in the past, if they're
12 legal -- and I'm sure most are -- got
13 variances, correct?

14 MR. GREGORSKI: That's correct.

15 COUNCILMAN GREENLEE: All
16 right. And what about -- because this
17 question came up too, I understand, in
18 some of the discussions. Are people
19 allowed to live in these group under the
20 Zoning Code now?

21 MR. GREGORSKI: Generally not.
22 How it works is, there's a family day
23 care. A family day care is where you
24 have a day care in your own home. That's
25 a smaller day care for six children.

1 11/6/14 - RULES - BILL 140744, etc.

2 That's generally you live and you have a
3 day care in the same place.

4 Group day cares are more in
5 line with a commercial operation. They
6 don't have to live there.

7 COUNCILMAN GREENLEE: They
8 don't have to, but they could?

9 MR. GREGORSKI: They could.

10 COUNCILWOMAN BROWN: Ask him to
11 pull his mic closer.

12 COUNCILMAN GREENLEE: Oh, okay.
13 I'm sorry.

14 COUNCILWOMAN BROWN: And if you
15 could repeat that entire answer, please.

16 MR. GREGORSKI: Generally
17 speaking, there are family day cares, and
18 that is where you can have six children.
19 You would live in the same house where
20 the day care is. So that would be an
21 accessory use to your home.

22 In a group day care situation,
23 it's more in line with a commercial type
24 use where you do not have to live in the
25 same house and you could have an

1 11/6/14 - RULES - BILL 140744, etc.
2 operation elsewhere.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilman Goode.

6 COUNCILMAN GOODE: Thank you,
7 Mr. Chairman.

8 Two questions. How does this
9 bill affect existing group day cares?

10 MR. GREGORSKI: Presuming they
11 have permits, it wouldn't. They'd be
12 grandfathered in and it wouldn't affect
13 them.

14 COUNCILMAN GOODE: It wouldn't
15 affect them at any point?

16 MR. GREGORSKI: If they want to
17 expand, it may, if they're going to
18 expand the building size and number of
19 units.

20 COUNCILMAN GOODE: So they are
21 grandfathered?

22 MR. GREGORSKI: Correct.

23 COUNCILMAN GOODE: The second
24 question is, if this bill were enacted
25 into law, could a District Councilperson

1 11/6/14 - RULES - BILL 140744, etc.

2 do an overlay within their district to
3 allow group homes by right?

4 MR. GREGORSKI: You could, yes.
5 One could.

6 COUNCILMAN GOODE: Thank you.

7 COUNCILMAN GREENLEE:
8 Councilman Kenney.

9 COUNCILMAN KENNEY: Thank you,
10 Mr. Chairman.

11 Could you please explain
12 through the record what the difference is
13 between a special exception and a
14 variance.

15 MR. GREGORSKI: I'll tell you
16 in planning terms. I'm not a lawyer.
17 Basically in a special exception in front
18 of the Zoning Board, it is the
19 community's onus to show that it would be
20 bad for the neighborhood. So the
21 applicant has to make a certain show of
22 evidence that it would be in line with
23 what's going on there and then the
24 community would have to show that it was
25 bad for the neighborhood.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN KENNEY: That would
3 be the RCO?

4 MR. GREGORSKI: That would be
5 the RCO or anybody who shows up. Anyone
6 could show up.

7 COUNCILMAN KENNEY: That
8 information is -- that's relayed to who?

9 MR. GREGORSKI: To the Zoning
10 Board.

11 COUNCILMAN KENNEY: Under
12 special exception?

13 MR. GREGORSKI: Under special
14 exception it goes to the Zoning Board
15 today.

16 COUNCILMAN KENNEY: And so does
17 a variance?

18 MR. GREGORSKI: It is similar
19 to a variance, except for the show of --
20 the onus on who has to do the proving. A
21 variance, the applicant is required to
22 show hardship.

23 COUNCILMAN KENNEY: All right.
24 Good. Thank you.

25 COUNCILMAN GREENLEE: And,

1 11/6/14 - RULES - BILL 140744, etc.
2 again, because a number of these have
3 been approved by the Zoning Board,
4 apparently a lot have met that
5 requirement apparently.

6 MR. GREGORSKI: Yes. Right.

7 COUNCILMAN GREENLEE: And I
8 don't want to belabor this point, but I
9 was just shown under the Zoning Code
10 what's described as group day care, it
11 says provision of care in a facility that
12 is not the day care provider's primary
13 residence for up to 12 children or up to
14 12 adults who are not relatives of the
15 provider.

16 So that seems to be interpreted
17 a couple ways. I would see that as
18 saying somebody could live there, but
19 it's not the person's main residence. It
20 doesn't mean nobody lives there, right?

21 MR. GREGORSKI: That's correct.

22 COUNCILMAN GREENLEE: Again, I
23 don't want to belabor that.

24 Councilman Kenney.

25 COUNCILMAN KENNEY: Thank you.

1 11/6/14 - RULES - BILL 140744, etc.

2 So we're not just talking about
3 group day care for children, but it also
4 could be applied to adults?

5 MR. GREGORSKI: Correct, yes.

6 COUNCILMAN KENNEY: So if the
7 adults are considered disabled, would
8 that not create a situation with an
9 accommodation under ADA?

10 MR. GREGORSKI: They could, and
11 the way it works is when you're looking
12 for an accommodation, you apply to L&I
13 for that accommodation ahead of time. If
14 you are approved for that accommodation
15 through whatever mechanisms they have,
16 you don't have to go to the Zoning Board.
17 You would be --

18 COUNCILMAN KENNEY: So ADA
19 protects the elderly, but not the kids?

20 MR. GREGORSKI: I don't know
21 that, but it sounds to be true.

22 COUNCILMAN KENNEY: Kind of. I
23 mean, it seems that if you have a group
24 day care for adults, who I guess
25 traditionally would be disabled

1 11/6/14 - RULES - BILL 140744, etc.
2 individuals, you could go through ADA and
3 just skirt the whole process, but if it's
4 a group day care for children, then you
5 have to go through this.

6 MR. GREGORSKI: It comes to the
7 classifications. It depends on how the
8 adults -- how it's run. If it's run as a
9 family, it could be a group home as
10 opposed to a day care.

11 COUNCILMAN KENNEY: But
12 generally -- I mean, I'm just speaking in
13 general terms. If there were adults,
14 they're generally in need of care and
15 supervision relative to their disability.

16 MR. GREGORSKI: Right.
17 Correct.

18 COUNCILMAN KENNEY: So that
19 would be --

20 MR. GREGORSKI: You could
21 get --

22 COUNCILMAN KENNEY: -- ADA
23 protected.

24 MR. GREGORSKI: You could get
25 an ADA exception.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN KENNEY: But
3 families who need day care as a result of
4 work need to go through a different
5 process.

6 MR. GREGORSKI: That I'm aware
7 of, yes. I think that's correct.

8 COUNCILMAN KENNEY: All right.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman.

11 Councilwoman Reynolds Brown.

12 COUNCILWOMAN BROWN: Good
13 morning. Just clarity for the record,
14 family child care allows one to take care
15 of up to and including? Complete the
16 sentence. How many children?

17 MR. GREGORSKI: Depending on
18 the district, six children in the
19 district, and it would be in your home.

20 COUNCILWOMAN BROWN: And group
21 child care, because it's really not --
22 we're not taking care of the day, we're
23 taking care of a child. Group child care
24 requires us or allows us to take care up
25 to and including how many children?

1 11/6/14 - RULES - BILL 140744, etc.

2 MR. GREGORSKI: Twelve, and it
3 doesn't necessarily have to be your home.

4 COUNCILWOMAN BROWN: Repeat the
5 last part.

6 MR. GREGORSKI: And it does not
7 have to be in your home. It could be at
8 another operation.

9 COUNCILWOMAN BROWN: Okay. How
10 does this differ from the world prior to
11 the new Zoning Code?

12 MR. GREGORSKI: The new Zoning
13 Code right now has these group day cares
14 listed as special exceptions. So they're
15 going to the Zoning Board right now.
16 This is going to make them variances. So
17 it is a little harder show at the Zoning
18 Board to show that you have a hardship.
19 So there's a little more onus on the
20 applicant to show that they have a
21 hardship why this property needs to be
22 used as a day care.

23 COUNCILWOMAN BROWN: And what
24 do you believe was the -- the sponsor of
25 the bill is not here -- may have been the

1 11/6/14 - RULES - BILL 140744, etc.
2 trigger for this issue that we're faced
3 with today?

4 MR. GREGORSKI: I don't know.

5 COUNCILWOMAN BROWN: Okay.

6 Thank you, Mr. Chairman.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Before I recognize Councilman
10 Kenney, just to be clear, what basically
11 this would do is take the requirement
12 back to the way it was before the new
13 Zoning Code was established where it had
14 to be a variance before, right?

15 MR. GREGORSKI: Correct.

16 COUNCILMAN GREENLEE: Just so
17 we have perspective.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Explain to
20 me what someone would argue would be a
21 hardship in order to determine that they
22 deserve a variance. I mean, to me if you
23 have six kids in the house, then you
24 don't have to prove a hardship. But if
25 you have up to 12, you have to prove it's

1 11/6/14 - RULES - BILL 140744, etc.
2 a hardship. What would the property
3 owner ultimately argue that it's a
4 hardship? To me there's no hardship
5 arguments you could make.

6 MR. GREGORSKI: It's difficult.
7 There could be that you have an old row
8 home, corner row home property, where the
9 first floor was an old commercial space
10 that would be very expensive to retrofit
11 into a residential space and it's zoned
12 residentially.

13 COUNCILMAN KENNEY: But you
14 have to retrofit it to meet the child
15 care guidelines, so where's the hardship?
16 I mean, it seems like it's almost set up
17 to fail.

18 MR. GREGORSKI: It would be
19 difficult to prove. However, the reason
20 I think, at least in part, for the
21 difference is is that when you have six
22 kids, there's a certain amount of impact
23 on the neighbors, because it's six kids
24 up to three shifts a day. So you could
25 have 18 kids there. When you have 12

1 11/6/14 - RULES - BILL 140744, etc.
2 children there at three times a day,
3 that's a lot of traffic in and out of
4 your house. It's a little more intense.

5 COUNCILMAN KENNEY: But what if
6 it's not your house? What if it's a
7 separate stand-alone --

8 MR. GREGORSKI: Excuse me. If
9 you're living next door to the house, if
10 I'm the neighbor and now we go from what
11 was six kids to maybe 18 --

12 COUNCILMAN KENNEY: Again, I'm
13 just trying to explore the arguments.
14 So, in other words, if I take a
15 commercial property and I open a store
16 and the traffic in the store is much more
17 than 12 kids a day, I don't have to prove
18 a hardship?

19 MR. GREGORSKI: If it's
20 commercially zoned, no.

21 COUNCILMAN KENNEY: But if I
22 want to put in a group day care, I have
23 to prove it's a hardship.

24 MR. GREGORSKI: This is for
25 residential districts.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN KENNEY: Correct. I
3 have a corner property. I live on the
4 second and third floor and the bottom
5 floor is a vacant -- used to be a store.

6 MR. GREGORSKI: You would have
7 to go either way, for the commercial use
8 or the day care.

9 COUNCILMAN KENNEY: Why would I
10 have to go for a commercial use if it's
11 zoned --

12 MR. GREGORSKI: If it's zoned
13 residentially.

14 COUNCILMAN KENNEY: Do we have
15 R-10A anymore or is that gone?

16 MR. GREGORSKI: Pardon me?

17 COUNCILMAN KENNEY: Is R-10A
18 gone?

19 MR. GREGORSKI: It is gone.
20 It's something else. We still have --

21 COUNCILMAN KENNEY: What is it
22 now? If I'm in South Philadelphia or any
23 other neighborhood and I own a property
24 on the corner that used to be a barber
25 shop or a grocery store --

1 11/6/14 - RULES - BILL 140744, etc.

2 MR. GREGORSKI: If it was zoned
3 RSA-5, the old R-10A, it would go to the
4 Zoning Board either way for that
5 commercial use, unless there was some
6 kind of old --

7 COUNCILMAN KENNEY: And I need
8 to prove a hardship in order to open a
9 store?

10 MR. GREGORSKI: Even to open a
11 store.

12 COUNCILMAN KENNEY: How does
13 that streamline the zoning process?
14 Because that was the purpose of the new
15 Zoning Code, was to streamline the zoning
16 process. So if I have a formerly
17 commercial property, then I have to go
18 prove a hardship to open a grocery store?

19 MR. GREGORSKI: Part of this
20 depends on rezoning the areas. When we
21 have old commercial corner stores that
22 are no longer viable, we may zone that
23 residentially, but there are many
24 times --

25 COUNCILMAN KENNEY: Let me go

1 11/6/14 - RULES - BILL 140744, etc.
2 to a strip mall, a strip mall in Mayfair.
3 I have an empty building and I want to
4 put in a Wawa. Do I need a variance?

5 MR. GREGORSKI: Presuming it's
6 zoned commercially, no.

7 COUNCILMAN KENNEY: If I want
8 to put in a group day care, I do?

9 MR. GREGORSKI: No. It would
10 be in residential districts. If it's
11 residential districts -- that's what
12 we're talking about here, residential
13 districts. So a strip mall hopefully is
14 not zoned residentially, but a corner
15 store may be. So you may have a lot of
16 situations where these folks have to come
17 in for take-out restaurant, grocery
18 store, anything like that. They'd go to
19 the Zoning Board too.

20 COUNCILMAN KENNEY: But they're
21 all hardship issues.

22 MR. GREGORSKI: They would be
23 hardship they would have to show.

24 COUNCILMAN KENNEY: Despite the
25 group day care argument aside, that makes

1 11/6/14 - RULES - BILL 140744, etc.
2 no sense. I mean, because if it's a
3 formerly commercial property that was a
4 commercial property for 50 years, now I
5 have to prove a hardship to keep it a
6 commercial property, even a retail store?

7 MR. GREGORSKI: If it was
8 rezoned. But part of what is heard at
9 the Zoning Board is that kind of
10 information, this has been a grocery
11 store since 1950.

12 COUNCILMAN KENNEY: Right. And
13 the person who ran the store moved on or
14 passed away and now I have a vacant
15 floor.

16 MR. GREGORSKI: And that's part
17 of the decision-making of the Zoning
18 Board, and they do in fact take that into
19 consideration and they grant such
20 variances.

21 COUNCILMAN KENNEY: Or not.

22 MR. GREGORSKI: Or not. But
23 they do.

24 COUNCILMAN KENNEY: All right.

25 Thank you.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN GREENLEE:

3 Councilwoman Reynolds Brown.

4 COUNCILWOMAN BROWN: The
5 questions are tailored around what's
6 real. So how many special exceptions for
7 group child care residentially zoned
8 properties have been requested since the
9 new code?

10 MR. GREGORSKI: I don't know,
11 but I could find that out. We could find
12 out. I sit at the Zoning Board at least
13 once per week, and we see many, many
14 special exceptions for day cares.

15 COUNCILWOMAN BROWN: Do you?

16 MR. GREGORSKI: Yes. Yes, all
17 the time. I don't want to say it's the
18 biggest thing we see, but it's got to be
19 up at the top.

20 COUNCILWOMAN BROWN: You see
21 many, many special exceptions for group
22 child care?

23 MR. GREGORSKI: For group child
24 care we see them.

25 COUNCILWOMAN BROWN: Have there

1 11/6/14 - RULES - BILL 140744, etc.

2 been any instances where special
3 exceptions were approved over the will of
4 the objections of the RCO?

5 MR. GREGORSKI: I can't
6 remember specifically, but I would say
7 yes, certainly that has happened.

8 COUNCILWOMAN BROWN: I guess my
9 struggle is this: You all knew that this
10 was coming, and hard data really helps us
11 and informs us when we have to make
12 decisions. So knowing what's real around
13 a particular issue, it's just exceedingly
14 helpful. So the ask going forward at
15 least is on matters like this, having
16 back-up data about how you ruled on a
17 particular zoning matter is very, very
18 helpful.

19 MR. GREGORSKI: I'm sorry that
20 I didn't bring that. I'll make sure that
21 you get that information.

22 COUNCILWOMAN BROWN: Thank you.
23 Thank you, Mr. Chairman.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilwoman.

1 11/6/14 - RULES - BILL 140744, etc.

2 The record will reflect
3 Councilman Squilla, a member of the
4 Committee, is also present.

5 I just wanted also to kind of
6 finish the argument that Councilwoman
7 Reynolds Brown was making or the point
8 Councilwoman Reynolds Brown was making.
9 Before the Zoning Code, before the new
10 Zoning Code, when we were in the old
11 Zoning Code, I assume there were also a
12 lot of requests for group care under the
13 variance request?

14 MR. GREGORSKI: They didn't
15 have that name back then, but, yes, there
16 were many, many.

17 COUNCILMAN GREENLEE: The same
18 kind of thing. All right.

19 Any other questions?

20 (No response.)

21 COUNCILMAN GREENLEE:
22 Councilman O'Neill.

23 COUNCILMAN O'NEILL: These
24 questions to the panel --

25 COUNCILMAN GREENLEE: Hold on

1 11/6/14 - RULES - BILL 140744, etc.

2 one second.

3 Is his light on?

4 COUNCILMAN O'NEILL: This is
5 one of those sections of the code that
6 was doing fine. It was changed. No
7 District Councilmember or at-large member
8 was notified of the change. We were
9 focused on family day care. It stayed
10 exactly the same with a variance.

11 And as far as second homes, you
12 can't have it as your primary residence,
13 so it's a business residence. This isn't
14 like a house at the shore. People don't
15 get a second house in Philly so they can
16 live there to have day care during the
17 week. You can't have it as your primary
18 residence. That's all that matters.
19 That second home stuff just doesn't cut
20 it in the City.

21 So I just ask that we go back
22 to the commonsense approach that we had
23 before, that it not be a special
24 exception, that it remain a variance as
25 it was. I think we did fine for the last

1 11/6/14 - RULES - BILL 140744, etc.

2 60 years with that and there was no need
3 to change it.

4 COUNCILMAN GREENLEE: Thank
5 you, Councilman.

6 Any questions, comments?

7 (No response.)

8 COUNCILMAN GREENLEE: Anything
9 else for Mr. Gregorski?

10 (No response.)

11 COUNCILMAN GREENLEE: Then
12 we'll move on to our next panel.

13 Ms. Marconi, please call the
14 next panel.

15 THE CLERK: Marion Brown and
16 Susan Burt-Collins, Monica Wright, and
17 Shawn Towey.

18 COUNCILMAN GREENLEE: If they
19 could all approach.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE: As you're
23 sitting down, is there anyone else here
24 who wants to testify on this bill?

25 If you could give your name to

1 11/6/14 - RULES - BILL 140744, etc.

2 Ms. Marconi up here, please.

3 Ms. Brown, I think your name
4 was called first. So if you would like
5 to start, or whoever would like to start.

6 MS. TOWEY: I'll start.

7 COUNCILMAN GREENLEE: Okay.
8 Please identify yourself and proceed.

9 MS. TOWEY: My name is Shawn
10 Towey. I'm representing Public Citizens
11 for Children and Youth.

12 We're here today to respond to
13 Bill 140802, which could amend the City's
14 relatively new Zoning Code to make it
15 harder to open a group child care program
16 serving up to 12 children. I'm here only
17 because a few days ago, a colleague ran
18 across a petition created by Monica
19 Wright, a child care provider, on
20 change.org. I point this out because I
21 staff the thousand-plus member
22 multi-stakeholder Southeastern
23 Pennsylvania Early Childhood Coalition
24 and we were not notified about this bill.
25 We think that Council's process is hasty

1 11/6/14 - RULES - BILL 140744, etc.
2 and has not allowed time for opposing
3 voices to come forward. We urge you to
4 vote against this bill.

5 As members of the Rules
6 Committee, each of you is committed to
7 making good policy for the residents of
8 our city. This bill would take us in the
9 wrong direction, may drive providers
10 underground, and does nothing to solve
11 the real child care crisis in this city.

12 I say we have a crisis in child
13 care because most families in
14 Philadelphia need child care while they
15 work and most are simply unable to afford
16 the cost of good quality child care.
17 Only 30 percent of our 3 and 4-year-olds
18 have access to publicly funded
19 high-quality pre-K, although 77 percent
20 would be eligible under the state's
21 income guidelines. There simply aren't
22 enough seats.

23 For infants and toddlers, the
24 numbers are more dismal. There are more
25 than 100,000 children under the age of 5

1 11/6/14 - RULES - BILL 140744, etc.
2 in Philadelphia, and two-thirds of them
3 live in low-income families, yet only
4 26,000 are receiving a subsidy to help
5 parents afford child care while they
6 work. While parents with subsidy may pay
7 up to 10 percent of their incomes for
8 child care, low-income and poor parents
9 on the waiting lists are faced with a
10 median cost of about \$1,000 a month for
11 toddler care. It's no wonder they must
12 prioritize affordability over quality.

13 Thousands of families take
14 advantage of the lower cost of family and
15 group child care homes. Many parents
16 prefer the family-oriented, more
17 personalized feel that a family or group
18 home provides. Often they'll seek out a
19 provider that's located very close to
20 their home or work, especially if they
21 rely on public transportation. And,
22 finally, few centers offer care on
23 weekends or evenings when many service,
24 healthcare, and retail employees need it.

25 The sad truth is that many of

1 11/6/14 - RULES - BILL 140744, etc.
2 our city's child care centers, family
3 child care homes or group child care
4 homes are not good quality. They're
5 regulated and licensed by the state, so
6 they do meet basic state standards for
7 health and safety and specific
8 adult-to-child ratios that vary depending
9 on the ages of the children in their
10 care, but they're not necessarily good
11 quality learning environments or staffed
12 by people with a background in early
13 childhood development. Only one-third of
14 our 163 group child care homes are even
15 enrolled in Keystone STARS, the state's
16 voluntary quality improvement program,
17 and fewer than one in ten family or group
18 providers is rated high quality.
19 Commercial child care centers perform
20 only a little better than that.

21 Indeed, we do not oppose
22 regulation. We think the City should
23 regulate child care, with the intent to
24 raise the quality of care offered to the
25 majority of Philadelphia children.

1 11/6/14 - RULES - BILL 140744, etc.

2 Quality child care operators who follow
3 best practices for children will also be
4 more accountable to the parents they
5 serve and the neighborhoods in which they
6 operate.

7 Currently, group child care
8 providers may operate in their own home
9 or in a commercial facility. We
10 understand the reservations of some
11 neighbors who fear living in proximity to
12 commercial businesses whose owners do not
13 live on the premises. However, we
14 believe that the zoning process currently
15 has safeguards to protect them. The
16 Zoning Board grants a special exception
17 to those family or group child care
18 owners whom they judge will operate in
19 the best interest of the children in
20 their care with accountability to
21 neighbors. Neighbors have an opportunity
22 to weigh in on the decision and be heard.
23 Not every application is approved.

24 Some others here today will
25 provide examples of why we think the

1 11/6/14 - RULES - BILL 140744, etc.
2 system is working. The bill in question
3 would prohibit residential zoning for
4 group child care homes, thus requiring
5 the prospective provider to obtain a
6 variance, with a heavier burden of proof
7 for the applicant to meet. If enacted,
8 this bill would erect a barrier for all
9 applicants rather than helping to weed
10 out those likely to cause problems for
11 their neighbors. In some cases, family
12 providers who want to expand but know it
13 would be hopeless to attempt to go to
14 group may decide to operate outside the
15 law. This could create an even worse
16 situation in their relationships with
17 their neighbors. In some, Bill 140802 is
18 a hammer when what's needed is a finer
19 tool.

20 For economic reasons, the
21 demand from parents for family and group
22 child care will continue, and we respect
23 those families' choices. Rather than
24 trying to ban it, let's think -- we think
25 the City should devise policies that

1 11/6/14 - RULES - BILL 140744, etc.
2 support these small businesses, aid them
3 when they want to grow incrementally,
4 help preserve the residential character
5 of their neighborhoods and, at the same
6 time, seek to guarantee that taxpayer
7 funds are used smartly to promote the
8 best outcomes for children. The best way
9 to do this would be to mandate enrollment
10 in Keystone STARS or another equivalent
11 accreditation program.

12 I encourage City Council to
13 defeat this bill, start over, and work
14 with all stakeholders in the early
15 childhood community to solve our early
16 education crisis. The City's Office of
17 Empowerment and Opportunity is currently
18 engaged in devising a citywide plan to do
19 just that. Let's work together as they
20 have in New York, San Antonio, and
21 Chicago to raise our standards and
22 provide kids with the rich early start
23 that will enable them to begin
24 kindergarten with the skills they need to
25 be successful in school and life.

1 11/6/14 - RULES - BILL 140744, etc.

2 Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you, ma'am.

5 What I'd like to do is hear
6 from everybody and then we'll have
7 questions. Whoever would like to go
8 next, please identify yourself and
9 proceed.

10 MS. BURT-COLLINS: Susan
11 Burt-Collins, and I am helping out with
12 SEPECC.

13 COUNCILMAN GREENLEE: Speak a
14 little bit more in the microphone,
15 please.

16 MS. BURT-COLLINS: Sure. I
17 often don't need it.

18 COUNCILMAN GREENLEE: Actually,
19 you just made it worse. Pull it towards
20 you, towards you.

21 MS. BURT-COLLINS: I usually
22 don't need microphones. Susan
23 Burt-Collins, and I'm helping out with
24 SEPECC. I'm sort of a volunteer on this
25 issue of child care.

1 11/6/14 - RULES - BILL 140744, etc.

2 If I may, first of all, if I
3 can just respond very quickly. Sixty
4 years ago was a very different time in
5 our country and in Philadelphia. It's
6 not 1955. My math may be off, but we all
7 remember what that was like. Moms were
8 home, you know, there were pretty
9 neighborhoods, everybody got along,
10 everything worked well. There were
11 playgrounds, there were libraries, there
12 were schools, there were places for
13 families. We don't have that as much as
14 we had it in 1955 or 1965 or even 1975.
15 It is a different city. It is a place
16 where mothers work, where fathers work,
17 where grandmothers work, where
18 grandfathers work. Everybody has to work
19 in order to get by in this city.

20 We are a poor city, and it is
21 very hard to get by here if you're not a
22 rich person living downtown or in West
23 Mount Airy. Those are the facts on the
24 ground, and that's what we need to deal
25 with.

1 11/6/14 - RULES - BILL 140744, etc.

2 The Zoning Code that was
3 drafted essentially wanted to face that
4 and wanted to make this city really the
5 hallmark city it can be that we all know
6 it is, and this is an area that needs
7 attention.

8 So I would suggest that what
9 Bill 140802 seeks is to essentially
10 prohibit group child care. Now, I heard
11 you talk earlier about group care and all
12 that, and I think the word "group"
13 frightens people off. We have visions of
14 other kinds of care. All we're talking
15 about here is child care. And if you
16 want to make it specific, if you need to
17 be more specific as to group care, either
18 deal with the State Legislature as to
19 defining group care or draft a more
20 narrow piece of legislation.

21 Right now we can have group
22 child care throughout -- we can have
23 family child care without exception
24 almost throughout the City, and that is
25 in most places six or fewer children that

1 11/6/14 - RULES - BILL 140744, etc.
2 are not related to the provider. There
3 are few districts that are only four not
4 related to the provider, but that's
5 family child care. Group child care is
6 12 or fewer not related to the provider.
7 They are in neighborhoods, they're in
8 people's homes or they're in what is a
9 home even if someone -- it's not their
10 primary residence. It is intended --
11 group child care allows for people to
12 establish these centers where there are
13 not -- kids are not going to strip malls,
14 kids are not being carted far from their
15 home in order to get child care. That is
16 the sort of thing we want to avoid.

17 By prohibiting group day care
18 everywhere, which is essentially -- in
19 every residential area, which is what
20 this bill does, it's an absolute bar
21 absent a variance. What we are doing is,
22 we are insisting that anybody seeking to
23 start or expand a family day care center
24 into a group child care center, we are
25 insisting that they go to the

1 11/6/14 - RULES - BILL 140744, etc.
2 time-consuming, expensive, and often
3 fruitless effort to seek a variance from
4 the Zoning Board of Adjustment. And a
5 variance is not easily gotten. The
6 Zoning Code has been changed. It was
7 changed, as you pointed out, for a
8 reason. It was changed to streamline the
9 process, to avoid endless variances, to
10 avoid any possibility that somebody has a
11 friend somewhere and gets something done
12 that shouldn't be done. The code was
13 enacted after a lot of thought, and a
14 variance requires not that the use be
15 prohibited but the actual building be
16 non-compliant. And if we're talking
17 about a house in a neighborhood, it's
18 been in the neighborhood. It's been a
19 house. How is that ever going to be
20 non-compliant? How is being a house ever
21 going to require a variance? It's not.
22 It's the use that is the issue, and the
23 special exception provision specifically
24 addresses the issue of use. Special
25 exceptions must be -- there must be

1 11/6/14 - RULES - BILL 140744, etc.

2 notice. There is a hearing before the
3 Zoning Board of Adjustment. The RCOs can
4 come, the neighbors can come, everybody
5 can say what their problem is, how this
6 will negatively affect the neighborhood.
7 And, in fact, Councilpersons can state
8 their objection, and often the Zoning
9 Board of Adjustment will give credence to
10 that objection, as you are the folks who
11 know the most about your own
12 neighborhood.

13 The prohibition of this bill
14 extends across the City without regard to
15 need, circumstances of the particular
16 neighborhood, and the alternatives
17 available. It says to the entire city,
18 we don't want small, heavily regulated --
19 and they are heavily regulated by DPW.
20 We don't want these residential -- these
21 group day cares for children in
22 residential neighborhoods. They are
23 saying to the parents, take your kids to
24 some big institutional setting in a strip
25 mall far from your home. Is that good

1 11/6/14 - RULES - BILL 140744, etc.

2 enough for the children of Philadelphia?

3 Is that what we want to have our city be
4 the hallmark of?

5 What is needed and what we
6 already have in the special exception is
7 a carefully calibrated instrument that
8 considers each proposal for a group child
9 care home on its merits and allows for
10 community input. This bill is a hammer
11 designed to hamper child care
12 alternatives for Philadelphia families,
13 and I would urge you to, at the very
14 least, postpone consideration as the
15 Planning Commission has requested.

16 Thank you.

17 COUNCILMAN GREENLEE: Thank
18 you. Thank you.

19 Please identify yourself and
20 proceed.

21 MS. WRIGHT: My name is Monica
22 Wright and I'm here representing the
23 Association of Child Daycare Providers,
24 Incorporated. We're a 501(c)(6) business
25 league that represents small-setting day

1 11/6/14 - RULES - BILL 140744, etc.
2 care providers, primarily people who do
3 family and group day care.

4 In regards to Bill 140802, I
5 found the bill to be very vague, and it
6 appears to request that day care homes
7 not be allowed in certain properties and
8 in certain areas zoned with certain
9 residential categories.

10 I'm a parent of five adult
11 children and three grandchildren, and in
12 every instance when either I or my
13 children were considering care for an
14 infant under one years old, we preferred
15 the consistency of a family or group day
16 care home setting instead of the
17 institutionalized larger centers with
18 high turnover, high staff turnover.

19 The category of group day care
20 home has always been used as a stepping
21 stone for the family day care provider
22 working from home, usually caring for her
23 own children and those of others who have
24 historically used the group day care home
25 category to start or accommodate more

1 11/6/14 - RULES - BILL 140744, etc.
2 children based on the available square
3 footage in the home or small commercial
4 setting without having to take a leap of
5 becoming a day care center.

6 And to explain my own
7 experience, our association operated
8 three 24-hour day cares in the City over
9 the past 12 years. They were all -- two
10 were in residential properties in
11 Kensington, which we were able to get the
12 zoning -- at least the tax area to Zone
13 1-E educational, and a corner commercial
14 property, and they were not detached
15 buildings. There's a lot of confusion
16 between the Department of Public Welfare
17 and the City as to what goes on with
18 group. But to make things harder, what
19 people don't understand is, DPW is going
20 to go by the square footage. So if you
21 have a small home, you can be group.
22 They're going to give you seven kids.
23 They may give you six kids. They're
24 going to give it to you based on the
25 square footage. So if you have a small

1 11/6/14 - RULES - BILL 140744, etc.
2 home, even though you're group, you don't
3 necessarily get all 12 slots. So we had
4 two seven-child day cares in Kensington
5 and one 12-child day care in South
6 Philadelphia.

7 Now, I think people are
8 envisioning that a group day care that
9 has 12 slots, you're going to have 12
10 people with 12 2-year-olds all enrolled
11 in the same day care, and that's not what
12 happens. For us, we could accommodate
13 two families, maybe a family with four
14 children and a family with three
15 children, with some of those kids being
16 school age, usually some were toddlers or
17 infants. Group allows a small-setting
18 provider to take that one extra family or
19 that one extra kid. So you're not
20 talking about 12 people driving up to a
21 residential property. In reality, what
22 happens, it's two families or maybe four
23 families that equal the 12 children that
24 are in care. In Kensington, yeah, very
25 few of our parents drove in.

1 11/6/14 - RULES - BILL 140744, etc.

2 The other thing that I would
3 like to say is, small-setting providers
4 don't have a staff of people to fight
5 something like this. I was talking to
6 one of the Councilpeople last night. I
7 work full time as a grandmother. I take
8 care of my two grandchildren. I'm
9 helping the Kensington neighborhood. We
10 got a small loan to rebuild and reopen
11 our day care after the 2009 economic
12 collapse where day cares didn't get paid
13 for four months in 2009. A lot of us
14 closed. I applied for a loan to reopen
15 the day care in Kensington, and the
16 neighbors are rehabbing the building so
17 that they can have a day care on their
18 block. It's not going to be my day care.
19 It's going to be their day care. But
20 what you're not understanding is that in
21 the same way I was with my grand-kids
22 after I have worked five hours in a real
23 estate office, picking up a 5-year-old
24 and a 1-year-old, talking to
25 Councilpeople while I'm trying to order a

1 11/6/14 - RULES - BILL 140744, etc.
2 hoagie and my granddaughter is trying to
3 pick out \$2 strawberry milk, we don't
4 have the staff to fight something like
5 this or for anybody to make things harder
6 for us. You want people to be calm who
7 are taking care of children. You don't
8 want them to be fighting and arguing and
9 debating this point and that point.

10 I oppose this bill, and I'm
11 requesting that if any special exception
12 is needed in order for an operator to
13 open a group day care in a residential
14 building that this provision be continued
15 and that the spirit of the group day care
16 home category be preserved as an option
17 for both parents and providers in the
18 City of Philadelphia.

19 If this bill seeks to limit the
20 options and make the process more
21 difficult for low- and middle-class women
22 to create businesses in which they can
23 work in a home setting and provide for
24 the care of their children, I protest
25 that this bill as written does not serve

1 11/6/14 - RULES - BILL 140744, etc.

2 the constituency who depends on the
3 system as it presently exists.

4 That's my testimony. I also
5 did a change.org petition and I got 40
6 signatures on here. It was 41 people who
7 had signed as of this morning, I believe,
8 and I have a whole page of those people
9 who signed their opinions on this issue.
10 And so I'd like to submit these
11 documents.

12 COUNCILMAN GREENLEE: We'll
13 make all that part of the record, ma'am.
14 Thank you.

15 Please identify yourself and
16 proceed.

17 MS. BROWN: Am I on?

18 COUNCILMAN GREENLEE: You're
19 on.

20 MS. BROWN: Good morning and
21 thank you to the Rules Committee for
22 giving us the opportunity to speak on
23 this issue. My name is Marion Brown. I
24 represent the Southeast Pennsylvania
25 Early Childhood Coalition. I also do

1 11/6/14 - RULES - BILL 140744, etc.
2 consulting work as a child care licensing
3 consultant. I am also a constituent of
4 Councilman Brian O'Neill in District 10
5 and do want to give a shout-out to Brian,
6 who is supportive of families and
7 children, and we especially appreciate in
8 our family the new playground on Verree
9 Road, which we use a lot, and we disagree
10 on this particular bill.

11 The Southeast Pennsylvania
12 Early Childhood Coalition represents a
13 broad base of child care providers and
14 early education professionals throughout
15 Philadelphia, and speaking on behalf of
16 SEPECC, we are in opposition to Bill
17 140802.

18 Presently, as you have heard,
19 all potential residential group child
20 care providers must appeal to the Zoning
21 Board of Adjustment for a special
22 exception. The appeal process is
23 demanding. It involves substantial
24 community input and safeguards and may or
25 may not result in approval of the special

1 11/6/14 - RULES - BILL 140744, etc.
2 exception. And when a special exception
3 request is approved by ZBA, the ZBA can
4 and often does add proviso requirements,
5 such as must install a bathroom on the
6 first floor care area or must have
7 commercial trash pickup or approved for
8 only 10 children, not 12, et cetera, et
9 cetera.

10 For the provider, the decision
11 to move forward with a zoning appeal for
12 a special exception is definitely a
13 business risk. While many people
14 consider this group care option, most
15 choose not to venture down the zoning
16 road. For the few providers who do
17 appeal for the special exception, well,
18 there are no guarantees.

19 A case in point occurred in one
20 of the large Victorian homes in the
21 University City area on a block where a
22 SEPECC colleague, Lola Rooney, lives.
23 Lola Rooney is a longtime director of
24 early childhood education at the
25 Philadelphia YMCA. Lola knows child care

1 11/6/14 - RULES - BILL 140744, etc.
2 and has a reputation both professionally
3 and also on her neighborhood block as
4 being an advocate for and supporter of
5 child care, including child care in
6 residential settings. Lola is meeting
7 today in Harrisburg or she would be here
8 to tell you this experience herself.
9 However, she writes:

10 I for one live in Jannie
11 Blackwell's district. A home across the
12 street from me -- I live in University
13 City with large Victorian homes -- was
14 bought for the expressed purpose of
15 operating group child care and the owner
16 was not planning to live there. She was
17 going to use the first and second floor
18 for child care purposes and rent the
19 third floor out to a college student.
20 The block in its entirety objected and,
21 of course, Ms. Blackwell would not allow
22 it in the area.

23 They resold the house. It now
24 has a University of Penn grad student
25 living on each floor. They've been

1 11/6/14 - RULES - BILL 140744, etc.
2 excellent neighbors.

3 I do know that a number of my
4 neighbors on the block actually showed up
5 at the zoning hearing, and we all signed
6 a petition for the zoning special
7 exception not to be granted. One of the
8 issues we cited was that our parking is
9 cramped. We finally got restricted
10 parking, because we had persons who
11 parked their cars and walked to the
12 nearby bus or trolley. But we also have
13 a busy street with several school buses
14 already picking up and dropping off
15 children. Then to pile double-parked
16 cars into the mix was frightening, to say
17 the least.

18 The point of this experience is
19 that the system works. The zoning
20 process requires 21-day posting of the
21 orange signs, meeting with the registered
22 community organizations, a memo to the
23 Zoning Board of Adjustment reflecting the
24 wishes of the RCOs, input from the City
25 Planning Commission, option for input

1 11/6/14 - RULES - BILL 140744, etc.
2 from the City Council office, option for
3 residents to be heard at the ZBA hearing,
4 a lot of options to ensure community
5 input and control.

6 Many providers have
7 incorporated their family day cares as
8 LLCs, a smart business move. The Zoning
9 Board recognizes LLCs as corporations and
10 requires that all petitions involving
11 corporations be represented by an
12 attorney. This financial cost, plus
13 other costs of the zoning appeal process
14 and conforming to other regulatory
15 requirements, further discourage appeals
16 for special exceptions and are, in
17 effect, an economic factor and control.

18 My point is that the present
19 zoning requirement for a special
20 exception provides ample opportunity for
21 community input and gives de facto veto
22 power to the City Council office.

23 Additional City regulations
24 require the provider to install a
25 hard-wired smoke detector system, to have

1 11/6/14 - RULES - BILL 140744, etc.
2 a fire inspection and a health
3 inspection, and to satisfy requirements
4 of each, as well as training regarding
5 fire safety and safe food handling and
6 first aid.

7 Once the provider has complied
8 with all of these regulations and
9 obtained the commercial activity license,
10 her EIN number, and the City child care
11 license, then and only then is she ready
12 and able to apply to the state for her
13 DPW certificate of compliance.

14 The state regulations provide
15 additional safeguards for the health and
16 safety of children and also for the
17 community. For group providers, the
18 state requires, as Ms. Wright has
19 explained, a minimum of 40 square feet
20 per child. They require identified gross
21 motor play space, usually a yard. They
22 have specified staff-child ratios, and 65
23 pages of regulations. And I brought a
24 copy, which we can pass around, but you
25 can download it online. These

1 11/6/14 - RULES - BILL 140744, etc.
2 regulations are required to be posted at
3 all times in the child care program in an
4 accessible location, along with contact
5 information for DPW, the regulatory
6 agency.

7 Anyone - parent, neighbor,
8 staff person - can call DPW with a
9 concern about a child care entity. A
10 City Councilperson has the right to call
11 DPW with a concern about a specific child
12 care entity. The number is 215-560-2807,
13 and it's in your printed material.

14 DPW will and does follow up.
15 If it's a significant safety concern,
16 they usually follow up immediately, often
17 the same day. So, for instance,
18 neighbors who see children unsupervised
19 in the yard can and should call DPW.
20 Please, this is all of our responsibility
21 to ensure the safety of all of our
22 children.

23 In my own work as an
24 independent child care licensing
25 consultant, I often connect with people

1 11/6/14 - RULES - BILL 140744, etc.
2 interested in group day care. I
3 encourage them to come to one of my
4 monthly licensing trainings, which I call
5 Going to Group. I do not encourage
6 providers to go to group because the
7 regulatory process can be very daunting,
8 starting with zoning. And zoning is only
9 the beginning. Most people who come to
10 my Going to Group trainings, once they
11 understand all the challenges of the
12 regulatory process, including the costs
13 and risks of the zoning appeal, usually
14 they ultimately decide not to pursue this
15 option. And even when they do pursue it,
16 often they do not follow through with all
17 of the steps and do not necessarily
18 become group providers. Just because
19 they were approved by the Zoning Board
20 does not mean that they are then a group
21 provider. There's still many hoops to
22 jump through, and many people even at
23 that point choose not to proceed.

24 In summation, please oppose
25 this bill. It is unnecessarily

1 11/6/14 - RULES - BILL 140744, etc.
2 restrictive. The process of obtaining a
3 special exception is important to a small
4 number of potential group providers. The
5 existing safeguards built into the system
6 provide for full disclosure, community
7 input, and City Councilperson office
8 input and often de facto veto. Please
9 oppose this bill.

10 COUNCILMAN GREENLEE: Okay.
11 Thank you all. We'll open it up to
12 questions.

13 MS. GYLE: Can I say something?

14 COUNCILMAN GREENLEE: Why don't
15 we finish with this, because they were
16 part of the panel, and then you can come
17 up after them.

18 MS. BROWN: I think she's a
19 colleague of ours.

20 MS. GYLE: I'm a family child
21 care provider.

22 COUNCILMAN GREENLEE: All
23 right. Pull up a chair.

24 Let me ask, is there anyone
25 else here who wants to testify on this

1 11/6/14 - RULES - BILL 140744, etc.

2 bill?

3 (No response.)

4 COUNCILMAN GREENLEE: All

5 right. Come on up.

6 You got to speak into the

7 microphone, ma'am.

8 Maybe give her your seat,

9 Ms. Burt-Collins.

10 MS. GYLE: Hi. My name is Anna

11 Mae Gyle. I've ran a family child care

12 in Councilman Henon's district for 23

13 years. Some day I want to go group. I

14 haven't made all the things to my home.

15 The problem with this bill is,

16 in the 19135 area, there is one four-star

17 provider, Keystone STAR provider. That's

18 me. I could not be four stars if I have

19 to go to a storefront. I cannot provide

20 the level of care I give. I'm also

21 accredited. In my area there are 33

22 day cares. There's one four-star,

23 there's two three-star, there are four

24 two stars, and five are one-star. So

25 that leaves a lot that aren't any stars.

1 11/6/14 - RULES - BILL 140744, etc.

2 Same thing with accreditation. All the
3 accredited providers in Philadelphia,
4 there's only a handful of big centers
5 that are, because they can't afford it.
6 You have to be a big non-profit to do it.
7 The accredited providers are all family
8 providers in like West Philadelphia
9 because they don't have the restrictions
10 there that the Northeast has with four
11 children. So everyone in the Northeast
12 is being forced into storefronts. It's
13 not right for the children, because you
14 cannot have the same quality.

15 Councilman Henon's office -- I
16 don't know if he realizes this or not --
17 has been working with me to start an
18 outdoor classroom. They're working with
19 me to develop that, that the local public
20 school also wants to use. The math and
21 science teachers both want to use it.
22 I've also talked to Water people who were
23 going to come and were going to do the
24 water cycle.

25 I cannot provide it, and I

1 11/6/14 - RULES - BILL 140744, etc.
2 think if this bill does go through, you
3 have to grandfather every family provider
4 who is at a Star 3 or Star 4 level that
5 we can some day go group, because, like I
6 said, I cannot do it. And to be honest,
7 if I'm going to go into hock and take out
8 a lot of loans, I'm not going to do it in
9 an area for the poor children. If I'm
10 going to do that, I might as well go to
11 where the rich are. I have a Master's
12 degree in education, and I'm going to
13 service only rich children and make money
14 at it. Right now I make no money. I
15 mean, you can look at my taxes. I wind
16 up making like \$17,000 a year. I serve
17 all poor children. Most of my children
18 qualify for subsidies, and this is the
19 only way they're going to get any
20 quality. And if you keep on putting
21 things on families to make them where
22 they only can have four, you're putting
23 them in the storefronts and a lot of them
24 are baby warehouses.

25 When you have a family and

1 11/6/14 - RULES - BILL 140744, etc.

2 group home, you have an owner who is
3 present every day. Everybody knows where
4 that person lives. There's like a level
5 of accountability. When you go to a day
6 care center, you can do -- they're under
7 regulations, and they're not all like
8 this, but in a lot of them, it's an \$8 an
9 hour job. It's a \$9 an hour job. It's
10 not a career choice. It's a first step
11 to your next career. And then as soon as
12 you get your degree, you're going to go
13 to the public school system where you can
14 make money.

15 Thank you. That's all.

16 COUNCILMAN GREENLEE: Ma'am,
17 stay there a second, because you bring up
18 a point I wanted to bring up. You said
19 you're family day care now and you might
20 want to go group, right? Well, if you're
21 going to do that right now as we speak --
22 you're in your own home; is that right?

23 MS. GYLE: Mm-hmm.

24 COUNCILMAN GREENLEE: You would
25 have to get a variance. This bill

1 11/6/14 - RULES - BILL 140744, etc.

2 doesn't affect that.

3 Am I right, Councilman O'Neill?

4 MS. BROWN: You would have to
5 get a special exception today.

6 COUNCILMAN GREENLEE: No, no,
7 no. The special exception, as I
8 understand it -- and correct me if I'm
9 wrong -- is if you're in now a detached
10 property, right, you would have to get
11 the special exception?

12 COUNCILMAN O'NEILL: Not any
13 detached property. Detached property
14 which could, by zoning, as a matter of
15 right, be an attached --

16 COUNCILMAN GREENLEE: Put
17 Councilman O'Neill's microphone on,
18 please.

19 COUNCILMAN O'NEILL: If you're
20 in a single home, a detached dwelling,
21 and you're there and that's all that's
22 allowed on that property by zoning, it's
23 a variance from the get-go, and it's
24 right in the code. It was in the old
25 code. If you're in an attached dwelling

1 11/6/14 - RULES - BILL 140744, etc.
2 and it's also attached under the code,
3 you would need a variance, not just have
4 to live there, but the fact that it is
5 not detached would require --

6 COUNCILMAN GREENLEE: A
7 variance.

8 COUNCILMAN O'NEILL: A
9 variance.

10 COUNCILMAN GREENLEE: That's my
11 point.

12 COUNCILMAN O'NEILL: Now, you
13 could be in, let's just say, a row home,
14 twin home, because that's the other two.
15 If you're in a detached dwelling that
16 looks the same size as the twin, somebody
17 just built it as a single, but it's in a
18 twin-zoned area or a row home-zoned area,
19 you would be okay. You would only need a
20 special exception. They're few and far
21 between, but they do exist.

22 So there's somewhat of a
23 contradictory thing. You can't just move
24 from what looks like family to group,
25 even with the special exception, without

1 11/6/14 - RULES - BILL 140744, etc.
2 running into the variance requirement.
3 But I've been talking to Councilwoman
4 Tasco's office.

5 COUNCILMAN GREENLEE: They're
6 agreeing.

7 COUNCILMAN O'NEILL: And he's
8 been talking to the Administration, and I
9 think we have a narrow amendment that
10 might help us, because there are few
11 areas that allow detached or attached.
12 There are very few of them out there, but
13 they kind of contradict the -- if they
14 build a single instead of a twin, they
15 basically are building what's allowed in
16 an area that requires a variance. So if
17 you look at the chart, it only would
18 be -- I can reduce this from like 12
19 categories down to four and they won't
20 affect hardly anyone. And I'd be glad to
21 do it, and I appreciate Derek's work on
22 it.

23 COUNCILMAN GREENLEE: But the
24 point I'm trying to make, ma'am, is right
25 now, your property, I assume, is a

1 11/6/14 - RULES - BILL 140744, etc.

2 residential attached property, row house?

3 MS. GYLE: Yes.

4 COUNCILMAN GREENLEE: Right now

5 if you wanted to go to group, without

6 this bill, you would need a variance.

7 Okay? Just so you understand that. So

8 this bill really, in a sense, wouldn't

9 affect you, because you would have to get
10 a variance right now.

11 MS. GYLE: But I don't know
12 what's going to happen tomorrow.

13 Tomorrow I might decide to move to a
14 bigger house, and if the bill goes
15 through today, then tomorrow I'm going to
16 have to worry about it. I don't want
17 anything to affect it, because I don't --

18 COUNCILMAN GREENLEE: That's a
19 different question.

20 MS. GYLE: To be honest, day
21 care was a one-year job for me. How I'm
22 here for 25 years, I have no idea. It
23 was to get my kids to school.

24 COUNCILMAN GREENLEE: I just
25 wanted to make the point.

1 11/6/14 - RULES - BILL 140744, etc.

2 MS. GYLE: So I don't know what
3 tomorrow is going --

4 COUNCILMAN GREENLEE: All
5 right. If you move to a detached
6 building. But what I'm saying is, you
7 had said in your statement that I might
8 want to -- I'm family day care. I might
9 want to move my place into a group day
10 care. If you did that today, you would
11 still need a variance regardless of this
12 bill.

13 MS. GYLE: Okay.

14 COUNCILMAN GREENLEE: Everybody
15 understand that? You agree with me on
16 that? Okay. All right.

17 Are there any questions --
18 Councilwoman Reynolds Brown.

19 COUNCILWOMAN BROWN: Yes. I
20 just want to reflect on some of the
21 testimony I heard. The first lady who
22 spoke from PCCY, in your testimony, and I
23 quote, you say, I do not oppose
24 regulation. So what's your position on
25 this particular bill as it has been

1 11/6/14 - RULES - BILL 140744, etc.
2 narrowly defined?

3 MS. TOWEY: As I understand
4 this bill, it would raise the bar for
5 some people who want to expand from
6 family to group, and we think that that's
7 the wrong approach. We don't really see
8 the need for it. I haven't heard why
9 it's a problem right now that we need to
10 raise the bar from special exception to
11 variance. So we're against that. It
12 just seems like you're erecting the wrong
13 kind of barrier.

14 COUNCILWOMAN BROWN: So what's
15 your alternative? What are you offering
16 up in the alternative?

17 MS. TOWEY: I think we could
18 keep it the way it is. I would like to
19 see us all work together to have a plan
20 for Philadelphia where we can increase
21 the quality of these centers, which is
22 somewhat of a different issue from
23 zoning, but perhaps we could use zoning
24 to help us do that. I don't know the
25 implementation, how that would work, but

1 11/6/14 - RULES - BILL 140744, etc.

2 at this point, I feel like the bigger
3 problem is quality. Bills like this
4 could --

5 COUNCILWOMAN TASCO: Could you
6 define what you mean by "quality." What
7 are you talking about?

8 MS. TOWEY: Keystone STARS is
9 the state's continuous quality
10 improvement and rating system. It's sort
11 of right now the best tool that we have
12 to help providers kind of move up in the
13 quality of the service they deliver to
14 kids, which is related to the outcomes
15 that we have. Are kids ready for
16 kindergarten? Well, we know that if
17 you're in Pre-K Counts or Star 3 or 4,
18 the chances are excellent that those
19 children will enter kindergarten ready to
20 learn. Unfortunately, the majority of
21 kids in Philadelphia are not entering
22 kindergarten with the skills that they
23 need. And so that's what we're looking
24 at, is how do we increase -- how do we
25 get all these forces in Philadelphia kind

1 11/6/14 - RULES - BILL 140744, etc.
2 of on the same page so that we can
3 deliver quality care.

4 The problem is, it's a poor
5 city. People can't afford to do this
6 with their private funds. We need public
7 investment and we need other maybe
8 triggers that might include zoning,
9 business licenses or some other tools to
10 help us get more of these programs
11 involved in Keystone STARS.

12 COUNCILWOMAN BROWN: More
13 specifically, do you believe group child
14 care should be in a row home?

15 MS. TOWEY: I'm sorry?

16 COUNCILWOMAN BROWN: Do you
17 believe group child care should be in a
18 row home?

19 MS. TOWEY: I think that if
20 it's viable and the neighbors are okay
21 with it, it's okay to have it in a row
22 home.

23 COUNCILWOMAN BROWN: What does
24 "viable" mean?

25 MS. TOWEY: You know, if it's

1 11/6/14 - RULES - BILL 140744, etc.
2 large enough to accommodate the kids.
3 That's what I mean.

4 COUNCILWOMAN BROWN: Thank you
5 very much.

6 MS. BROWN: Especially there
7 are a lot -- especially end-of-row houses
8 that have a separate entrance and a
9 larger yard. And so in some of those
10 situations, the group really works and is
11 helpful to the community to have care
12 that they don't have to drive to a
13 shopping center for.

14 COUNCILWOMAN BROWN: The lady
15 that offered testimony regarding your
16 three 24-hour child cares, are any of
17 those in row homes?

18 MS. WRIGHT: Yeah, all of them.

19 COUNCILWOMAN BROWN: All of
20 them are in row homes?

21 MS. WRIGHT: Yes. And we just
22 were able -- the thing about this, this
23 is a city of row homes, and just like,
24 you know -- we had our two buildings on
25 the 3100 block of Reach Street that I was

1 11/6/14 - RULES - BILL 140744, etc.
2 able to get a mortgage and buy two
3 properties. When we -- one of the
4 properties we didn't own and it ended up
5 going into foreclosure, and I was able to
6 negotiate and get that property back for
7 \$5,000 and then turn it over to the
8 community.

9 So, of course, child day
10 care -- group day care homes should be
11 allowed in row houses, because we're on
12 the block with 70 other houses, and about
13 40 percent of those are full of children.
14 So, I mean, go to any row house block,
15 you're going to see kids, and if the
16 parents have to work, the kids need day
17 care. I would have to walk a far way in
18 Kensington to find this detached
19 beautiful home with a side yard. So I
20 don't know where you would expect all the
21 people in Kensington who are assistant
22 managers at Checkers and things like that
23 who need care until 11 o'clock at night,
24 where are they supposed to find this
25 detached home with a beautiful yard on

1 11/6/14 - RULES - BILL 140744, etc.
2 the side to leave their children?

3 COUNCILMAN GREENLEE:

4 Councilwoman, could I just interject?

5 COUNCILWOMAN BROWN: Please.

6 COUNCILMAN GREENLEE: Just to
7 be clear, though, Ms. Wright, those
8 properties you're describing, under this
9 code now, without this bill, have to get
10 a variance.

11 MS. WRIGHT: I think that's
12 incorrect, according to how I spoke to
13 his office.

14 COUNCILMAN GREENLEE: To whose
15 office?

16 MS. WRIGHT: Wouldn't it have
17 to be a special exception? Why are you
18 saying it needs a variance?

19 COUNCILMAN GREENLEE: It needs
20 a variance. The special exception comes
21 when it's in the detached property that
22 is not the primary residence as the
23 operator. Ma'am, that's what the code
24 says.

25 Mr. Gregorski, could you come

1 11/6/14 - RULES - BILL 140744, etc.
2 forward, please.

3 MS. WRIGHT: Yeah, because
4 nobody sent me the thing about the
5 detached home.

6 COUNCILMAN GREENLEE: I want to
7 be clear on this, because I think people
8 are sometimes arguing about something
9 that really doesn't -- this bill doesn't
10 affect.

11 MS. WRIGHT: Well, if I could
12 say one thing.

13 COUNCILMAN GREENLEE: Hold on.

14 COUNCILWOMAN BROWN: If I could
15 just state for the record, it is
16 exceedingly important that all of you,
17 all of us understand the narrow issue
18 here with regards to this bill, that
19 principally we're all on the same page.
20 Let's just start there. So the notion
21 that we don't care about quality and we
22 don't get it is a myth. We do get it.
23 The issue as has been stipulated by the
24 sponsor of the bill, first of all, as I
25 understand it with my own homework, this

1 11/6/14 - RULES - BILL 140744, etc.
2 has happened -- it's not a regular
3 occurrence, and it's a fragile balance
4 that we have to strike here in taking
5 care of young people, little people,
6 coupled with neighbors and being
7 concerned about land use and land space
8 as well.

9 So we're working with you. To
10 strike this balance and have an accuracy
11 of what's at stake here is very, very
12 important. So if the City Planning
13 Commission could speak to that.

14 COUNCILMAN GREENLEE:

15 Mr. Gregorski, if you could just speak to
16 what I said. The situation as described
17 by Ms. Wright, if somebody wanted to open
18 right now, without Councilman O'Neill's
19 bill, a group day care in a row home, do
20 they have to obtain a variance?

21 MR. GREGORSKI: Marty Gregorski
22 with City Planning.

23 Right now the way it works is
24 you only get a special exception if you
25 are completely detached. So if you're in

1 11/6/14 - RULES - BILL 140744, etc.

2 a row home, it would already be equated
3 to a no in the code.

4 COUNCILMAN GREENLEE: And in
5 order to get it, you would have to obtain
6 a variance, correct?

7 MR. GREGORSKI: You would have
8 to obtain a variance, correct.

9 COUNCILMAN GREENLEE: Does
10 everybody understand what we're saying
11 here?

12 MS. WRIGHT: No. And I'll just
13 say this. I'll say this so that just my
14 blood pressure can go down. Here's the
15 point: Why have a bill to make anything
16 harder for people who take care of kids?
17 I'm sitting here with her and we both got
18 to take care of kids tremble. Why make
19 anything harder for us?

20 COUNCILMAN GREENLEE: I
21 understand what you're saying, ma'am.
22 I'm just --

23 MS. WRIGHT: For anybody who
24 got to take care of kids.

25 COUNCILMAN GREENLEE: We're

1 11/6/14 - RULES - BILL 140744, etc.
2 just talking about this bill. I want to
3 be clear that this bill only affects a
4 certain amount of properties, and what
5 both of you two described is not affected
6 by this bill. If you're in an attached
7 property, you would still have to get a
8 variance. Okay?

9 Ma'am --

10 MS. TOWEY: I have to tell you,
11 I called the City Planning Commission a
12 few days ago when I first heard about the
13 bill and spoke with a staff person there,
14 who didn't clarify this for me, and so I
15 didn't really understand it until just
16 now. I also know that like my own home
17 in Germantown does not comply with what
18 it's zoned under in terms of the size of
19 the lot and all that stuff. So I think
20 that there are some weirdnesses around
21 Philadelphia where people may be zoned
22 one way but it's not the reality of their
23 property and that sort of thing.

24 And I just -- again, I wonder
25 if in reality once you're at the ZBA

1 11/6/14 - RULES - BILL 140744, etc.
2 whether the fine-tuning of this Zoning
3 Code really is reflected in terms of the
4 decisions. I'm not sure. I think it's
5 very confusing. I also tried to get data
6 on the history here, and it turns out
7 it's not tracked separately. So it's
8 difficult to know what has been happening
9 in reality.

10 COUNCILMAN GREENLEE: All
11 right. I understand that.

12 Councilwoman Bass.

13 COUNCILWOMAN BASS: Thank you,
14 Mr. Chairman.

15 I think pretty much everything
16 I was going to say is covered, but just a
17 couple of things. Number one, to the
18 young lady here in the purple who is
19 providing a four-star -- the day care
20 with the Keystone STARS, you're a
21 four-star and the only one in your area,
22 I think that that -- number one, I think
23 it's a great thing that you're a
24 four-star, but number two, obviously
25 there's so much more of a need. And I

1 11/6/14 - RULES - BILL 140744, etc.

2 think that the conversation we're having
3 here is really a couple of different
4 things. It's almost a conversation about
5 quality and access versus land use and
6 land planning. So I think we kind of
7 have to divide the conversation into
8 those separate categories to figure out
9 exactly what we're talking about here and
10 to make sure that everybody is on point.

11 I think what is intended here
12 is not to make it more difficult to have
13 access to child care, but as a District
14 Councilperson, it allows me an
15 opportunity to support child care when
16 they come up for a variance or a special
17 exception in my district so that I can be
18 supportive and make sure that it's a good
19 fit for the neighborhood, a good fit for
20 the community and that I'm not
21 restricting. If I know, like you said,
22 that you would have to go very far away
23 if the child care didn't exist in your
24 neighborhood, as a District
25 Councilperson, I can support when it

1 11/6/14 - RULES - BILL 140744, etc.
2 comes up for zoning an opportunity to fix
3 that or to remedy that situation if it
4 should occur.

5 So I think that there are
6 things that still are on the table that
7 we can do to be helpful and I just want
8 to make sure that we're all talking about
9 the same thing and on the same page.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Any other questions?

14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, thank you all very much. Thank you
17 for your time.

18 Is there anyone else here that
19 wants to testify on Bill 140802?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, that concludes the hearing of the
23 Rules Committee. We're going to go into
24 our public meeting.

25 The amendment for the last

1 11/6/14 - RULES - BILL 140744, etc.
2 bill, Councilman O'Neill?

3 COUNCILMAN O'NEILL: It's not
4 ready apparently. We're working on it,
5 but I'd be willing to have the bill
6 reported out and then do the amendment.

7 COUNCILMAN GREENLEE: Amendment
8 on the floor?

9 COUNCILMAN O'NEILL: On the
10 floor. Yeah, on the floor. First
11 reading or second reading. I'm
12 absolutely in favor of it, and it very
13 much takes 100 percent down to about 5 or
14 10 percent that's even affected in a very
15 limited way.

16 COUNCILMAN GREENLEE:
17 Councilwoman Reynolds Brown.

18 COUNCILWOMAN BROWN: I thank
19 the sponsor for that. In addition to
20 which that will have the benefit of the
21 City Planning Commission's additional
22 information as well.

23 COUNCILMAN O'NEILL: That's
24 right. And this amendment obviously will
25 be before the Planning Commission when

1 11/6/14 - RULES - BILL 140744, etc.
2 they have their meeting, and staff at the
3 Planning Commission can explain that it
4 will be amended on the floor with that
5 amendment, there was an agreement in
6 committee.

7 COUNCILWOMAN BROWN: Thank you
8 to the sponsor.

9 COUNCILMAN O'NEILL: I feel
10 very much bound by that.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilwoman, and Councilwoman, you
13 were --

14 COUNCILMAN O'NEILL: I think
15 this has been educational for everybody.
16 This new code is --

17 COUNCILMAN GREENLEE: That's
18 one word.

19 COUNCILMAN O'NEILL: -- harder
20 to read than the old one. I don't know
21 what we accomplished in terms of
22 simplicity and clarity. Lawyers are
23 doing better under the new one than I
24 think they did under the old one.

25 COUNCILMAN GREENLEE: I've been

1 11/6/14 - RULES - BILL 140744, etc.
2 thinking that for a long time.

3 You're requesting a suspension
4 of rules on these bills?

5 COUNCILMAN O'NEILL: I won't
6 need a suspension.

7 COUNCILMAN GREENLEE: Not on
8 the last one? Thank you. All right.

9 We are now in our public
10 meeting. The Chair recognizes Councilman
11 Goode.

12 COUNCILMAN GOODE: Thank you,
13 Mr. Chairman. I move that Bill No.
14 140744 be reported out of this Committee
15 with a favorable recommendation --

16 COUNCILMAN O'NEILL: Excuse me.
17 I'm sorry, Councilman Goode.

18 It probably would be good
19 because we'll get first reading quicker
20 and we can amend it on first reading,
21 maybe even before the Planning
22 Commission. So we'll do that.

23 COUNCILMAN GREENLEE: Fine.
24 Thank you.

25 Sorry, Councilman Goode.

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN GOODE: I move that
3 Bill No. 140744 be reported out of this
4 Committee with a favorable
5 recommendation, that the rules of Council
6 be suspended so as to permit first
7 reading at our next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: It's been
10 moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, Bill No. 140744 is reported out of
17 this Committee favorably with a rules
18 suspension.

19 Councilman Goode.

20 COUNCILMAN GOODE: Thank you,
21 Mr. Chairman. I move that Bill 140745 be
22 reported out of this Committee with a
23 favorable recommendation, that the rules
24 of Council be suspended so as to permit
25 first reading at our next Council

1 11/6/14 - RULES - BILL 140744, etc.

2 session.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been

5 moved and seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREENLEE: Opposed?

9 (No response.)

10 COUNCILMAN GREENLEE: Hearing

11 none, Bill No. 140745 reported out of

12 this Committee favorably with a rules

13 suspension.

14 Councilman Goode.

15 COUNCILMAN GOODE: I move that

16 Bill No. 140782 be reported out of this

17 Committee with a favorable

18 recommendation, that the rules of Council

19 be suspended so as to permit first

20 reading at our next Council session.

21 (Duly seconded.)

22 COUNCILMAN GREENLEE: It's been

23 moved and seconded.

24 All in favor?

25 (Aye.)

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN GREENLEE: Opposed?

3 (No response.)

4 COUNCILMAN GREENLEE: Hearing

5 none, Bill No. 140782 reported out of

6 this Committee favorably with a rules

7 suspension.

8 Councilman.

9 COUNCILMAN GOODE: I move that

10 Bill 140798 be reported out of this

11 Committee with a favorable

12 recommendation, that the rules of Council

13 be suspended so as to permit first

14 reading at our next Council session.

15 (Duly seconded.)

16 COUNCILMAN GREENLEE: It's been

17 moved and seconded.

18 All in favor?

19 (Aye.)

20 COUNCILMAN GREENLEE: Opposed?

21 (No response.)

22 COUNCILMAN GREENLEE: Hearing

23 none, Bill No. 140798 reported out of

24 this Committee favorably with a rules

25 suspension.

1 11/6/14 - RULES - BILL 140744, etc.

2 Councilman Goode.

3 COUNCILMAN GOODE: I move the
4 amendment to Bill No. 140799 be approved.
5 (Duly seconded.)

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?
11 (No response.)

12 COUNCILMAN GREENLEE: The
13 amendment is approved.

14 Councilman.

15 COUNCILMAN GOODE: I move that
16 Bill 140799, as amended, be reported out
17 of this Committee with a favorable
18 recommendation, that the rules of Council
19 be suspended so as to permit first
20 reading at our next Council session.

21 (Duly seconded.)

22 COUNCILMAN GREENLEE: It's been
23 moved and seconded.

24 All in favor?

25 (Aye.)

1 11/6/14 - RULES - BILL 140744, etc.

2 COUNCILMAN GREENLEE: Opposed?

3 (No response.)

4 COUNCILMAN GREENLEE: Hearing

5 none, Bill No. 140799, as amended, is

6 reported out of this Committee favorably

7 with a rules suspension.

8 Councilman Goode.

9 COUNCILMAN GOODE: I move the

10 amendment to Bill 140803 be approved.

11 (Duly seconded.)

12 COUNCILMAN GREENLEE: It's been

13 moved and seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN GREENLEE: Opposed?

17 (No response.)

18 COUNCILMAN GREENLEE: Hearing

19 none, the amendment is approved.

20 Councilman.

21 COUNCILMAN GOODE: I move that

22 Bill 140803, as amended, be reported out

23 of this Committee with a favorable

24 recommendation, that the rules of Council

25 be suspended so as to permit first

1 11/6/14 - RULES - BILL 140744, etc.

2 reading at our next Council session.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been

5 moved and seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREENLEE: Opposed?

9 (No response.)

10 COUNCILMAN GREENLEE: Hearing

11 none, Bill No. 140803, as amended, is

12 reported out of this Committee favorably

13 with a rules suspension.

14 Councilman Goode.

15 COUNCILMAN GOODE: I move that

16 Bill 140802, pending further amendment

17 later on, be reported out of this

18 Committee with a favorable

19 recommendation, that the rules of Council

20 be suspended so as to permit first

21 reading at our next Council session.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been

24 moved and seconded.

25 All in favor?

1 11/6/14 - RULES - BILL 140744, etc.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: Hearing
6 none, Bill No. 140802 is reported out of
7 this Committee favorably with a rules
8 suspension.

9 That concludes the meeting of
10 the Committee on Rules.

11 Thank you all very much for
12 your participation.

13 (Committee on Rules concluded
14 at 11:30 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true
and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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A				
able 58:11 68:12 84:22 85:2,5 absent 53:21 absolute 53:20 absolutely 94:12 access 44:18 92:5 92:13 accessible 69:4 accessory 8:12 9:2,6 22:21 accommodate 57:25 59:12 84:2 accommodation 27:9,12,13,14 accomplished 95:21 accountability 47:20 75:5 accountable 47:4 accredited 72:21 73:3,7 accreditation 49:11 73:2 accuracy 88:10 accurately 104:5 activities 15:11 activity 4:25 7:12 12:7 15:6 68:9 actual 54:15 ADA 27:9,18 28:2 28:22,25 add 64:4 addition 94:19 additional 9:15 15:16 18:2 20:2 67:23 68:15 94:21 addresses 54:24 Adjustment 54:4 55:3,9 63:21 66:23 Administration 78:8 adult 57:10 adults 26:14 27:4	27:7,24 28:8,13 adult-to-child 46:8 advantage 45:14 advocate 65:4 affect 18:13 23:9 23:12,15 55:6 76:2 78:20 79:9 79:17 87:10 afford 44:15 45:5 73:5 83:5 affordability 45:12 age 44:25 59:16 agency 69:6 ages 46:9 ago 43:17 51:4 90:12 agree 80:15 agreeing 78:6 agreement 95:5 ahead 27:13 aid 49:2 68:6 Airy 51:23 allow 24:3 65:21 78:11 allowed 21:19 44:2 57:7 76:22 78:15 85:11 allowing 4:21 7:8 12:3 14:25 allows 29:14,24 53:11 56:9 59:17 92:14 alternative 81:15 81:16 alternatives 55:16 56:12 amend 2:18 5:22 10:20 13:16 16:20 43:13 96:20 amended 95:4 100:16 101:5,22 102:11 amending 8:9 19:4	amendment 78:9 93:25 94:6,7,24 95:5 100:4,13 101:10,19 102:16 amends 4:2 6:15 8:24 11:14 14:11 17:19 19:20 amount 32:22 90:4 ample 67:20 and/or 104:23 Anna 72:10 answer 5:8 7:19 9:19 12:22 15:20 18:6 20:6 22:15 Antonio 49:20 anybody 25:5 53:22 61:5 89:23 anymore 34:15 apparently 26:4,5 94:4 appeal 63:20,22 64:11,17 67:13 70:13 appeals 67:15 appear 16:2 appears 57:6 applicant 24:21 25:21 30:20 48:7 applicants 48:9 application 47:23 applied 27:4 60:14 apply 27:12 68:12 104:21 appreciate 63:7 78:21 approach 41:22 42:19 81:7 approached 3:4 42:20 approval 63:25	approved 5:7 7:18 12:21 26:3 27:14 39:3 47:23 64:3,7 70:19 100:4,13 101:10,19 area 2:21 4:4 5:25 6:17 9:10 10:23 11:16 13:6,19 14:13 16:23 17:21 52:6 53:19 58:12 64:6,21 65:22 72:16,21 74:9 77:18,18 78:16 91:21 areas 2:20 5:24 10:22 12:6 13:18 15:5 16:22 35:20 57:8 78:11 argue 31:20 32:3 arguing 61:8 87:8 argument 36:25 40:6 arguments 32:5 33:13 art 12:13 artist 12:9 artists 12:9,11 aside 36:25 assistant 85:21 association 56:23 58:7 assume 40:11 78:25 attached 76:15,25 77:2 78:11 79:2 90:6 attempt 48:13 attention 52:7 attorney 67:12 at-large 41:7 available 55:17 58:2 Avenue 2:23,24 2:25 3:2 4:6,7	6:3,3,18,19 10:24,24,25 11:17,18 13:20 13:21,21,24 14:14,14,15 16:25,25 17:2 17:23,24,24 avoid 53:16 54:9 54:10 aware 10:5 29:6 Aye 97:12 98:7,25 99:19 100:9,25 101:15 102:7 103:2 a.m 1:7 103:14
				B
				B 1:14 baby 74:24 back 31:12 40:15 41:21 85:6 background 46:12 backyard 9:7 back-up 39:16 bad 24:20,25 Bailey 12:13 balance 88:3,10 ban 48:24 bar 53:20 81:4,10 barber 34:24 barrier 48:8 81:13 base 63:13 based 58:2,24 basic 46:6 basically 24:17 31:10 78:15 Bass 1:10 17:7 91:12,13 bathroom 64:5 beautiful 85:19 85:25 becoming 58:5 beginning 70:9 behalf 3:24 6:14 11:12 14:9

63:15 belabor 26:8,23 believe 30:24 47:14 62:7 83:13,17 benefit 94:20 best 47:3,19 49:8 49:8 82:11 better 46:20 95:23 big 55:24 73:4,6 bigger 79:14 82:2 biggest 38:18 bill 2:10,15,17 3:1 3:11,12,21 4:1,2 4:23 5:1,2,6,17 5:20,21 6:1,11 6:15 7:1,10,13 7:17 8:1,2,8,20 8:24 9:1,5,16,17 9:24 10:1,4,14 10:19 11:1,9,14 12:1,5,15,20 13:1,10,15 14:1 14:6,11 15:1,4 15:12,17,18,23 16:1,2,8,11,17 16:19 17:1,15 17:19 18:1,3,4 18:10,14,18,21 18:25 19:1,3,16 19:20 20:1,3,4 20:11,12,14 21:1 22:1 23:1,9 23:24 24:1 25:1 26:1 27:1 28:1 29:1 30:1,25 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 42:24 43:1,13 43:24 44:1,4,8 45:1 46:1 47:1 48:1,2,8,17 49:1 49:13 50:1 51:1 52:1,9 53:1,20	54:1 55:1,13 56:1,10 57:1,4,5 58:1 59:1 60:1 61:1,10,19,25 62:1 63:1,10,16 64:1 65:1 66:1 67:1 68:1 69:1 70:1,25 71:1,9 72:1,2,15 73:1 74:1,2 75:1,25 76:1 77:1 78:1 79:1,6,8,14 80:1 80:12,25 81:1,4 82:1 83:1 84:1 85:1 86:1,9 87:1 87:9,18,24 88:1 88:19 89:1,15 90:1,2,3,6,13 91:1 92:1 93:1 93:19 94:1,2,5 95:1 96:1,13 97:1,3,16,21 98:1,11,16 99:1 99:5,10,23 100:1,4,16 101:1,5,10,22 102:1,11,16 103:1,6 bills 1:16 82:3 96:4 bill's 4:13 6:24 11:20 14:20 bit 50:14 Blackwell 65:21 Blackwell's 65:11 block 12:12 60:18 64:21 65:3,20 66:4 84:25 85:12,14 blocks 4:14,19 6:25 7:6 11:22 11:25 14:21,24 BLONDELL 1:13 blood 89:14 Board 21:3,4,6,7 24:18 25:10,14	26:3 27:16 30:15,18 35:4 36:19 37:9,18 38:12 47:16 54:4 55:3,9 63:21 66:23 67:9 70:19 BOBBY 1:11 bottom 34:4 bought 65:14 bound 95:10 bounded 2:21 4:4 5:25 6:17 10:23 11:16 13:19 14:13 16:23 17:21 Brewerytown 11:20 14:19 Brian 1:13 63:4,5 bring 39:20 75:17 75:18 broad 5:25 6:17 63:13 brought 68:23 Brown 1:13 2:8 22:10,14 29:11 29:12,20 30:4,9 30:23 31:5 38:3 38:4,15,20,25 39:8,22 40:7,8 42:15 43:3 62:17,20,23 71:18 76:4 80:18,19 81:14 83:12,16,23 84:4,6,14,19 86:5 87:14 94:17,18 95:7 build 78:14 building 20:22,24 23:18 36:3 54:15 60:16 61:14 78:15 80:6 buildings 12:12 15:8,9 58:15 84:24	built 71:5 77:17 burden 48:6 Burt-Collins 42:16 50:10,11 50:16,21,23 72:9 bus 66:12 buses 66:13 business 41:13 56:24 64:13 67:8 83:9 businesses 47:12 49:2 61:22 busy 66:13 buy 85:2 C calculating 10:2 calibrated 56:7 call 2:12 42:13 69:8,10,19 70:4 called 43:4 90:11 calm 61:6 campus 4:16 7:3 care 3:12 19:22 20:20 21:23,23 21:24,25 22:3 22:20,22 26:10 26:11,12 27:3 27:24 28:4,10 28:14 29:3,14 29:14,21,22,23 29:23,24 30:22 32:15 33:22 34:8 36:8,25 38:7,22,24 40:12 41:9,16 43:15,19 44:11 44:13,14,16 45:5,8,11,15,22 46:2,3,3,10,14 46:19,23,24 47:2,7,17,20 48:4,22 50:25 52:10,11,14,15 52:17,19,22,23 53:5,5,11,15,17	53:23,24 56:9 56:11 57:2,3,6 57:13,16,19,21 57:24 58:5 59:5 59:8,11,24 60:8 60:11,15,17,18 60:19 61:7,13 61:15,24 63:2 63:13,20 64:6 64:14,25 65:5,5 65:15,18 68:10 69:3,9,12,24 70:2 71:21 72:11,20 75:6 75:19 79:21 80:8,10 83:3,14 83:17 84:11 85:10,10,17,23 87:21 88:5,19 89:16,18,24 91:19 92:13,15 92:23 career 75:10,11 carefully 56:7 cares 19:6 22:4,17 23:9 30:13 38:14 55:21 58:8 59:4 60:12 67:7 72:22 84:16 caring 57:22 cars 66:11,16 carted 53:14 case 64:19 cases 48:11 categories 57:9 78:19 92:8 category 57:19,25 61:16 cause 48:10 center 53:23,24 58:5 75:6 84:13 centers 3:12 45:22 46:2,19 53:12 57:17 73:4 81:21 Central 4:9 6:21
--	--	---	---	--

certain 2:20 5:24 8:13 9:4 10:22 13:18 16:22 19:7,8,22 24:21 32:22 57:7,8,8 90:4	48:22 50:25 52:10,15,22,23 53:5,5,11,15,24 56:8,11,23 63:2 63:13,19 64:25 65:5,5,15,18 68:10,20 69:3,9 69:11,24 71:20 72:11 83:13,17 84:16 85:9 92:13,15,23	41:20 44:8,11 46:22 48:25 49:12 51:15,19 51:20 52:4,5,24 55:14,17 56:3 58:8,17 61:18 64:21 65:13 66:24 67:2,22 67:23 68:10 69:10 71:7 83:5 84:23 88:12,22 90:11 94:21	77:2 86:9,23 89:3 91:3 95:16 collapse 60:12 colleague 43:17 64:22 71:19 collective 12:9 college 13:20,21 14:14,14 65:19 come 36:16 44:3 55:4,4 70:3,9 71:16 72:5 73:23 86:25 92:16 comes 28:6 86:20 93:2 coming 39:10 comments 42:6 commercial 4:11 4:24,24 6:23 7:11,11 12:6,7 15:5,6 22:5,23 32:9 33:15 34:7 34:10 35:5,17 35:21 37:3,4,6 46:19 47:9,12 58:3,13 64:7 68:9	19:13 20:13 40:4 44:6 62:21 93:23 95:6 96:14 97:4,17 97:22 98:12,17 99:6,11,24 100:17 101:6,23 102:12,18 103:7 103:10,13 commonsense 41:22 community 24:24 49:15 56:10 63:24 66:22 67:4,21 68:17 71:6 84:11 85:8 92:20 community's 24:19 compatible 15:10 Complete 29:15 completely 88:25 compliance 68:13 complied 68:7 comply 90:17 Comprehensive 5:3 7:14 12:17 15:14 concern 69:9,11 69:15 concerned 88:7 concluded 103:13 concludes 93:22 103:9 conditions 8:14 9:4 19:8 conducted 4:25 7:12 12:8 15:7 conforming 67:14 confusing 91:5 confusion 58:15 connect 69:25 consider 9:16 15:17 16:4 18:3 20:3 64:14 consideration 37:19 56:14
certify 104:3 certifying 104:24 cetera 64:8,9 chair 1:10 2:5,12 71:23 96:10 Chairman 23:7 24:10 31:6 39:23 91:14 96:13 97:21 challenges 70:11 chances 82:18 change 9:5 18:12 21:5 41:8 42:3 changed 41:6 54:6,7,8 changes 4:8,10 6:20,22 11:18 14:18 change.org 43:20 62:5 changing 2:19 5:23 10:21 13:17 16:21 17:20 character 49:4 chart 78:17 Checkers 85:22 Chicago 49:21 child 29:14,21,23 29:23 32:14 38:7,22,23 43:15,19 44:11 44:12,14,16 45:5,8,15 46:2,3 46:3,14,19,23 47:2,7,17 48:4	childhood 43:23 46:13 49:15 62:25 63:12 64:24 children 21:25 22:18 26:13 27:3 28:4 29:16 29:18,25 33:2 43:11,16 44:25 46:9,25 47:3,19 49:8 52:25 55:21 56:2 57:11,13,23 58:2 59:14,15 59:23 61:7,24 63:7 64:8 66:15 68:16 69:18,22 73:11,13 74:9 74:13,17,17 82:19 85:13 86:2 choice 75:10 choices 48:23 choose 64:15 70:23 CINDY 1:10 circumstances 55:15 cited 66:8 Citizens 43:10 city 1:2,6 3:20,22 5:4 6:10,12 7:15 8:19,21 9:14 11:8,10 14:5,7 17:14,16,25 19:15,17,25	citywide 49:18 city's 5:3 7:14 12:16 15:13 43:13 46:2 49:16 Clarendon 17:2 17:24 clarify 90:14 clarity 29:13 95:22 Clarke 3:25 6:14 11:13 14:10 15:25 classifications 28:7 classroom 73:18 clear 20:17 31:10 86:7 87:7 90:3 CLERK 2:17 5:21 8:8 10:19 13:15 16:19 19:3 42:15 close 45:19 closed 60:14 closer 22:11 Coalition 43:23 62:25 63:12 code 8:10,25 19:5 19:21 20:19,20 21:20 26:9 30:11,13 31:13 35:15 38:9 40:9 40:10,11 41:5 43:14 52:2 54:6 54:12 76:24,25	collapse 60:12 colleague 43:17 64:22 71:19 collective 12:9 college 13:20,21 14:14,14 65:19 come 36:16 44:3 55:4,4 70:3,9 71:16 72:5 73:23 86:25 92:16 comes 28:6 86:20 93:2 coming 39:10 comments 42:6 commercial 4:11 4:24,24 6:23 7:11,11 12:6,7 15:5,6 22:5,23 32:9 33:15 34:7 34:10 35:5,17 35:21 37:3,4,6 46:19 47:9,12 58:3,13 64:7 68:9 commercially 33:20 36:6 Commission 3:20 5:5 6:10 7:16 8:19 9:15 11:8 12:19 14:5 15:16 16:4 17:14 18:2,15 19:15 20:2,15 56:15 66:25 88:13 90:11 94:25 95:3 96:22 Commission's 94:21 committed 44:6 committee 1:3 2:3 2:6 3:18 6:8 8:17 11:6 14:3 16:16 17:8,12	concern 69:9,11 69:15 concerned 88:7 concluded 103:13 concludes 93:22 103:9 conditions 8:14 9:4 19:8 conducted 4:25 7:12 12:8 15:7 conforming 67:14 confusing 91:5 confusion 58:15 connect 69:25 consider 9:16 15:17 16:4 18:3 20:3 64:14 consideration 37:19 56:14

considered 27:7 considering 57:13 considers 56:8 consistency 57:15 constituency 62:2 constituent 63:3 consultant 63:3 69:25 consulting 63:2 contact 69:4 contained 104:5 contains 4:7 6:19 14:17 continue 48:22 continued 61:14 continuous 82:9 contradict 78:13 contradictory 77:23 control 67:5,17 104:23 conversation 92:2 92:4,7 conversion 4:17 7:4 11:23 14:23 copy 68:24 corner 32:8 34:3 34:24 35:21 36:14 58:13 corporations 67:9 67:11 correct 20:22 21:13,14 23:22 26:21 27:5 28:17 29:7 31:15 34:2 76:8 89:6,8 104:8 corrective 4:8 6:19 11:18 14:17 corridors 4:12 6:23 cost 44:16 45:10 45:14 67:12 costs 67:13 70:12 Council 1:2 3:22 3:24 6:12,14	8:21 11:10,12 14:7,9 15:24 17:16 19:17 49:12 67:2,22 97:5,7,24,25 98:18,20 99:12 99:14 100:18,20 101:24 102:2,19 102:21 Councilman 1:10 1:11,11,12,12 1:13,14 2:2,5,6 2:6 3:6,17 5:10 5:14,19 6:4,7,13 7:21,25 8:5,16 9:21,24 10:10 10:13,16 11:2,5 12:24 13:5,12 14:2 15:22 16:7 16:10,13,15 17:3,11 18:8,10 18:20,24 19:9 19:12 20:8,11 21:8,15 22:7,12 23:3,5,6,14,20 23:23 24:6,7,8,9 25:2,7,11,16,23 25:25 26:7,22 26:24,25 27:6 27:18,22 28:11 28:18,22 29:2,8 29:9,10 31:7,9 31:16,18,19 32:13 33:5,12 33:21 34:2,9,14 34:17,21 35:7 35:12,25 36:7 36:20,24 37:12 37:21,24 38:2 39:24 40:3,17 40:21,22,23,25 41:4 42:4,5,8,11 42:18,22 43:7 50:3,13,18 56:17 62:12,18 63:4 71:10,14 71:22 72:4,12	73:15 75:16,24 76:3,6,12,16,17 76:19 77:6,8,10 77:12 78:5,7,23 79:4,18,24 80:4 80:14 86:3,6,14 86:19 87:6,13 88:14,18 89:4,9 89:20,25 91:10 93:11,15,21 94:2,3,7,9,16,23 95:9,11,14,17 95:19,25 96:5,7 96:10,12,16,17 96:23,25 97:2,9 97:13,15,19,20 98:4,8,10,14,15 98:22 99:2,4,8,9 99:16,20,22 100:2,3,6,10,12 100:14,15,22 101:2,4,8,9,12 101:16,18,20,21 102:4,8,10,14 102:15,23 103:3 103:5 Councilmember 3:23 8:22 11:11 14:8 17:17 19:18 41:7 Councilpeople 60:6,25 Councilperson 23:25 69:10 71:7 92:14,25 Councilpersons 55:7 Councilwoman 1:10,13,14 2:8,9 17:7 22:10,14 29:11,12,20 30:4,9,23 31:5 38:3,4,15,20,25 39:8,22,25 40:6 40:8 78:3 80:18 80:19 81:14 82:5 83:12,16	83:23 84:4,14 84:19 86:4,5 87:14 91:12,13 94:17,18 95:7 95:12,12 Council's 43:25 country 51:5 Counts 82:17 couple 20:16 26:17 91:17 92:3 coupled 88:6 course 65:21 85:9 covered 91:16 cramped 66:9 create 12:13 27:8 48:15 61:22 created 43:18 credence 55:9 crisis 44:11,12 49:16 Crown 16:25 17:23 current 4:20 7:7 9:8,12 12:2 14:25 currently 47:7,14 49:17 CURTIS 1:12 cut 41:19 cycle 73:24 D data 39:10,16 91:5 daunting 70:7 Dauphin 2:25 4:6 day 3:11 19:6,22 20:20 21:22,23 21:24,25 22:3,4 22:17,20,22 23:9 26:10,12 27:3,24 28:4,10 29:3,22 30:13 30:22 32:24 33:2,17,22 34:8 36:8,25 38:14	41:9,16 53:17 53:23 55:21 56:25 57:3,6,15 57:19,21,24 58:5,8 59:4,5,8 59:11 60:11,12 60:15,17,18,19 61:13,15 67:7 69:17 70:2 72:13,22 74:5 75:3,5,19 79:20 80:8,9 85:9,10 85:16 88:19 91:19 Daycare 56:23 days 9:15 15:16 15:24 18:2 20:2 43:17 90:12 de 67:21 71:8 deal 51:24 52:18 dealing 3:11 debating 61:9 decide 48:14 70:14 79:13 decision 47:22 64:10 decisions 39:12 91:4 decision-making 37:17 defeat 49:13 define 82:6 defined 81:2 defining 52:19 definitely 64:12 degree 74:12 75:12 deliver 82:13 83:3 demand 48:21 demanding 63:23 Department 58:16 depending 29:17 46:8 depends 28:7 35:20 62:2 Derek's 78:21
---	---	---	--	--

described 26:10 88:16 90:5 describing 86:8 deserve 31:22 designations 2:20 5:24 10:22 13:18 16:22 17:21 designed 56:11 Despite 36:24 detached 20:21 20:24 58:14 76:9,13,13,20 77:5,15 78:11 80:5 85:18,25 86:21 87:5 88:25 detector 67:25 determine 31:21 develop 73:19 development 3:19 4:11 6:9,22 8:18 11:7 14:4 17:13 19:14 46:13 devise 48:25 devising 49:18 Diamond 2:22,24 4:4 6:2,17 differ 30:10 difference 24:12 32:21 different 29:4 51:4,15 79:19 81:22 92:3 difficult 32:6,19 61:21 91:8 92:12 direct 104:23 direction 44:9 director 64:23 disability 28:15 disabled 27:7,25 disagree 63:9 disclosure 71:6 discourage 67:15 discussions 21:18 dismal 44:24	district 23:25 24:2 29:18,19 41:7 63:4 65:11 72:12 92:13,17 92:24 districts 19:7,23 20:25 33:25 36:10,11,13 53:3 divide 92:7 Division 3:19 6:9 8:18 11:7 14:4 17:13 19:14 documents 62:11 doing 41:6 53:21 95:23 door 33:9 double-parked 66:15 download 68:25 downtown 51:22 DPW 55:19 58:19 68:13 69:5,8,11 69:14,19 draft 52:19 drafted 52:3 drive 44:9 84:12 driving 59:20 dropping 66:14 drove 59:25 Duly 97:8 98:3,21 99:15 100:5,21 101:11 102:3,22 dwelling 4:21 7:8 12:3 15:2 76:20 76:25 77:15 dwellings 13:8	economic 48:20 60:11 67:17 education 49:16 63:14 64:24 74:12 educational 58:13 95:15 effect 67:17 effort 54:3 EIN 68:10 either 34:7 35:4 52:17 57:12 elderly 27:19 eligible 44:20 employees 45:24 Empowerment 49:17 empty 36:3 enable 49:23 enacted 23:24 48:7 54:13 encourage 4:10 6:22 49:12 70:3 70:5 ended 85:4 endless 54:9 end-of-row 84:7 engaged 49:18 enrolled 46:15 59:10 enrollment 49:9 ensure 67:4 69:21 enter 82:19 entering 82:21 entire 22:15 55:17 entirety 65:20 entitled 8:10 19:5 entity 69:9,12 entrance 84:8 environment 12:10 environments 46:11 envisioning 59:8 equal 59:23 equated 89:2 equivalent 49:10	erect 48:8 erecting 81:12 especially 45:20 63:7 84:6,7 essentially 52:3,9 53:18 establish 53:12 established 31:13 estate 60:23 et 64:8,8 evenings 45:23 everybody 50:6 51:9,18 55:4 75:3 80:14 89:10 92:10 95:15 evidence 24:22 104:4 exactly 41:10 92:9 examples 47:25 exceedingly 39:13 87:16 excellent 66:2 82:18 exception 21:2,5 24:13,17 25:12 25:14 28:25 41:24 47:16 52:23 54:23 56:6 61:11 63:22 64:2,2,12 64:17 66:7 67:20 71:3 76:5 76:7,11 77:20 77:25 81:10 86:17,20 88:24 92:17 exceptions 30:14 38:6,14,21 39:3 54:25 67:16 Excuse 33:8 96:16 exist 77:21 92:23 existing 4:8 6:20 11:19 14:18 23:9 71:5 exists 62:3 expand 23:17,18	48:12 53:23 81:5 expect 85:20 expensive 32:10 54:2 experience 58:7 65:8 66:18 explain 24:11 31:19 58:6 95:3 explained 68:19 explore 33:13 expressed 65:14 extends 55:14 extra 59:18,19
F				
				face 52:3 faced 31:2 45:9 facility 26:11 47:9 fact 37:18 55:7 77:4 facto 67:21 71:8 factor 67:17 facts 51:23 fail 32:17 fairly 3:14 families 29:3 44:13 45:3,13 48:23 51:13 56:12 59:13,22 59:23 63:6 74:21 family 21:22,23 22:17 28:9 29:14 41:9 45:14,17 46:2 46:17 47:17 48:11,21 52:23 53:5,23 57:3,15 57:21 59:13,14 59:18 63:8 67:7 71:20 72:11 73:7 74:3,25 75:19 77:24 80:8 81:6 family-oriented 45:16

far 41:11 53:14 55:25 77:20 85:17 92:22	five 57:10 60:22 72:24	further 67:15 102:16	75:12,21 79:12 79:15 80:3 85:5 85:15 91:16 93:23	12:24 13:5,12 14:2,9 15:22 16:7,10,13 17:3 17:11 18:8,20 18:24 19:9,12 20:8 21:8,15 22:7,12 23:3 24:7 25:25 26:7 26:22 29:9 31:7 31:16 38:2 39:24 40:17,21 40:25 42:4,8,11 42:18,22 43:7 50:3,13,18 56:17 62:12,18 71:10,14,22 72:4 75:16,24 76:6,16 77:6,10 78:5,23 79:4,18 79:24 80:4,14 86:3,6,14,19 87:6,13 88:14 89:4,9,20,25 91:10 93:11,15 93:21 94:7,16 95:11,17,25 96:7,23 97:9,13 97:15 98:4,8,10 98:22 99:2,4,16 99:20,22 100:6 100:10,12,22 101:2,4,12,16 101:18 102:4,8 102:10,23 103:3 103:5
fathers 51:16	fix 93:2	G	good 2:2 3:16 6:6 8:15 11:4 13:25 17:10 19:11 25:24 29:12 44:7,16 46:4,10 55:25 62:20 92:18,19 96:18	
favor 94:12 97:11 98:6,24 99:18 100:8,24 101:14 102:6,25	floor 9:10 32:9 34:4,5 37:15 64:6 65:17,19 65:25 94:8,10 94:10 95:4	general 28:13 generally 21:21 22:2,16 28:12 28:14	Goode 1:11 2:6 23:5,6,14,20,23 24:6 96:11,12 96:17,25 97:2 97:19,20 98:14 98:15 99:9 100:2,3,15 101:8,9,21 102:14,15	
favorable 96:15 97:4,23 98:17 99:11 100:17 101:23 102:18	focused 41:9	Germantown 90:17		
favorably 97:17 98:12 99:6,24 101:6 102:12 103:7	folks 36:16 55:10	get-go 76:23		
fear 47:11	follow 5:2 47:2 69:14,16 70:16	Girard 13:21 14:15		
feel 13:7 45:17 82:2 95:9	follows 7:13 12:15 15:12	give 42:25 55:9 58:22,23,24 63:5 72:8,20		
feet 9:9,12,12 68:19	food 68:5	gives 15:7 67:21		
fewer 46:17 52:25 53:6	footage 58:3,20 58:25	giving 62:22		
fight 60:4 61:4	forced 73:12	glad 78:20		
fighting 61:8	forces 82:25	Glenwood 2:24 3:2 4:7 6:3,18 10:24 11:17	gotten 54:5	
figure 92:8	foreclosure 85:5	go 9:24 18:11 27:16 28:2,5 29:4 33:10 34:7 34:10 35:3,17 35:25 36:18 41:21 48:13 50:7 53:25 58:20 70:6 72:13,19 74:2,5 74:7,10 75:5,12 75:20 79:5 85:14 89:14 92:22 93:23	grad 65:24	
final 10:3 16:5 18:14 20:14	foregoing 104:7 104:20		grandchildren 57:11 60:8	
finally 45:22 66:9	formerly 35:16 37:3		granddaughter 61:2	
financial 67:12	forward 9:25 10:5 18:11 39:14 44:3 64:11 87:2		grandfather 74:3	
find 38:11,11 85:18,24	found 57:5		grandfathered 23:12,21	
fine 41:6,25 96:23	four 53:3 59:13 59:22 60:13 72:18,23 73:10 74:22 78:19		grandfathers 51:18	
finer 48:18	four-star 72:16 72:22 91:19,21 91:24		grandmother 60:7	
fine-tuning 91:2	fragile 88:3	goes 25:14 58:17 79:14	grandmothers 51:17	
finish 40:6 71:15	friend 54:11	going 10:6 20:10 20:25 21:4 23:17 24:23 30:15,16 39:14 53:13 54:19,21 58:19,22,24 59:9 60:18,19 65:17 70:5,10 73:23,23 74:7,8 74:10,12,19	grand-kids 60:21	Gregorski 3:3,8 3:15,16,18 6:5,6 6:8 8:15,17 9:22 10:9,11 11:4,6 13:3,25 14:3 16:6,8 17:6,9,10 17:12 18:9,17 19:10,11,13 20:9,23 21:14 21:21 22:9,16 23:10,16,22 24:4,15 25:4,9
fire 68:2,5	frightening 66:16		grant 37:19	
first 2:15 32:9 43:4 51:2 64:6 65:17 68:6 75:10 80:21 87:24 90:12 94:10 96:19,20 97:6,25 98:19 99:13 100:19 101:25 102:20	frightens 52:13		granted 66:7	
fit 92:19,19	front 21:2,6,7 24:17		grants 47:16	
	fruitless 54:3		great 91:23	
	full 60:7 71:6 85:13		greater 9:8	
	fully 104:5		Greenlee 1:10 2:2 3:6,17,24 5:10 5:14,19 6:4,7,13 7:21,25 8:5,16 9:21 10:10,13 10:16 11:2,5,12	
	funded 44:18			
	funds 49:7 83:6			

25:13,18 26:6 26:21 27:5,10 27:20 28:6,16 28:20,24 29:6 29:17 30:2,6,12 31:4,15 32:6,18 33:8,19,24 34:6 34:12,16,19 35:2,10,19 36:5 36:9,22 37:7,16 37:22 38:10,16 38:23 39:5,19 40:14 42:9 86:25 88:15,21 88:21 89:7 grocery 34:25 35:18 36:17 37:10 gross 9:10 68:20 ground 51:24 group 19:6,22 20:20 21:9,19 22:4,22 23:9 24:3 26:10 27:3 27:23 28:4,9 29:20,23 30:13 33:22 36:8,25 38:7,21,23 40:12 43:15 45:15,17 46:3 46:14,17 47:7 47:17 48:4,14 48:21 52:10,11 52:12,17,19,21 53:5,11,17,24 55:21 56:8 57:3 57:15,19,24 58:18,21 59:2,8 59:17 61:13,15 63:19 64:14 65:15 68:17 70:2,5,6,10,18 70:20 71:4 72:13 74:5 75:2 75:20 77:24 79:5 80:9 81:6 83:13,17 84:10	85:10 88:19 grow 49:3 guarantee 49:6 guarantees 64:18 guess 27:24 39:8 guidelines 32:15 44:21 Gyle 71:13,20 72:10,11 75:23 79:3,11,20 80:2 80:13 H Hall 1:6 hallmark 52:5 56:4 hammer 48:18 56:10 hamper 56:11 handful 73:4 handling 68:5 happen 79:12 happened 39:7 88:2 happening 91:8 happens 59:12,22 happy 5:8 7:19 9:19 12:22 15:20 18:6 20:6 hard 39:10 51:21 harder 30:17 43:15 58:18 61:5 89:16,19 95:19 hardship 25:22 30:18,21 31:21 31:24 32:2,4,4 32:15 33:18,23 35:8,18 36:21 36:23 37:5 hard-wired 67:25 Harrisburg 65:7 hasty 43:25 health 46:7 68:2 68:15 healthcare 45:24 hear 20:10 50:5	heard 37:8 47:22 52:10 63:18 67:3 80:21 81:8 90:12 hearing 55:2 66:5 67:3 93:22 97:15 98:10 99:4,22 101:4 101:18 102:10 103:5 heavier 48:6 heavily 55:18,19 height 9:12 held 2:12 help 45:4 49:4 78:10 81:24 82:12 83:10 helpful 39:14,18 84:11 93:7 helping 48:9 50:11,23 60:9 helps 39:10 Henon 1:11 16:15 Henon's 72:12 73:15 Hi 72:10 high 46:18 57:18 57:18 high-quality 44:19 historically 57:24 history 91:6 hoagie 61:2 hock 74:7 Hold 40:25 87:13 home 20:21 21:24 22:21 28:9 29:19 30:3,7 32:8,8 41:19 45:18,20 47:8 51:8 53:9,15 55:25 56:9 57:16,20,22,24 58:3,21 59:2 61:16,23 65:11 72:14 75:2,22 76:20 77:13,14	83:14,18,22 85:19,25 87:5 88:19 89:2 90:16 homes 4:15 7:2 21:9,10 24:3 41:11 45:15 46:3,4,14 48:4 53:8 57:6 64:20 65:13 84:17,20 84:23 85:10 homework 87:25 home-zoned 77:18 honest 74:6 79:20 hoops 70:21 hopefully 3:14 36:13 hopeless 48:13 hour 75:9,9 hours 60:22 house 22:19,25 31:23 33:4,6,9 41:14,15 54:17 54:19,20 65:23 79:2,14 85:14 houses 11:22 14:22 84:7 85:11,12 I idea 79:22 identified 68:20 identify 43:8 50:8 56:19 62:15 immediately 69:16 impact 32:22 implementation 81:25 important 71:3 87:16 88:12 improvement 46:16 82:10 inappropriate 4:17 7:4 11:23 14:23	include 83:8 including 29:15 29:25 65:5 70:12 income 44:21 incomes 45:7 incorporated 56:24 67:7 incorrect 86:12 increase 81:20 82:24 incrementally 49:3 independent 69:24 individuals 28:2 industrial 12:11 15:8,10 infant 57:14 infants 44:23 59:17 information 25:8 37:10 39:21 69:5 94:22 informs 39:11 input 56:10 63:24 66:24,25 67:5 67:21 71:7,8 insisting 53:22,25 inspection 68:2,3 install 64:5 67:24 instance 57:12 69:17 instances 39:2 institutional 55:24 institutionalized 57:17 instrument 56:7 intended 53:10 92:11 intense 33:4 intent 46:23 interest 47:19 interested 70:2 interject 86:4 interpreted 26:16
--	--	---	---	---

introduced 3:22 6:12 8:21 11:10 14:7 17:16 19:17 investment 83:7 involved 83:11 involves 63:23 involving 67:10 issue 31:2 39:13 50:25 54:22,24 62:9,23 81:22 87:17,23 issues 36:21 66:8 J J 1:13 JAMES 1:12 Jannie 65:10 Jefferson 13:23 job 75:9,9 79:21 Jones 1:12 2:7 JR 1:11,12 judge 47:18 jump 70:22 K K 1:10 keep 37:5 74:20 81:18 Kenney 1:12 2:5 24:8,9 25:2,7,11 25:16,23 26:24 26:25 27:6,18 27:22 28:11,18 28:22 29:2,8 31:10,18,19 32:13 33:5,12 33:21 34:2,9,14 34:17,21 35:7 35:12,25 36:7 36:20,24 37:12 37:21,24 Kensington 58:11 59:4,24 60:9,15 85:18,21 Keswick 16:24 17:23 Keystone 46:15	49:10 72:17 82:8 83:11 91:20 kid 59:19 kids 27:19 31:23 32:22,23,25 33:11,17 49:22 53:13,14 55:23 58:22,23 59:15 79:23 82:14,15 82:21 84:2 85:15,16 89:16 89:18,24 kind 27:22 35:6 37:9 40:5,18 78:13 81:13 82:12,25 92:6 kindergarten 49:24 82:16,19 82:22 kinds 52:14 knew 39:9 Knights 16:23 17:22 know 9:23 13:7 15:25 20:9,17 27:20 31:4 38:10 48:12 51:8 52:5 55:11 66:3 73:16 79:11 80:2 81:24 82:16 83:25 84:24 85:20 90:16 91:8 92:21 95:20 knowing 39:12 knows 64:25 75:3 L L 104:14 lady 80:21 84:14 91:18 land 2:20 4:9 5:24 6:20 10:22 11:19 13:18 14:18 16:22	88:7,7 92:5,6 large 64:20 65:13 84:2 larger 57:17 84:9 law 23:25 48:15 lawyer 24:16 Lawyers 95:22 Leader 2:7 league 56:25 leap 58:4 learn 82:20 learning 46:11 leave 86:2 leaves 72:25 legal 21:12 legislation 52:20 Legislature 52:18 Lehigh 6:3,19 let's 48:24 49:19 77:13 87:20 level 72:20 74:4 75:4 libraries 51:11 license 68:9,11 licensed 46:5 licenses 83:9 licensing 63:2 69:24 70:4 life 49:25 light 15:10 41:3 limit 9:11 61:19 limited 94:15 line 22:5,23 24:22 Lion 16:24 17:22 listed 30:14 lists 45:9 little 30:17,19 33:4 46:20 50:14 88:5 live 12:9 13:6 21:19 22:2,6,19 22:24 26:18 34:3 41:16 45:3 47:13 65:10,12 65:16 77:4 lives 26:20 64:22 75:4	living 33:9 47:11 51:22 65:25 LLCs 67:8,9 loan 60:10,14 loans 74:8 local 73:19 located 2:21 5:25 10:23 13:19 16:23 45:19 location 69:4 Lola 64:22,23,25 65:6 long 96:2 longer 4:25 7:12 12:7 15:6 35:22 longtime 64:23 look 74:15 78:17 looking 27:11 82:23 looks 77:16,24 lot 26:4 33:3 36:15 40:12 54:13 58:15 60:13 63:9 67:4 72:25 74:8,23 75:8 84:7 90:19 low 61:21 lower 45:14 low-income 45:3 45:8 L&I 27:12 M Mae 72:11 main 4:16 7:3 26:19 majority 2:7 46:25 82:20 making 40:7,8 44:7 74:16 mall 36:2,2,13 55:25 malls 53:13 managers 85:22 mandate 49:9 Maps 2:19 4:3 5:23 6:16 10:21	11:15 13:17 14:12 16:21 17:20 Marconi 2:14 5:20 8:7 10:18 13:14 16:17 18:25 42:13 43:2 MARIAN 1:14 Marion 42:15 62:23 MARK 1:14 Marty 3:3,18 6:8 8:17 11:6 14:3 17:12 19:13 88:21 Master 13:22 14:15 Master's 74:11 match 4:8 6:20 11:19 14:18 material 69:13 math 51:6 73:20 matter 39:17 76:14 104:7 matters 39:15 41:18 maximum 9:13 Mayfair 36:2 ma'am 50:4 62:13 72:7 75:16 78:24 86:23 89:21 90:9 mean 26:20 27:23 28:12 31:22 32:16 37:2 70:20 74:15 82:6 83:24 84:3 85:14 means 104:22 mechanisms 27:15 median 45:10 meet 32:14 46:6 48:7 meeting 5:5 7:16 9:17,25 12:19
---	--	---	--	---

15:18 18:4 20:4 65:6 66:21 93:24 95:2 96:10 103:9 meets 18:16 20:15 member 3:18 6:8 8:17 11:6 14:4 16:15 17:7,13 19:14 40:3 41:7 43:21 members 3:17 6:7 8:16 11:5 14:2 17:11 19:12 44:5 memo 66:22 merits 56:9 met 26:4 mic 22:11 MICHELE 104:14 microphone 50:14 72:7 76:17 microphones 50:22 middle-class 61:21 milk 61:3 minimum 68:19 minute 10:7 mix 66:16 Mm-hmm 75:23 Moms 51:7 money 74:13,14 75:14 Monica 42:16 43:18 56:21 month 45:10 monthly 70:4 months 60:13 morning 2:3 3:16 6:6 8:15 11:4 13:25 17:10 19:11 29:13 62:7,20 Morrell 16:25 17:23	mortgage 85:2 mothers 51:16 motor 68:21 Mount 51:23 move 3:14 10:4 15:25 42:12 64:11 67:8 77:23 79:13 80:5,9 82:12 96:13 97:2,21 98:15 99:9 100:3,15 101:9 101:21 102:15 moved 20:12 37:13 97:10 98:5,23 99:17 100:7,23 101:13 102:5,24 multiple 4:21 7:8 12:3 15:2 multi-family 4:17 4:20 7:4,7 11:24 12:2 13:8 14:23 14:25 multi-stakehold... 43:22 MURPHY 104:14 myth 87:22	79:6 80:11 81:8 81:9 82:23 83:6 83:7 85:16,23 91:25 96:6 needed 48:18 56:5 61:12 needs 30:21 52:6 86:18,19 negatively 55:6 negotiate 85:6 neighbor 33:10 69:7 neighborhood 11:20 14:19 15:9 24:20,25 34:23 54:17,18 55:6,12,16 60:9 65:3 92:19,24 neighborhoods 47:5 49:5 51:9 53:7 55:22 neighbors 32:23 47:11,21,21 48:11,17 55:4 60:16 66:2,4 69:18 83:20 88:6 new 9:11 20:20 30:11,12 31:12 35:14 38:9 40:9 43:14 49:20 63:8 95:16,23 night 60:6 85:23 non-compliant 54:16,20 non-industrial 15:11 non-profit 73:6 Norris 2:23 4:5 North 4:9 6:21 12:13 13:20 14:13 Northeast 73:10 73:11 notes 104:6 notice 55:2 notified 41:8	43:24 notion 87:20 November 1:7 9:18 10:2 12:20 15:18 18:5,16 20:5 number 3:10 23:18 26:2 66:3 68:10 69:12 71:4 91:17,22 91:24 numbers 44:24	31:5 43:7 71:10 77:19 79:7 80:13,16 83:20 83:21 90:8 old 32:7,9 35:3,6 35:21 40:10 57:14 76:24 95:20,24 older 12:11 once 38:13 68:7 70:10 90:25 one-star 72:24 one-third 46:13 one-year 79:21 online 68:25 onus 24:19 25:20 30:19 open 33:15 35:8 35:10,18 43:15 61:13 71:11 88:17 operate 47:6,8,18 48:14 operated 58:7 operating 65:15 operation 22:5 23:2 30:8 operator 61:12 86:23 operators 47:2 opinions 62:9 opportunity 47:21 49:17 62:22 67:20 92:15 93:2 oppose 46:21 61:10 70:24 71:9 80:23 opposed 28:10 97:13 98:8 99:2 99:20 100:10 101:2,16 102:8 103:3 opposing 44:2 opposition 10:6 16:3 63:16 option 61:16
---	--	--	---	--

64:14 66:25 67:2 70:15 options 15:8 61:20 67:4 orange 66:21 order 31:21 35:8 51:19 53:15 60:25 61:12 89:5 ordinance 2:18 5:22 8:9 10:20 13:16 16:20 19:4 organizations 66:22 outcomes 49:8 82:14 outdoor 73:18 outside 48:14 overlay 24:2 owner 32:3 65:15 75:2 owners 15:7 47:12,18 Oxford 10:24 11:16 13:23 14:17 o'clock 85:23 O'Neill 1:13 8:23 9:24 17:18 18:10 19:19 20:11 40:22,23 41:4 63:4 76:3 76:12,19 77:8 77:12 78:7 94:2 94:3,9,23 95:9 95:14,19 96:5 96:16 O'Neill's 76:17 88:18	42:14 71:16 Pardon 34:16 parent 57:10 69:7 parents 45:5,6,8 45:15 47:4 48:21 55:23 59:25 61:17 85:16 parked 66:11 parking 66:8,10 part 30:5 32:20 35:19 37:8,16 62:13 71:16 participation 103:12 particular 39:13 39:17 55:15 63:10 80:25 pass 68:24 passage 10:3 16:5 18:15 20:14 passed 37:14 pay 45:6 PCCY 80:22 pending 102:16 Penn 65:24 Pennsylvania 1:6 43:23 62:24 63:11 people 3:10 13:7 20:10,17 21:18 41:14 46:12 52:13 53:11 57:2 58:19 59:7 59:10,20 60:4 61:6 62:6,8 64:13 69:25 70:9,22 73:22 81:5 83:5 85:21 87:7 88:5,5 89:16 90:21 people's 53:8 percent 9:9 44:17 44:19 45:7 85:13 94:13,14 perform 46:19 permit 97:6,24	98:19 99:13 100:19 101:25 102:20 permits 23:11 permitted 9:6 person 37:13 51:22 69:8 75:4 90:13 personalized 45:17 persons 66:10 person's 26:19 perspective 31:17 petition 43:18 62:5 66:6 petitions 67:10 Philadelphia 1:2 1:6 2:18 3:20 4:3,9 5:4,22 6:10,16,21 7:15 8:10,19,25 9:14 10:20 11:8,15 12:18 13:16 14:5,12 15:15 16:20 17:14,20 17:25 19:5,15 19:21,25 34:22 44:14 45:2 46:25 51:5 56:2 56:12 59:6 61:18 63:15 64:25 73:3,8 81:20 82:21,25 90:21 Philly 41:15 pick 61:3 picking 60:23 66:14 pickup 64:7 piece 52:20 pile 66:15 place 22:3 51:15 80:9 places 51:12 52:25 plan 5:3 7:14 12:17 15:14	49:18 81:19 planning 3:20 5:4 6:10 7:15 8:11 8:19 9:14 11:8 12:18 14:5 15:15 16:4 17:14,25 18:15 19:6,15,25 20:15 24:16 56:15 65:16 66:25 88:12,22 90:11 92:6 94:21,25 95:3 96:21 play 68:21 playground 63:8 playgrounds 51:11 please 2:14 5:20 10:18 13:14 16:14,18 22:15 24:11 42:13 43:2,8 50:8,15 56:19 62:15 69:20 70:24 71:8 76:18 86:5 87:2 plus 67:12 point 23:15 26:8 40:7 43:20 61:9 61:9 64:19 66:18 67:18 70:23 75:18 77:11 78:24 79:25 82:2 89:15 92:10 pointed 54:7 policies 48:25 policy 44:7 poor 45:8 51:20 74:9,17 83:4 position 80:24 possibility 54:10 posted 69:2 posting 66:20 postpone 56:14 potential 63:19	71:4 power 67:22 practices 47:3 predominantly 4:20 7:7 12:2 14:24 prefer 45:16 preferred 57:14 premises 47:13 present 1:9 16:16 17:8 40:4 67:18 75:3 presently 62:3 63:18 preserve 49:4 preserved 61:16 preserves 12:8 President 3:24 6:14 11:12 14:9 15:25 pressure 89:14 Presuming 23:10 36:5 pretty 51:8 91:15 prevent 4:16 7:3 11:22 14:22 previous 15:23 pre-K 44:19 82:17 primarily 57:2 primary 4:13 6:24 11:21 14:20 26:12 41:12,17 53:10 86:22 principally 87:19 principle 9:10 printed 69:13 prior 30:10 prioritize 45:12 private 83:6 probably 3:10 21:11 96:18 problem 55:5 72:15 81:9 82:3 83:4 problems 48:10
---	--	--	--	--

proceed 10:8 17:5 43:8 50:9 56:20 62:16 70:23 proceedings 104:4 process 28:3 29:5 35:13,16 43:25 47:14 54:9 61:20 63:22 66:20 67:13 70:7,12 71:2 professionally 65:2 professionals 63:14 program 43:15 46:16 49:11 69:3 programs 83:10 prohibit 48:3 52:10 prohibited 54:15 prohibiting 19:6 19:21 53:17 prohibition 55:13 proliferation 13:8 promote 49:7 proof 48:6 properties 18:13 38:8 57:7 58:10 85:3,4 86:8 90:4 property 30:21 32:2,8 33:15 34:3,23 35:17 37:3,4,6 58:14 59:21 76:10,13 76:13,22 78:25 79:2 85:6 86:21 90:7,23 proposal 56:8 prospective 48:5 protect 47:15 protected 28:23 protects 27:19 protest 61:24 prove 31:24,25 32:19 33:17,23	35:8,18 37:5 provide 47:25 49:22 61:23 68:14 71:6 72:19 73:25 provider 26:15 43:19 45:19 48:5 53:2,4,6 57:21 59:18 64:10 67:24 68:7 70:21 71:21 72:17,17 74:3 providers 44:9 46:18 47:8 48:12 56:23 57:2 60:3 61:17 63:13,20 64:16 67:6 68:17 70:6 70:18 71:4 73:3 73:7,8 82:12 provider's 26:12 provides 45:18 67:20 providing 91:19 proving 25:20 provision 26:11 54:23 61:14 proviso 64:4 proximity 47:11 public 43:10 45:21 58:16 73:19 75:13 83:6 93:24 96:9 104:15 publicly 44:18 pull 22:11 50:19 71:23 purple 91:18 purpose 35:14 65:14 purposes 65:18 pursue 70:14,15 put 33:22 36:4,8 76:16 putting 74:20,22	Q qualify 74:18 quality 44:16 45:12 46:4,11 46:16,18,24 47:2 73:14 74:20 81:21 82:3,6,9,13 83:3 87:21 92:5 question 21:17 23:24 48:2 79:19 questions 5:9,12 7:20,23 9:20 10:11 12:23 13:2 15:21 16:8 18:7,17 20:7,16 23:8 38:5 40:19 40:24 42:6 50:7 71:12 80:17 93:13 quicker 96:19 quickly 3:14 51:3 quorum 2:4 quote 80:23 R raise 46:24 49:21 81:4,10 ran 37:13 43:17 72:11 rated 46:18 rating 82:10 ratios 46:8 68:22 RCO 25:3,5 39:4 RCOs 55:3 66:24 Reach 84:25 read 2:15 95:20 reading 94:11,11 96:19,20 97:7 97:25 98:20 99:14 100:20 102:2,21 reads 20:20 ready 68:11 82:15 82:19 94:4 real 38:6 39:12	44:11 60:22 reality 59:21 90:22,25 91:9 realizes 73:16 really 29:21 39:10 52:4 79:8 81:7 84:10 87:9 90:15 91:3 92:3 reason 32:19 54:8 reasons 48:20 rebuild 60:10 receiving 45:4 recognize 31:9 recognizes 67:9 96:10 recommend 12:20 recommendation 7:13 96:15 97:5 97:23 98:18 99:12 100:18 101:24 102:19 recommendatio... 5:2 12:16 15:13 recommended 5:6 7:17 record 2:10 9:22 10:8 16:14 17:6 24:12 29:13 40:2 62:13 87:15 Red 16:24 17:22 reduce 78:18 reflect 16:14 17:6 40:2 80:20 reflected 91:3 reflecting 66:23 regard 55:14 regarding 68:4 84:15 regardless 80:11 regards 57:4 87:18 registered 66:21 regular 88:2 regulate 46:23 regulated 46:5	55:18,19 regulation 46:22 80:24 regulations 67:23 68:8,14,23 69:2 75:7 regulatory 67:14 69:5 70:7,12 rehabbing 60:16 related 53:2,4,6 82:14 relationships 48:16 relative 28:15 relatively 18:12 43:14 relatives 26:14 relayed 25:8 rely 45:21 remain 4:22 7:9 9:13 12:4 15:2 41:24 remedy 93:3 remember 39:6 51:7 removes 4:23 7:10 12:5 15:4 rent 65:18 reopen 60:10,14 repeat 22:15 30:4 reported 94:6 96:14 97:3,16 97:22 98:11,16 99:5,10,23 100:16 101:6,22 102:12,17 103:6 reporter 104:24 represent 62:24 represented 67:11 representing 43:10 56:22 represents 56:25 63:12 reproduction 104:21 reputation 65:2
--	---	--	---	---

request 2:13 10:4 40:13 57:6 64:3 requested 15:24 38:8 56:15 requesting 61:11 96:3 requests 9:15 15:16 18:2 20:2 40:12 require 21:2 54:21 67:24 68:20 77:5 required 19:24 25:21 69:2 requirement 26:5 31:11 67:19 78:2 requirements 8:12 9:2 64:4 67:15 68:3 requires 29:24 54:14 66:20 67:10 68:18 78:16 requiring 48:4 reservations 47:10 residence 26:13 26:19 41:12,13 41:18 53:10 86:22 residential 8:13 9:3,7 19:7,23 32:11 33:25 36:10,11,12 48:3 49:4 53:19 55:20,22 57:9 58:10 59:21 61:13 63:19 65:6 79:2 residentially 32:12 34:13 35:23 36:14 38:7 residents 44:7 67:3 resold 65:23	respect 48:22 respond 43:12 51:3 response 5:13,18 7:24 8:4 10:12 10:15 13:4,11 16:9,12 18:19 18:23 40:20 42:7,10 72:3 93:14,20 97:14 98:9 99:3,21 100:11 101:3,17 102:9 103:4 responsibility 69:20 restaurant 36:17 restricted 66:9 restricting 92:21 restrictions 73:9 restrictive 71:2 result 29:3 63:25 retail 37:6 45:24 retained 2:4 retrofit 32:10,14 reuse 15:9 reused 12:11 review 9:16 15:17 18:3 20:3 revise 4:14 6:25 11:21 14:21 revising 8:11,25 Reynolds 1:13 2:8 29:11 38:3 40:7 40:8 80:18 94:17 rezoned 37:8 rezoning 4:3 6:16 11:15 14:12 35:20 rich 49:22 51:22 74:11,13 Ridge 2:23 10:25 11:17 right 10:2 20:19 21:3,10,16 24:3 25:23 26:6,20 28:16 29:8	30:13,15 31:14 37:12,24 40:18 52:21 69:10 71:23 72:5 73:13 74:14 75:20,21,22 76:3,10,15,24 78:24 79:4,10 80:5,16 81:9 82:11 88:18,23 91:11 94:24 96:8 risk 64:13 risks 70:13 road 16:24,24,24 17:22,22,23 63:9 64:16 Room 1:6 Rooney 64:22,23 row 21:10 32:7,8 77:13,18 79:2 83:14,18,21 84:17,20,23 85:11,14 88:19 89:2 RPR-Notary 104:15 RSA-5 35:3 ruled 39:16 rules 1:3 2:4 3:1 3:17 4:1 5:1 6:1 6:7 7:1 8:1,16 9:1 10:1 11:1,5 12:1 13:1 14:1,3 15:1 16:1 17:1 17:12 18:1 19:1 19:13 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1,5 45:1 46:1 47:1 48:1 49:1 50:1 51:1	52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1,21 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1,23 94:1 95:1 96:1,4 97:1 97:5,17,23 98:1 98:12,18 99:1,6 99:12,24 100:1 100:18 101:1,7 101:24 102:1,13 102:19 103:1,7 103:10,13 run 28:8,8 running 78:2 R-10A 34:15,17 35:3	79:23 schools 51:12 science 73:21 seat 72:8 seats 44:22 second 23:23 34:4 41:2,11,15,19 65:17 75:17 94:11 seconded 97:8,10 98:3,5,21,23 99:15,17 100:5 100:7,21,23 101:11,13 102:3 102:5,22,24 sections 41:5 Sedgley 2:25 4:6 see 26:17 38:13 38:18,20,24 69:18 81:7,19 85:15 Seeing 5:14,19 7:25 8:5 10:16 13:5,12 16:13 18:20,24 93:15 93:21 seek 45:18 49:6 54:3 seeking 53:22 seeks 52:9 61:19 sense 37:2 79:8 sent 87:4 sentence 29:16 separate 33:7 84:8 92:8 separately 91:7 SEPECC 50:12 50:24 63:16 64:22 serve 47:5 61:25 74:16 service 45:23 74:13 82:13 serving 43:16 session 97:7 98:2 98:20 99:14 100:20 102:2,21
---	--	---	---	--

set 32:16 setting 55:24 57:16 58:4 61:23 settings 65:6 seven 58:22 seven-child 59:4 Shawn 42:17 43:9 shed 9:8 shifts 32:24 shop 34:25 shopping 84:13 shore 41:14 shout-out 63:5 show 24:19,21,24 25:6,19,22 30:17,18,20 36:23 showed 66:4 shown 26:9 shows 25:5 side 85:19 86:2 signatures 62:6 signed 62:7,9 66:5 significant 69:15 signs 66:21 similar 25:18 simplicity 95:22 simply 44:15,21 single 76:20 77:17 78:14 single-family 4:15 7:2 11:22 14:22 sir 5:11 7:22 15:23 sit 38:12 sitting 42:23 89:17 situation 22:22 27:8 48:16 88:16 93:3 situations 36:16 84:10 six 21:25 22:18 29:18 31:23 32:21,23 33:11 52:25 58:23	Sixty 51:3 size 8:11 9:2,6 23:18 77:16 90:18 skills 49:24 82:22 skirt 28:3 slots 59:3,9 small 12:8 18:12 49:2 55:18 58:3 58:21,25 60:10 71:3 smaller 21:25 small-setting 56:25 59:17 60:3 smart 67:8 smartly 49:7 smoke 67:25 solve 44:10 49:15 somebody 26:18 54:10 77:16 88:17 somewhat 77:22 81:22 soon 75:11 sorry 22:13 39:19 83:15 96:17,25 sort 50:24 53:16 82:10 90:23 sounds 27:21 South 34:22 59:5 Southeast 62:24 63:11 Southeastern 43:22 space 32:9,11 68:21 88:7 speak 50:13 62:22 72:6 75:21 88:13,15 speaking 22:17 28:12 63:15 special 21:2,5 24:13,17 25:12 25:13 30:14 38:6,14,21 39:2 41:23 47:16	54:23,24 56:6 61:11 63:21,25 64:2,12,17 66:6 67:16,19 71:3 76:5,7,11 77:20 77:25 81:10 86:17,20 88:24 92:16 specific 46:7 52:16,17 69:11 specifically 39:6 54:23 83:13 specified 68:22 spirit 61:15 spoke 80:22 86:12 90:13 sponsor 2:13 18:9 20:12 30:24 87:24 94:19 95:8 sponsor's 10:4 square 9:9,12 58:2,20,25 68:19 Squilla 1:14 40:3 staff 12:19 43:21 57:18 60:4 61:4 69:8 90:13 95:2 staffed 46:11 staff-child 68:22 stake 88:11 stakeholders 49:14 standards 46:6 49:21 stand-alone 33:7 Star 72:17 74:4,4 82:17 stars 46:15 49:10 72:18,24,25 82:8 83:11 91:20 start 3:9 43:5,5,6 49:13,22 53:23 57:25 73:17 87:20 starting 70:8	state 46:5,6 52:18 55:7 68:12,14 68:18 87:15 statement 80:7 state's 44:20 46:15 82:9 stay 75:17 stayed 41:9 stenographic 104:6 step 75:10 stepping 57:20 steps 70:17 stipulated 87:23 stone 57:21 store 33:15,16 34:5,25 35:9,11 35:18 36:15,18 37:6,11,13 storefront 72:19 storefronts 73:12 74:23 stores 35:21 straight 9:11 strawberry 61:3 streamline 35:13 35:15 54:8 street 2:22,22,22 2:23,23,24,25 2:25 4:4,5,5,5,6 4:6 6:2,2,2,17 6:18,18 10:24 11:16,17 12:13 13:20,22,22,22 13:23,23 14:13 14:15,16,16,16 14:17 65:12 66:13 84:25 strike 88:4,10 strip 36:2,2,13 53:13 55:24 structure 9:7,11 structures 8:12 9:3 struggle 39:9 student 65:19,24 stuff 41:19 90:19	submit 62:10 subsidies 74:18 subsidy 45:4,6 substantial 63:23 successful 49:25 suggest 52:8 summation 70:24 supervision 28:15 104:23 support 49:2 92:15,25 supporter 65:4 supportive 63:6 92:18 supposed 85:24 sure 21:12 39:20 50:16 91:4 92:10,18 93:8 Susan 42:16 50:10,22 suspended 97:6 97:24 98:19 99:13 100:19 101:25 102:20 suspension 96:3,6 97:18 98:13 99:7,25 101:7 102:13 103:8 system 48:2 62:3 66:19 67:25 71:5 75:13 82:10
T				
table 3:5 42:21 93:6 tailored 38:5 take 3:13 29:14 29:24 31:11 33:14 37:18 44:8 45:13 55:23 58:4 59:18 60:7 74:7 89:16,18,24 taken 104:6 takes 94:13 take-out 36:17				

talk 52:11	93:10,11,16,16	54:2	twin-zoned 77:18	88:7 92:5
talked 9:23 73:22	94:18 95:7,11	title 2:15 8:9 19:4	two 23:8 58:9	uses 4:18 7:5 8:13
talking 27:2	96:8,12,24	today 2:11,16	59:4,13,22 60:8	9:3 11:24 14:18
36:12 52:14	97:20 103:11	9:25 16:2 19:2	72:23,24 77:14	14:24 19:22
54:16 59:20	They'd 23:11	20:13 25:15	84:24 85:2 90:5	usually 50:21
60:5,24 78:3,8	36:18	31:3 43:12	91:24	57:22 59:16
82:7 90:2 92:9	thing 38:18 40:18	47:24 65:7 76:5	two-thirds 45:2	68:21 69:16
93:8	53:16 60:2 73:2	79:15 80:10	type 22:23	70:13
Tasco 1:14 2:9	77:23 84:22	toddler 45:11		
82:5	87:4,12 90:23	toddlers 44:23	U	V
Tasco's 78:4	91:23 93:9	59:16	ultimately 32:3	vacant 15:7 34:5
tax 58:12	things 58:18 61:5	tomorrow 79:12	70:14	37:14
taxes 74:15	72:14 74:21	79:13,15 80:3	unable 44:15	vague 57:5
taxpayer 49:6	85:22 91:17	tool 48:19 82:11	unchanged 4:22	variance 19:23
teachers 73:21	92:4 93:6	tools 83:9	7:9 12:4 15:3	21:7 24:14
tell 24:15 65:8	think 3:10 18:11	top 38:19	underground	25:17,19,21
90:10	29:7 32:20	Towey 42:17 43:6	44:10	31:14,22 36:4
Temple 4:15 7:2	41:25 43:3,25	43:9,10 81:3,17	understand 10:9	40:13 41:10,24
ten 46:17	46:22 47:25	82:8 83:15,19	16:6 21:9,17	48:6 53:21 54:3
terms 8:13 9:4	48:24,24 52:12	83:25 90:10	47:10 58:19	54:5,14,21
19:8 24:16	59:7 71:18 74:2	tracked 91:7	70:11 76:8 79:7	75:25 76:23
28:13 90:18	78:9 81:6,17	traditionally	80:15 81:3	77:3,7,9 78:2,16
91:3 95:21	83:19 86:11	27:25	87:17,25 89:10	79:6,10 80:11
testify 3:21 5:16	87:7 90:19 91:4	traffic 33:3,16	89:21 90:15	81:11 86:10,18
6:11 8:2,20	91:15,22,22	training 68:4	91:11	86:20 88:20
10:14 11:9 13:9	92:2,6,11 93:5	trainings 70:4,10	understanding	89:6,8 90:8
14:6 16:11	95:14,24	transcript 104:8	20:19 60:20	92:16
17:15 18:21	thinking 96:2	104:21	Unfortunately	variances 21:13
19:16 42:24	third 34:4 65:19	transportation	82:20	30:16 37:20
71:25 93:19	thought 54:13	45:21	unit 12:14	54:9
testimony 62:4	Thousands 45:13	trash 64:7	units 4:21 7:8	vary 46:8
80:21,22 84:15	thousand-plus	tremble 89:18	12:3 15:2 23:19	venture 64:15
thank 3:6 5:10,15	43:21	tried 91:5	University 64:21	Verree 63:8
7:21 8:6 9:21	three 32:24 33:2	trigger 31:2	65:12,24	versus 92:5
10:17 11:2	57:11 58:8	triggers 83:8	University's 4:16	veto 67:21 71:8
12:24 13:13	59:14 84:16	trolley 66:12	7:3	viable 35:22
15:22 16:16	three-star 72:23	true 27:21 104:7	unnecessarily	83:20,24
17:3 18:8 20:8	Thursday 1:7	truth 45:25	70:25	Vice 2:5
23:3,6 24:6,9	time 5:9 7:20 9:20	trying 33:13	unsupervised	Victorian 64:20
25:24 26:25	12:23 15:21	48:24 60:25	69:18	65:13
29:9 31:6,7	18:7 20:7 27:13	61:2 78:24	urge 44:3 56:13	visions 52:13
37:25 39:22,23	38:17 44:2 49:6	turn 85:7	use 4:9 6:20 11:19	voices 44:3
39:24 42:4 50:2	51:4 60:7 93:17	turnover 57:18,18	22:21,24 34:7	voluntary 46:16
50:3 56:16,17	96:2	turns 91:6	34:10 35:5	volunteer 50:24
56:18 62:14,21	times 33:2 35:24	Twelve 30:2	54:14,22,24	vote 44:4
71:11 75:15	69:3	twin 77:14,16	63:9 65:17	
84:4 91:13	time-consuming	78:14	73:20,21 81:23	W
				W 1:11

waiting 45:9	81:11 82:23	writes 65:9	52:2 54:4,6 55:3	66:1 67:1 68:1
walk 85:17	85:11 87:19	written 61:25	55:8 58:12	69:1 70:1 71:1
walked 66:11	88:9 89:10,25	wrong 44:9 76:9	63:20 64:11,15	72:1 73:1 74:1
want 20:18 23:16	92:2,9 93:8,23	81:7,12	66:5,6,19,23	75:1 76:1 77:1
26:8,23 33:22	94:4	Y	67:8,13,19 70:8	78:1 79:1 80:1
36:3,7 38:17	WILLIAM 1:10	yard 68:21 69:19	70:8,13,19	81:1 82:1 83:1
48:12 49:3	willing 94:5	84:9 85:19,25	76:14,22 81:23	84:1 85:1 86:1
52:16 53:16	WILSON 1:11	yeah 59:24 84:18	81:23 83:8 91:2	87:1 88:1 89:1
55:18,20 56:3	wind 74:15	87:3 94:10	93:2	90:1 91:1 92:1
61:6,8 63:5	wish 20:12	year 74:16	\$	93:1 94:1 95:1
72:13 73:21	wishes 9:24 10:8	years 37:4 42:2	\$1,000 45:10	96:1 97:1 98:1
75:20 79:16	18:10 66:24	51:4 57:14 58:9	\$17,000 74:16	99:1 100:1
80:8,9,20 81:5	witness 3:4,4	72:13 79:22	\$2 61:3	101:1 102:1
87:6 90:2 93:7	42:20	YMCA 64:25	\$5,000 85:7	103:1
wanted 40:5 52:3	Witnesses 42:20	York 49:20	\$8 75:8	11:30 103:14
52:4 75:18 79:5	women 61:21	young 88:5 91:18	\$9 75:9	12 26:13,14 31:25
79:25 88:17	wonder 45:11	Youth 43:11	1	32:25 33:17
wants 15:25 42:24	90:24	Z	1-E 58:13	43:16 53:6 58:9
71:25 73:20	word 52:12 95:18	ZBA 64:3,3 67:3	1-year-old 60:24	59:3,9,9,10,20
93:19	words 33:14	90:25	10 45:7 63:4 64:8	59:23 64:8
warehouses 74:24	work 12:10 29:4	zone 35:22 58:12	94:14	78:18
water 73:22,24	44:15 45:6,20	zoned 32:11 33:20	10:10 1:7	12-child 59:5
Wawa 36:4	49:13,19 51:16	34:11,12 35:2	100 94:13	120 9:11
way 27:11 31:12	51:16,17,18,18	36:6,14 38:7	100,000 44:25	14 8:9 19:4
34:7 35:4 49:8	60:7 61:23 63:2	57:8 90:18,21	11 85:23	140744 1:16 2:17
60:21 74:19	69:23 78:21	zoning 2:19,19	11/6/14 3:1 4:1	3:1,21 4:1,2 5:1
81:18 85:17	81:19,25 85:16	4:3,14,21,24	5:1 6:1 7:1 8:1	5:7,17 6:1 7:1
88:23 90:22	worked 51:10	5:23,23 6:16,25	9:1 10:1 11:1	8:1 9:1 10:1
94:15	60:22	7:8,11 8:10,25	12:1 13:1 14:1	11:1 12:1 13:1
ways 26:17	working 48:2	10:21,21 11:15	15:1 16:1 17:1	14:1 15:1 16:1
weed 48:9	57:22 73:17,18	11:21 12:3,6	18:1 19:1 20:1	17:1 18:1 19:1
week 38:13 41:17	88:9 94:4	13:17,17 14:12	21:1 22:1 23:1	20:1 21:1 22:1
weekends 45:23	works 21:22	14:21,25 15:5	24:1 25:1 26:1	23:1 24:1 25:1
weigh 20:18 47:22	27:11 66:19	16:21,21 17:20	27:1 28:1 29:1	26:1 27:1 28:1
weirdnesses	84:10 88:23	17:21 19:5,7,21	30:1 31:1 32:1	29:1 30:1 31:1
90:20	world 30:10	19:23 20:25	33:1 34:1 35:1	32:1 33:1 34:1
Welfare 58:16	worry 79:16	21:3,4,6,7,20	36:1 37:1 38:1	35:1 36:1 37:1
West 13:20 14:14	worse 48:15 50:19	24:18 25:9,14	39:1 40:1 41:1	38:1 39:1 40:1
51:22 73:8	wouldn't 23:11,12	26:3,9 27:16	42:1 43:1 44:1	41:1 42:1 43:1
we'll 3:13 42:12	23:14 79:8	30:11,12,15,17	45:1 46:1 47:1	44:1 45:1 46:1
50:6 62:12	86:16	31:13 35:4,13	48:1 49:1 50:1	47:1 48:1 49:1
71:11 96:19,22	Wright 42:16	35:15,15 36:19	51:1 52:1 53:1	50:1 51:1 52:1
we're 20:9,17	43:19 56:21,22	37:9,17 38:12	54:1 55:1 56:1	53:1 54:1 55:1
27:2 29:22,22	68:18 84:18,21	39:17 40:9,10	57:1 58:1 59:1	56:1 57:1 58:1
31:2 36:12	86:7,11,16 87:3	40:11 43:14	60:1 61:1 62:1	59:1 60:1 61:1
43:12 52:14	87:11 88:17	47:14,16 48:3	63:1 64:1 65:1	62:1 63:1 64:1
54:16 56:24	89:12,23			65:1 66:1 67:1

68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1,14 97:1,3,16 98:1 99:1 100:1 101:1 102:1 103:1 140745 1:16 5:21 6:11,15 7:18 8:3 97:21 98:11 140746 1:16 2:11 140782 1:16 8:8 8:20,24 9:17 10:14 98:16 99:5 140798 1:16 10:19 11:9,14 12:21 13:10 99:10,23 140799 1:16 13:15 14:6,11 15:18 16:11 100:4,16 101:5 140802 1:16 19:3 19:16,20 20:4 43:13 48:17 52:9 57:4 63:17 93:19 102:16 103:6 140803 1:16 16:19 17:15,19 18:4 18:22 101:10,22 102:11 15 9:12 1500 12:12 16th 11:11 14:8 17:17 19:18 163 46:14 18 32:25 33:11 18th 2:21 4:4 6:2 6:18 9:18 10:2	15:19 18:5,16 20:5 19135 72:16 1950 37:11 1955 51:6,14 1965 51:14 1975 51:14 2 2nd 3:23 6:13 2-year-olds 59:10 200 9:9 2009 60:11,13 2014 1:7 3:23 5:6 6:13 7:17 8:22 9:18 11:11 14:8 15:19 17:17 18:5 19:18 20:5 21st 5:6 7:17 21-day 66:20 215-560-2807 69:12 23 72:12 24th 2:22 4:5 24-hour 58:8 84:16 25 9:9 79:22 25th 2:23,24 4:5 10:23 11:16 13:19 14:13 26,000 45:4 3 3 44:17 74:4 82:17 30 44:17 31st 13:21,23 14:15,16 3100 84:25 32nd 13:22 14:16 33 72:21 4 4 74:4 82:17 4-year-olds 44:17 40 62:5 68:19 85:13 400 1:6	41 62:6 45 9:15 15:16,24 18:2 20:2 5 5 44:25 94:13 5-year-old 60:23 50 37:4 501(c)(6) 56:24 6 6 1:7 60 42:2 65 68:22 7 70 85:12 77 44:19 9 9th 8:22		
--	---	---	--	--