

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 18, 2013
10:00 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 130252, 130272, and 130448

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COUNCILMAN GREENLEE: This is the Committee on Rules, and we're actually starting on time.

For the record, we have established a quorum: Councilman Kenney, the Vice Chair of the Committee; Councilman O'Brien; Councilman Goode; and Councilman Green; and myself, Bill Greenlee.

For the record, Bill No. 130252 at the request of the sponsor will be held to the call of the Chair.

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

THE CLERK: Bill No. 130448, an ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding special provisions for the area bounded by 38th Street, Ludlow Street, Chestnut Street and 37th Street, under certain terms and conditions.

Bill Kramer.

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILMAN GREENLEE: Good
3 morning, Mr. Kramer.

4 MR. KRAMER: Good morning,
5 Chairman Greenlee and members of the
6 Rules Committee. I'm William Kramer,
7 Division Director of the Development
8 Planning Division of the Philadelphia
9 City Planning Commission. I am here
10 today to testify on Bill No. 130448,
11 which was introduced by Councilmember
12 Blackwell May 23rd, 2013.

13 Bill No. 130448 amends the
14 Philadelphia Zoning Code by amending the
15 zoning requirement of certain areas of
16 land located within an area bounded by
17 37th Street, 38th Street, Ludlow Street,
18 and Chestnut Street.

19 Bill No. 130448 proposes three
20 amendments to the zoning requirements
21 within this designated area. First, on
22 property that is zoned "CMX-4" Center
23 City Mixed Commercial Use, buildings will
24 be permitted to have a gross floor area
25 of 750 percent and will not be eligible

1 6/18/13 - RULES - BILL 130272, etc.
2 for additional gross floor area bonuses.
3 The bill also reduces the required
4 minimum aisle width for a regular parking
5 space from 24 feet to 22 feet. Finally,
6 the bill amends the required parking
7 ratio for multi-family housing to one and
8 a half parking spaces for every ten
9 units.

10 The proposed developer of this
11 site, the Philadelphia Episcopal
12 Cathedral, proposes to construct a
13 mixed-use structure that will be
14 approximately 258 feet tall with 48
15 underground parking spaces, a daycare
16 center, offices and a gathering space,
17 2,570 square feet of retail space, and
18 approximately 288 residential units.

19 Originally these code
20 provisions were placed in the
21 Philadelphia Zoning Code with the passage
22 of Bill No. 120480, which was signed into
23 law on July 17th, 2012. However, the
24 code provisions were not adopted as part
25 of the Zoning Code, which took effect

1 6/18/13 - RULES - BILL 130272, etc.
2 August 22nd, 2012, as the permits for the
3 development were already issued.
4 However, minor plan amendments to the
5 development plan have necessitated the
6 code provisions be reinstated.

7 The Philadelphia City Planning
8 Commission previously reviewed Bill No.
9 120480 at its meeting of June 12th, 2012
10 and recommended that it be approved.
11 Accordingly, at its meeting of June 11th,
12 2013, the Philadelphia City Planning
13 Commission recommended that Bill No.
14 130448 be approved as an item in accord
15 with previous policy.

16 That concludes my testimony. I
17 appreciate the opportunity to appear and
18 be happy to answer any questions you may
19 have.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. Kramer.

22 Any questions for Mr. Kramer?
23 (No response.)

24 COUNCILMAN GREENLEE: Seeing
25 none, Mr. Sklaroff, I think you want to

1 6/18/13 - RULES - BILL 130272, etc.
2 come forward.

3 I should, as Mr. Sklaroff is
4 approaching, I should note for the record
5 I heard from Councilwoman Blackwell, the
6 sponsor of this bill, who said she is in
7 firm support of the legislation.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN GREENLEE: Please
11 identify yourself, both, for the record
12 and proceed.

13 MR. SKLAROFF: Good morning,
14 Mr. Chairman, members of the Board. My
15 name is Neil Sklaroff. I'm an attorney
16 and I represent Radnor Property Group,
17 one of the joint ventures in this matter.
18 With me today is David Yeager, President
19 of the Radnor Property Group, and we come
20 to speak in support of the bill.

21 As you may know, Radnor is
22 partnering with the Philadelphia
23 Episcopal Cathedral to develop the
24 Cathedral's non-sacred properties for the
25 purpose of constructing a first-class

1 6/18/13 - RULES - BILL 130272, etc.
2 mixed-use residential and commercial
3 development that will provide needed
4 financial support for the preservation,
5 restoration, and maintenance of the
6 historic Cathedral.

7 The properties are at the
8 intersection of two of Philadelphia's
9 widest streets, 38th Street, which is 104
10 feet in width, and Chestnut Street, which
11 is 80 feet in width at that point. Set
12 in a growing section of University City,
13 the context calls for a major
14 development. Accordingly, the Cathedral
15 and RPG proposed a 26-story mixed-use
16 building, with first and second floor
17 retail uses, a community center and
18 gathering space for the Cathedral, and 23
19 floors of rental housing units with one
20 floor of amenity space. Included in the
21 project is a three-story low-rise office
22 building with ground floor retail and the
23 upper stories to be principally occupied
24 for ecclesiastical purposes. In
25 addition, there will be substantial

1 6/18/13 - RULES - BILL 130272, etc.
2 improvements to the Cathedral.

3 At this time last year, the
4 property was still zoned R-16, with a
5 small portion classified as C-2, which,
6 while permitting the size of the building
7 under R-16 and commercial uses under C-2,
8 separately didn't quite fit the bill or
9 permit the project, which many agree to
10 be a prudent exercise of good
11 land-planning principles. Last year this
12 Committee recommended, City Council
13 enacted, and Mayor Nutter signed Bill No.
14 120480, an almost identical version of
15 the bill before you.

16 Pursuant to that legislation,
17 we obtained an over-the-counter zoning
18 permit. In addition, the project enjoys
19 the support of Councilwoman Blackwell and
20 earned the support of the Planning
21 Commission and approval of the Historical
22 Commission. The City and the joint
23 venture have completed and executed an
24 Economic Opportunity Plan.

25 Since then, the Cathedral and

1 6/18/13 - RULES - BILL 130272, etc.

2 RPG put some finishing touches to the
3 project, and the architects and engineers
4 are executing final plans. We
5 discovered, however, as would be the case
6 in many complex projects, that there are
7 minor modifications to the final plans.
8 Were L&I to measure these plans against
9 the same zoning restrictions as it did
10 originally, including Bill No. 120480, we
11 would be entitled to another zoning
12 permit.

13 However, L&I informs us that it
14 will not because it does not believe that
15 Bill No. 120480 remains in force
16 following the effective date of the new
17 Zoning Code. It was enacted after the
18 Zoning Code was enacted in December but
19 before the effective date in August, on
20 August 22nd. So in between that is when
21 the bill we relied upon was passed. L&I
22 intends to apply strictly the new code,
23 and that would result in a refusal.

24 We are, therefore, asking City
25 Council to enact again the provisions of

1 6/18/13 - RULES - BILL 130272, etc.
2 120480 so that the project may again
3 obtain an over-the-counter zoning permit.

4 One minor addition was made to
5 this. Last year internal drives in the
6 underground garage were permitted at a
7 width of 22 feet. The new code requires
8 24 feet, a dimension that we cannot now
9 meet. And so we ask that the provision
10 be added to allow the internal driveway
11 to be 22 feet.

12 We urge the Committee to
13 recommend Bill No. 130488 to the full
14 Council for enactment. We thank the
15 Committee for the opportunity to address
16 its members, and we look forward to
17 favorable action and a breaking ground
18 for this important project.

19 We would be pleased to answer
20 any questions.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Sklaroff.

23 Mr. Yeager, are you just here
24 to answer questions or did you want to
25 say something?

1 6/18/13 - RULES - BILL 130272, etc.

2 MR. YEAGER: Yes.

3 COUNCILMAN GREENLEE: Just for
4 questions?

5 MR. YEAGER: That's right.

6 COUNCILMAN GREENLEE:
7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you.

9 Good morning. Could you talk a
10 little bit about your company, the
11 development company, and some of the
12 individual contractors that you use, have
13 used regularly or intend to use on this
14 project.

15 MR. YEAGER: Sure.

16 COUNCILMAN KENNEY: I don't
17 know if you're familiar or not, but on
18 May 8th, the Mayor signed a bill which
19 requires different types of reporting on
20 construction site areas relative to
21 subcontractors, workers who are certified
22 to be there, who are trained to be there,
23 companies that pay taxes and follow the
24 rules, not necessarily the development
25 company but the company that the

1 6/18/13 - RULES - BILL 130272, etc.
2 developer hires, the general contractor
3 and the subcontractor. If you're not
4 familiar with the bill, hopefully you
5 will become familiar with it and maybe
6 give some idea as to how you would comply
7 with it.

8 MR. YEAGER: Personally I'm not
9 familiar with the bill, but just by way
10 of background in terms of what we do, our
11 company engages almost entirely on what
12 we call public-private partnerships with
13 colleges, universities, and religious
14 organizations. In this project, since
15 we've been working with the Cathedral and
16 the Diocese for over the last two years,
17 we've secured a relationship with Intech
18 Construction, who will be our
19 construction manager on this project,
20 and, of course, being well known within
21 the City of Philadelphia, we will rely on
22 them relative to a lot of the things that
23 you speak of.

24 COUNCILMAN KENNEY: Because
25 obviously we had this issue, this tragic

1 6/18/13 - RULES - BILL 130272, etc.
2 issue, with the demolition, which really
3 has nothing to do with this particular
4 project or with construction, but in
5 general, we've had large numbers of --
6 too many large numbers of developers and
7 contractors who -- in North Philadelphia,
8 for example, they're building residential
9 student housing without permits and
10 without paying taxes and with workers
11 that are undocumented and paid in cash,
12 working at 2 o'clock in the morning
13 putting roofs on. I think, Mr. Sklaroff,
14 you may have a client that operates in
15 that manner.

16 MR. SKLAROFF: We believe that
17 he didn't, but we won't go into that
18 today.

19 COUNCILMAN KENNEY: We had a
20 little problem with an untested fire
21 alarm and sprinkler suppression -- fire
22 suppression system that apparently the
23 gentleman wanted to move the students in
24 prior to that being certified, and we had
25 him stopped.

1 6/18/13 - RULES - BILL 130272, etc.

2 I think now that this gentleman
3 has told me that he's hiring Intech, that
4 is certainly a company that follows the
5 rules and is above board and cooperates
6 with EOP programs and accommodation to
7 the community as opposed to some
8 contractors who are using vacant lots in
9 parts of our city to dump debris, dumping
10 cement on people's cars, setting up
11 unchuted demolition dumpsters and so on
12 and so on and so on. So I'm glad to hear
13 that the Episcopalians will work with you
14 to follow the rules and to have a really
15 terrific project that's built safely and
16 hopefully on time and on budget. So
17 congratulations and good luck.

18 MR. YEAGER: Thank you,
19 Councilman.

20 MR. SKLAROFF: Let me add that
21 RPG engaged BLT Architects, a
22 Philadelphia firm, as well as Boles and
23 Smyth as its engineers, and our firm,
24 which is a Philadelphia firm.

25 COUNCILMAN KENNEY: If every

1 6/18/13 - RULES - BILL 130272, etc.

2 project is conducted like this in the
3 City, we'd be a happy bunch. Thanks.

4 MR. SKLAROFF: Thank you.

5 COUNCILMAN GREENLEE: Thank
6 you, Councilman.

7 I should note for the record
8 that there's an EOP that will be offered
9 as an amendment to the bill at the
10 meeting.

11 Any other questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you both very much. Good
15 luck with the project.

16 Is there anyone else here to
17 testify on this bill, Bill No. 130448?

18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, Ms. Marconi, will you please read
21 the other bill before us today, the title
22 of the other bill.

23 THE CLERK: Bill No. 130272, an
24 ordinance to amend the Philadelphia
25 Zoning Maps by changing the zoning

1 6/18/13 - RULES - BILL 130272, etc.
2 designations of certain areas of land
3 located within an area bounded by Master
4 Street, Second Street, Thompson Street,
5 and American Street.

6 COUNCILMAN GREENLEE:

7 Mr. Kramer, before you start, I just
8 again note for the record I heard from
9 Council President Clarke, the sponsor of
10 this bill, who wanted to express his
11 support of the legislation.

12 Mr. Kramer.

13 MR. KRAMER: Good morning,
14 Chairman Greenlee, members of the Rules
15 Committee. I am William Kramer, Division
16 Director of the Development Planning
17 Division of the Philadelphia City
18 Planning Commission. I am here today to
19 testify on Bill No. 130272, which was
20 introduced by Councilmember Greenlee for
21 Council President Clarke April 11th,
22 2013.

23 Bill No. 130272 amends the
24 Philadelphia Zoning Maps by rezoning an
25 area of land in the South Kensington

1 6/18/13 - RULES - BILL 130272, etc.
2 neighborhood bounded by Master Street,
3 Second Street, Thompson Street, and
4 American Street from a zoning designation
5 of partly "I-2" Medium Industrial and
6 partly "CMX-3" Commercial to a single
7 zoning designation of "CMX-3" Commercial
8 Mixed Use.

9 The developer proposes to
10 redevelop the 2.56-acre site, which is
11 currently vacant, as 320 residential
12 units with 140 accessory parking spaces.
13 The proposal consists of three structures
14 and will be built in two phases, the
15 first phase including the two buildings
16 along Second Street and the second phase
17 is the structure along American Street.

18 At their meeting of May 21st,
19 2013, the Philadelphia City Planning
20 Commission considered Bill No. 130272 and
21 recommended that it be approved.

22 That is my testimony. If you
23 have any questions, I'd be happy to
24 answer them for you.

25 COUNCILMAN GREENLEE: Thank

1 6/18/13 - RULES - BILL 130272, etc.

2 you, Mr. Kramer.

3 Any questions?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, they were both easy today.

7 Ms. Marconi, will you call -- I
8 think we're going to call a panel for our
9 next witnesses.

10 THE CLERK: Paul Rabinovitch,
11 Carl Primavera, and Seth Shapiro.

12 (Witnesses approached witness
13 table.)

14 MR. PRIMAVERA: Good morning.

15 COUNCILMAN GREENLEE: Good
16 morning. Whoever would like to start.

17 MR. PRIMAVERA: Thank you. For
18 the record, Carl Primavera. To my left
19 is my client, Paul Rabinovitch, and to my
20 far left is Seth Shapiro, the architect
21 from Barton and Partners.

22 We're also passing up a fact
23 sheet as well as a small brochure just
24 showing the area to be remapped. This
25 site had been the old Absco Steel site,

1 6/18/13 - RULES - BILL 130272, etc.
2 which was a Superfund site. The company
3 was relocated with the assistance of the
4 City, and Paul and his company, with the
5 help from the Commonwealth of
6 Pennsylvania and a loan, were able to
7 remediate the site. We originally came
8 into City Council about five years ago
9 and rezoned a very significant portion of
10 the site that would allow a residential
11 plan. The economy interfered with our
12 aspects to do that and our ability and
13 prospects to do that. More recently,
14 we've come back and we've redesigned the
15 plan, and the only thing that this bill
16 seeks to do is to change the zoning of a
17 26-foot-wide parcel along American
18 Street, which at the time of the original
19 remapping had been left industrial. And
20 the reason it had been left industrial --
21 and you'll hear more about that I'm sure
22 from others -- is that there are still
23 some industrial users in the area and it
24 was a kind of symbolic acknowledgment
25 that everyone was going to live together,

1 6/18/13 - RULES - BILL 130272, etc.
2 work together, and we weren't going to
3 interfere with each other. And that's
4 still the plan, although working with the
5 Planning Commission and the community,
6 everyone realizes that the split zone
7 really makes no sense as a matter of
8 planning and this large site, which
9 really needs to be residential. Whether
10 the 26 foot is to remain industrial or
11 not won't change what we're doing. It's
12 still going to become what we hope to be
13 a significant redevelopment among many
14 others that are coming into this
15 neighborhood.

16 Clearly, the character and
17 flavor of the neighborhood is changing,
18 but we don't believe that's going to be
19 at the expense of the other industrial
20 and commercial users. It's just going to
21 become much more of a mixed-use community
22 rather than industrial.

23 So that's really what we're
24 seeking to do today. I can have Paul
25 answer specific questions, but it's just

1 6/18/13 - RULES - BILL 130272, etc.
2 the 26-foot-wide strip of industrial that
3 we seek to match up to the CMX-3, which
4 really is 90 percent of the site anyway.

5 COUNCILMAN GREENLEE:
6 Mr. Primavera, just so we're clear, what
7 is the site? As we speak right now, what
8 is it?

9 COUNCILMAN KENNEY: What's
10 there?

11 MR. PRIMAVERA: It's a vacant
12 lot. It's been completely rehabilitated.
13 It had been contaminated through the
14 years when Absco Steel was there. So
15 it's really ready to go.

16 COUNCILMAN KENNEY: So there's
17 not a structure on there now?

18 MR. PRIMAVERA: No.

19 COUNCILMAN KENNEY: Okay.

20 COUNCILMAN GREENLEE: And the
21 record will reflect Councilwoman Reynolds
22 Brown is here.

23 And I should also put again on
24 the record there is an EOP for this.

25 MR. PRIMAVERA: That's correct.

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILMAN GREENLEE: Which
3 will be offered as an amendment at the
4 meeting.

5 MR. PRIMAVERA: That's correct.

6 COUNCILMAN GREENLEE: So you're
7 just available for questions?

8 MR. PRIMAVERA: Yes. Paul, who
9 is the owner, and Seth Shapiro, who is
10 the architect. We know that there are
11 representatives here from both the
12 community and from the industrial
13 businesses, and our commitment to both of
14 them is to find the right balance so that
15 this becomes a very positive development.
16 We're not seeking to do anything other
17 than to make things better for everyone.
18 So we'll be sensitive as we work through
19 the final designs.

20 COUNCILMAN GREENLEE: Let me
21 just ask one thing. What dialogue has
22 there been previously with both the
23 community and some of the other
24 businesses? You know, there's been one
25 in particular who is here today.

1 6/18/13 - RULES - BILL 130272, etc.

2 MR. PRIMAVERA: Well, the
3 community had a very sustained and
4 significant dialogue, and they're
5 represented here today. They're very
6 focused on a lot of the design and urban
7 planning issues. Some of them, their
8 comments have been incorporated into the
9 plan that we currently have. Some of
10 them have not, because we just can't do
11 it today.

12 The first phase of this project
13 will be along Second Street. I don't
14 believe there's any concern from anybody
15 on that. It's the Phase II that we hope
16 to develop on American Street. The
17 community has some, what I would call,
18 urban planning issues. That's the last
19 piece to be developed, and hopefully
20 there will be some trends over the next
21 few years so that by the time we get
22 there, we can accede to some of their
23 additional requests.

24 For example, they would like
25 more retail on American Street. Right

1 6/18/13 - RULES - BILL 130272, etc.
2 now -- I know you know the area -- it's
3 really not ready, but that doesn't mean
4 at some period in the future it might be
5 ready.

6 So we've been having a very
7 good conversation, but we still have some
8 issues where we have not reached an
9 agreement. We did go through the
10 development review process under the new
11 Zoning Code and we have been approved by
12 the Planning Commission, but, again, our
13 main desire is start Phase I, because
14 market conditions and financial
15 conditions are ready for that, and the
16 Phase II, which is a little more
17 complicated, we'll know more as we see
18 how Phase I goes.

19 So it's an ongoing dialogue.
20 We've committed to the community as well
21 as to primarily the, I guess, industrial
22 user across American Street, who is here
23 today, that we're going to have a
24 continuing dialogue, and I can have Paul
25 address some of the specifics, because he

1 6/18/13 - RULES - BILL 130272, etc.
2 spent an enormous amount of time with the
3 community and he's had a dialogue with
4 the industrial community going back to
5 the first remapping. So this is not a
6 new discussion. I think, if anything
7 from our discussion when we did the
8 original remapping, the area has become
9 more residential, and I think that trend
10 will continue, and that's something that
11 has to be creatively and carefully
12 negotiated. We have been speaking with
13 the Commerce Department, the American
14 Street corridor group, and Duane Bumb.

15 So this is not happening in
16 isolation. It's happening as part of the
17 overall, what I would call, trend of
18 redevelopment across Girard Avenue, which
19 is actually happening at a pretty
20 significant stage at this point.

21 COUNCILMAN GREENLEE: And how
22 long would you say discussion has been
23 ongoing with community and business
24 people, roughly?

25 MR. PRIMAVERA: Paul, let me

1 6/18/13 - RULES - BILL 130272, etc.
2 turn that over to you.

3 COUNCILMAN GREENLEE: Just
4 identify yourself.

5 MR. RABINOVITCH: My name is
6 Paul Rabinovitch. I am the Executive
7 Vice President of Canus Corporation. We
8 are the owners and developers of the
9 property, and we've been in business for
10 30 years here in Philadelphia
11 redeveloping properties in all different
12 neighborhoods. The company is owned by
13 my mother, Susan Rabinovitch, an
14 architect by training who started the
15 company 30 years ago. We have roughly
16 over 500 apartments in our portfolio here
17 in Philadelphia and mixed-use buildings
18 as well.

19 We've had two various -- we've
20 had two engagements, I'd say, in
21 communications with our neighbors, the
22 community groups, as well as our direct
23 neighbors, the industrial groups. In
24 2007, there was a period of conversation
25 when we initiated the project and we

1 6/18/13 - RULES - BILL 130272, etc.
2 removed all the toxic material from the
3 property and we rezoned the property. We
4 had multiple meetings, multiple
5 conversations in 2007, 2008.
6 Unfortunately, as Carl referenced, the
7 economy ran out from under us and we had
8 to take a break and were not able to
9 advance the project.

10 I would say that in the interim
11 between 2008, 2009 and the current time,
12 there was an ongoing conversation between
13 ourselves and the community and the City
14 of Philadelphia and representatives of
15 the state about the future of American
16 Street and about the possible new
17 enterprises that may develop on American
18 Street that combine residential together
19 with different kinds of creative uses,
20 professional creative uses, artisan uses,
21 and I think that was reflected in the
22 2010 PIDC study that recommended lower
23 American Street, American Street south of
24 Cecil B. Moore be remapped into some sort
25 of zoning classification that allowed a

1 6/18/13 - RULES - BILL 130272, etc.

2 greater diversity of uses.

3 Conversations with the
4 community group and our near neighbors
5 really were begun in earnest in, I'd say,
6 March of this year in terms of our
7 current plan and presenting our plan and
8 conversations with them about what
9 everybody's desires would be for the
10 future plan and what accommodations we
11 could make in our plan. We went through,
12 as Carl referenced, the community review
13 process, and I'd say in the last two
14 weeks, I've had numerous conversations
15 with Mr. Ramstad, sitting over here, in
16 regards to his property.

17 As you can see from the area --
18 well, I'm not sure if you can see it on
19 the aerial map, but his property is
20 really the only active use that is across
21 the street from our property. We own the
22 entire frontage on American Street, and
23 his frontage is, if not -- is the only
24 active and significant property across
25 the street. And I will let him speak for

1 6/18/13 - RULES - BILL 130272, etc.
2 himself, as he's on the agenda, but we
3 both respect each other's uses of each
4 other's properties and we're both
5 actively in communications about ways
6 that we can both operate at our
7 highest -- at his efficiency as an
8 industrial user and allow us our ability
9 to maximize our use as a residential
10 facility. We both believe that there are
11 possibilities, strong possibilities, to
12 improve the street and allow each other
13 to continue our operations respectively
14 in our respective locations.

15 MR. PRIMAVERA: And just off
16 the top of my head, you probably had --

17 COUNCILMAN GREENLEE: Speak
18 into the microphone, Carl, please.

19 MR. PRIMAVERA: I think there
20 were five official meetings with South
21 Kensington, and I know they were well
22 attended and they have a very
23 sophisticated group, as you'll hear, a
24 lot of details. Again, as many of the
25 comments as possible were incorporated

1 6/18/13 - RULES - BILL 130272, etc.
2 into our current plan. There's still
3 some that are emerging, but not resolved.
4 But it was a very deliberate and very
5 kind of high-level discussion, because
6 obviously, as you'll hear, this project
7 is kind of a landmark project and sets
8 the tone in many respects for the next
9 wave of development.

10 There are a large number of
11 smaller projects happening even closer to
12 the industrial users, like right on the
13 doorstep, and I think that's just going
14 to be the trend. I think people like
15 that kind of mix of industrial business,
16 residential. So we think there is a
17 balance that can be achieved here and
18 it's going to be good for everybody.

19 We're not looking to create the
20 Piazza. We're not looking to create a
21 destination of all kinds of activity.
22 This is a residential project that is
23 really designed to provide an opportunity
24 for people who want to live in that
25 neighborhood to live in a new apartment

1 6/18/13 - RULES - BILL 130272, etc.
2 complex.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Any other questions?

6 Councilman Kenney.

7 COUNCILMAN KENNEY: Thank you,
8 Mr. Chairman.

9 Where is this property in
10 relation to the Piazza?

11 MR. RABINOVITCH: It is roughly
12 a block and a half north on Second
13 Street. So you cross Girard. You'll be
14 at the Servante's Don Quixote sculpture.
15 You go another block and we're right
16 there. We're walking distance to the --

17 COUNCILMAN KENNEY: So you're
18 familiar with the properties in the
19 immediate community?

20 MR. RABINOVITCH: Yes, sir.

21 COUNCILMAN KENNEY: I walked by
22 a property recently there right about a
23 block or two west of the Piazza. It's a
24 large, large industrial building that
25 looks like the next potential disaster

1 6/18/13 - RULES - BILL 130272, etc.
2 waiting to happen, open roof, water
3 leaking down through the masonry. It
4 looked like it could have been a brewery
5 at one point in time or it could have
6 been -- it's off a little -- it's
7 actually most of the frontage is on a
8 smaller street that comes out
9 perpendicular to the Piazza and it's like
10 two blocks west. I was just curious in
11 your development activities, are you
12 aware of -- I'm trying to figure out who
13 owns it. Very large, very industrial,
14 and very dilapidated. I just thought
15 maybe you would know offhand since you're
16 familiar with what's going on up there.
17 Because I have my staff looking to see if
18 they can find out who owns it, but it
19 just looks like the next large fire
20 waiting to happen.

21 MR. RABINOVITCH: I'm sorry to
22 say I'm not aware of it.

23 COUNCILMAN KENNEY: No problem.
24 And just relative to the development, is
25 there any particular environmental

1 6/18/13 - RULES - BILL 130272, etc.
2 features, things that that neighborhood
3 has really on kind of the cutting edge of
4 some of its development relative to
5 sustainability and is there something --
6 is there a wow factor in your development
7 from an environmental standpoint?

8 MR. RABINOVITCH: Well, the
9 first wow factor has been completed. We
10 removed 28,000 tons of toxic material
11 from the site. It was a Superfund site.
12 It was the subject of litigation between
13 the neighbors and the scrap yard user.
14 They weren't particularly good neighbors
15 and allowed materials to come off their
16 site. So we removed basically the top
17 four feet of soil and replaced it with
18 clean recycled soil, and it may be at
19 this point one of the cleanest properties
20 in Philadelphia, I dare say.

21 In addition to that, it is a
22 transit-friendly site and it is right on
23 the 57 bus line. It's a block, as you
24 know, from the trolley, and you can walk
25 to the train.

1 6/18/13 - RULES - BILL 130272, etc.

2 In addition to that, we have
3 well over our requirement for bicycles,
4 including bicycle lockers. Our concept
5 for the site is that it will be a very
6 walk-friendly, transit-oriented type of
7 site, very much taking advantage of your
8 ability to walk to a supermarket or walk
9 to get on public transportation or to use
10 your bicycle or walk to get to work or
11 what-have-you. Those are all factors
12 that are going to be adding to the
13 sustainability of the project.

14 In addition, we have a large
15 green courtyard that will be in the
16 center of the property, and that will be
17 landscaped as well as utilized for
18 stormwater retention programs, rain
19 gardens and those sort of things. And we
20 have applied in the past to PIDA for
21 solar panels on the roof. That would be,
22 you know, our renewable energy source for
23 the buildings. We'd be attempting again
24 to secure those kind of grants so we can
25 put solar panels on the roof.

1 6/18/13 - RULES - BILL 130272, etc.

2 The final aspect is, we are
3 looking at building a building that would
4 perform at an extremely high level for
5 energy efficiency, and we'd be utilizing
6 all the cutting-edge energy-efficiency
7 models.

8 So as a community, I think if
9 you were using the LEED scale, as a
10 community they have different scorecards.
11 We would rate easily at the gold level
12 for a community, probably at the gold
13 level also for a building. So that would
14 be a very high level of performance.

15 MR. PRIMAVERA: There was also
16 a good idea from somebody to allow a
17 connection across the site. Can you
18 explain that.

19 MR. RABINOVITCH: If you look
20 at the site plan, there is a crosswalk
21 basically that allows a permeability of
22 the site. We are not interested -- we
23 are interested in designing a site that
24 integrates itself well into the community
25 and allows people the use and enjoyment

1 6/18/13 - RULES - BILL 130272, etc.
2 of the public of the site. So we've
3 installed a cross-block crosswalk that
4 would be available for the community to
5 utilize, as well as the central courtyard
6 park would be open for the community to
7 utilize during the daytime hours.

8 COUNCILMAN KENNEY: Are these
9 one- and two-bedrooms or larger?

10 MR. RABINOVITCH: Studios one's
11 and two's, yes, the higher --

12 COUNCILMAN KENNEY: Can you
13 give me a general price range, just so I
14 get an idea.

15 MR. RABINOVITCH: They are
16 roughly going to be priced at around \$2 a
17 square foot. So a thousand square foot
18 one- or two-bed -- large one bedroom or
19 small two bedroom would be \$2,000.

20 COUNCILMAN KENNEY: Great.
21 Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you, Councilman.

24 Councilwoman Reynolds Brown.

25 COUNCILWOMAN BROWN: Yes. Good

1 6/18/13 - RULES - BILL 130272, etc.

2 morning, gentlemen.

3 (Good morning.)

4 COUNCILWOMAN BROWN: I'm
5 reading with interest your EOC -- I'm
6 about to say Educational Opportunity.
7 That's not what this is. This is an
8 Economic Opportunity Plan. And you
9 mention in your testimony you have well
10 over 500 apartments in your profile --

11 MR. RABINOVITCH: Yes.

12 COUNCILWOMAN BROWN: -- if you
13 will.

14 Is this your first time doing
15 business with the City of Philadelphia?

16 MR. RABINOVITCH: No, ma'am.

17 COUNCILWOMAN BROWN: So you
18 have done or submitted Economic
19 Opportunity Plans before or is this your
20 first time submitting a plan?

21 MR. RABINOVITCH: In the past,
22 we have submitted -- I think the prior
23 generation of an Economic Opportunity
24 Plan was a Community Benefits Agreement.

25 COUNCILWOMAN BROWN: Okay.

1 6/18/13 - RULES - BILL 130272, etc.

2 MR. RABINOVITCH: But this
3 would be the first time that we have
4 developed an EOP with the City, yes.
5 Other projects we've done in the interim
6 have been outside of the City, in Ardmore
7 and so forth like that, but, yes.

8 COUNCILWOMAN BROWN: Okay.
9 What infrastructure or personnel do you
10 have in place to help ensure that what
11 you have here in writing actually becomes
12 reality?

13 MR. RABINOVITCH: Well, we are
14 going to be working with our contracting
15 firm. They would be the primary source
16 for managing the contracting allocation
17 of it. The contracting firm that we are
18 discussing right now, discussing,
19 engaging right now is Domus Construction,
20 who also has a 30-plus year history of
21 working in the City of Philadelphia and
22 is very familiar with all the
23 requirements of working in the City, and
24 they would be the primary steward of the
25 construction side and we would manage the

1 6/18/13 - RULES - BILL 130272, etc.

2 design side ourselves in our office.

3 COUNCILWOMAN BROWN: Okay,

4 then. Thank you very much.

5 MR. PRIMAVERA: Councilwoman,
6 interestingly, Paul mentioned his mother,
7 Susan. She was like the first pioneer in
8 Manayunk. She was the first pioneer
9 around Children's Hospital to do
10 development. She probably was the first
11 person in Powelton Village. So she's
12 really been an early bird in most of the
13 neighborhoods, and she's worked, I think,
14 almost exclusively with Domus. So they
15 together have a long history which will
16 ensure that all the representations will
17 be satisfied, and it's going to be
18 hopefully a nice successful project for
19 them.

20 COUNCILWOMAN BROWN: Okay,
21 then. Let me ask a question totally
22 separate. Put that discussion on the
23 shelf. I'm learning that there are
24 developers around the country who are
25 exploring -- and I'm waiting for the

1 6/18/13 - RULES - BILL 130272, etc.
2 research on actual cities -- where as a
3 part of their development, they're
4 actually factoring in childcare centers
5 for residents that occupy that space. I
6 don't know yet if any developers in the
7 City are doing that, but from an economic
8 standpoint, you being the businessman
9 that you are, does that make sense from a
10 financial standpoint?

11 MR. RABINOVITCH: I think it's
12 a great idea and it's worth exploring. I
13 couldn't answer you at this particular
14 time. What comes to my mind is that when
15 we are ready to develop the property
16 after we've put in for our zoning permits
17 and so forth, we will be doing a really
18 in-depth market study about what kind of
19 amenities our tenants would desire.

20 COUNCILWOMAN BROWN: And what
21 makes sense for that particular
22 community.

23 MR. RABINOVITCH: What makes
24 sense for that particular demographic.
25 We'd be looking at the other properties

1 6/18/13 - RULES - BILL 130272, etc.
2 around us, like the Piazza, for example,
3 at what are the demographics of the
4 people living there and what are the
5 amenities that they are utilizing, is it
6 gyms, is it office space, communal office
7 space, WiFi lounge, is it childcare.
8 That kind of thing is something that we
9 would develop as an amenity as basically
10 part of the package of living there, and
11 I think it makes a whole lot of sense for
12 the right demographic of occupants. I
13 think it's a great idea. And I couldn't
14 tell you right now how many young
15 families we would be having, frankly, in
16 our building until we research it a bit
17 more.

18 COUNCILWOMAN BROWN: And I'm
19 not at all suggesting that you have to do
20 that. I'm simply doing preliminary
21 homework right now on that, because the
22 demographics are changing in certain
23 sectors of our city, and so I'm thinking
24 more and more about how and where does it
25 make sense for developers and legal

1 6/18/13 - RULES - BILL 130272, etc.
2 eagles to consider that amenity, because
3 it's exactly what it becomes. So I'm
4 purely at the pre-homework stage.

5 MR. RABINOVITCH: Yeah. I
6 think part of our analysis would also be
7 to look at the area as well and whether
8 it would be something that would benefit
9 the neighborhood beyond our own
10 residents. That would also be a strong
11 possibility. If that could be factored
12 in, we'd look at that also.

13 COUNCILWOMAN BROWN: Okay,
14 then. Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you, Councilwoman.

17 Any other questions?

18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, thank you all very much.

21 MR. PRIMAVERA: Thank you.

22 COUNCILMAN GREENLEE: Stay here
23 in case there's any other questions,
24 please.

25 Ms. Marconi, who else do we

1 6/18/13 - RULES - BILL 130272, etc.

2 have on the list?

3 THE CLERK: Leah Murphy and Ron
4 Ramstad.

5 COUNCILMAN GREENLEE: Is there
6 anyone else here other than the names
7 called that want to testify?

8 (No response.)

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN GREENLEE: Whoever
12 would like to go first, please identify
13 yourself and proceed.

14 MR. RAMSTAD: Good morning. My
15 name is Ron Ramstad. I'm the CEO of
16 Emil's Gourmet. We're a manufacturer of
17 organic and natural deli meats. I'm the
18 hidden secret that no one knows about.
19 I'm the guy across the street. I showed
20 up here on April Fool's Day 1996, which
21 was a very bad neighborhood, and has
22 since built one of the top organic and
23 natural deli meats in the country. But I
24 kept my head down, unfortunately, and
25 never got involved in much. And now

1 6/18/13 - RULES - BILL 130272, etc.
2 we're growing. We're all over the United
3 States, in Whole Foods, Wegmans, fresh
4 markets and all the national retailers.

5 The reason why I'm here is
6 basically since I have kept my head down
7 and I decided by the Commerce Department
8 in 1996 -- I ran into a guy named Vince
9 Dougherty the first week I was here, and
10 he basically convinced me to stay after
11 all these years. And so I've invested a
12 million internally in my building. It's
13 a very high-tech equipment-based company,
14 which most people just call me the
15 chicken guy. Well, I'm not a chicken
16 guy. I'm a very high, sophisticated
17 company that has some of the best
18 equipment in the country and things like
19 that.

20 What my issue is about the
21 whole project is, in 2007 we did have
22 discussions with Canus and basically had
23 an agreement basically about the 26-foot
24 barrier. The only reason -- I'm not
25 against any development. I realize

1 6/18/13 - RULES - BILL 130272, etc.

2 development happens, but my issue was
3 basically how do I protect my asset.

4 My previous company that I had
5 in upstate New York had issues where
6 you'd be out in the country and someone
7 put a million dollar home in, and next
8 thing you know, your business was run out
9 of the country. And so my issue is then
10 and it is still now, how do I protect my
11 asset.

12 I have two acres across the
13 street. Basically I am in the final
14 stages of doing a loading dock off the
15 street, which I haven't had. I had the
16 plans permitted, okayed two or three
17 years ago and, of course, the economy
18 hit. And so now I hope to be in the
19 ground hopefully in September, which will
20 help traffic there. But traffic on
21 American Street is really, really bad
22 now, and so with the development -- so
23 the issue -- unfortunately -- I have met
24 with Paul last Thursday and I met with
25 him yesterday. Unfortunately, it

1 6/18/13 - RULES - BILL 130272, etc.
2 wasn't -- I was kind of the ignored
3 person. He did come in 2011 and showed
4 me a plan, and I reminded him of our
5 agreement, which was fine, and then
6 recently I basically had an issue where
7 someone told me the development was going
8 and they were going to do it without the
9 barrier. Finally, after many of you
10 received letters from me, because I
11 wanted to make sure at least someone --
12 maybe someone read it, maybe you didn't,
13 but basically the thing is, I've
14 committed to stay in the City. I have 42
15 employees and fast growing, and all I'm
16 trying to do is protect my asset. Of
17 course, everybody wants me to leave now,
18 and the negative is no one has come to
19 talk to me, because I'm a pretty
20 compassionate guy.

21 So on our meetings with Paul,
22 after we had some -- I would probably say
23 his advice wasn't as good. He jumped in.
24 He's a great guy. And yesterday I
25 presented him basically an alternative to

1 6/18/13 - RULES - BILL 130272, etc.
2 how we could solve this problem, and I
3 could live with it if we can get that
4 agreement, but if this passes today,
5 which it probably will, but I think we
6 can get an agreement. If we can't get an
7 agreement, it will be very difficult.

8 One of the part of the
9 agreement was basically parking on
10 American Street between my plant and
11 Thompson Street has to definitely be
12 eliminated, because that's where my
13 loading dock comes in. That's where his
14 people exits off the street. It is a
15 concern in the future development.

16 I can't stop the world, and I
17 have no plans to and I plan to keep my
18 head down, keep inside my fortress, as
19 they say, and be a great citizen, pay my
20 taxes and hire more people. So mine is
21 mostly -- I think it was a rough start.
22 I think Paul and I are moving in the
23 right direction, and I think we can, but
24 that's probably the big issue and also
25 the future development of how do you

1 6/18/13 - RULES - BILL 130272, etc.
2 control that traffic, because I don't
3 want to be the one that gets on the news
4 and says a tractor-trailer hit somebody,
5 and so that will be long-term design
6 issues.

7 Thank you.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Let's hear from Ms. Murphy and
11 then we can have questions for both.
12 Now, we have the letters here, but we'll
13 make them part of the record, but maybe
14 you want to summarize what the concerns
15 are.

16 MS. MURPHY: Sure. And this
17 isn't in the statement from South
18 Kensington Community Partners. I should
19 say I'm a Board member of South
20 Kensington Community Partners. I'm also
21 the Co-Chair of the Planning and Zoning
22 Committee. So I oversaw the process of
23 community engagement between the South
24 Kensington residents and the proposed
25 developer.

1 6/18/13 - RULES - BILL 130272, etc.

2 Unfortunately, the community
3 does not support this development for a
4 number of reasons. In the end -- well,
5 for one thing, the community had a lot of
6 trouble accepting the level of density
7 that's currently proposed. In the end,
8 we were able to get community support for
9 the currently proposed number of units
10 and building heights. However, based on
11 the history of this project, where in
12 2007 they presented the community with a
13 plan that was at much lower density at
14 only 120 units, but ultimately once the
15 parcel was rezoned, they can as-of-right
16 propose any sort of development within
17 the as-of-right constraints of CMX-3
18 zoning, unlike a ZBA zoning variance
19 process where the presentation to the
20 community is more or less what's going to
21 be built if they are granted a variance.

22 So based on that history and
23 not having any real assurances that what
24 was being presented to the community
25 would be what would ultimately be built

1 6/18/13 - RULES - BILL 130272, etc.
2 and knowing that the maximum density and
3 building heights allowable in CMX-3,
4 which is a 500 FAR and unlimited building
5 height, which you don't find anywhere in
6 our neighborhood, and if you do look at a
7 map of zoning classifications for
8 development types that are that density,
9 you will see that they are only in Center
10 City, University City, and along the
11 Central Delaware. So we find that CMX-3
12 zoning is not contextual, and if this
13 zoning classification would allow a
14 maximum development, we would have to
15 oppose it.

16 So by contrast, we would
17 support the proposed development, but we
18 needed to put in place some assurances
19 that what would be built would be similar
20 to what was presented to the community.
21 So our letter of conditional support had
22 a number of provisos that would make them
23 bound to the building heights as
24 presented, the number of dwelling units
25 as presented, the greening plan as

1 6/18/13 - RULES - BILL 130272, etc.
2 presented, and so on. Unfortunately,
3 they were not willing to commit to those
4 aspects of the project. They want to
5 remain flexible in their right to develop
6 a denser, taller, a different project.
7 So ultimately we are not able to support
8 this project.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 I mentioned in the beginning
12 that Council President Clarke said while
13 he supports this, he also said that he
14 wants to keep working with everyone to
15 try to work out whatever disagreements
16 there may be, and I think I heard from
17 the developer that he wants to keep
18 working too. So even if this moves
19 today, it doesn't mean it's the end of
20 any conversation. And I know the Council
21 President would insist that the
22 conversations continue.

23 Are there questions?

24 Councilman Kenney.

25 Councilwoman Reynolds Brown I think put

1 6/18/13 - RULES - BILL 130272, etc.

2 her light on first. Councilwoman
3 Reynolds Brown.

4 COUNCILWOMAN BROWN: Good
5 morning, and let me thank you both for
6 your testimony. It is important to hear
7 all sides. I need to make sure, however,
8 that I understand what I think I heard.

9 Your name again, sir?

10 MR. RAMSTAD: My name is Ron.

11 COUNCILWOMAN BROWN: Forgive
12 me?

13 MR. RAMSTAD: My name is Ron.

14 COUNCILWOMAN BROWN: Ron, okay.
15 So you were quite civil in your
16 presentation and you fully understand the
17 value and beauty of development. The
18 reservation lies in future activity of
19 Canus?

20 MR. RAMSTAD: My main thing --
21 and Paul and I think we're going to make
22 it out, but my big issue is how to
23 protect my asset from the neighbors
24 complaining five years down the road that
25 they don't want a 24/7 operation that's

1 6/18/13 - RULES - BILL 130272, etc.
2 been there for 24 and then the traffic.
3 Those are the issues. I think his
4 project, I'm not opposed to his project
5 if we can resolve our issues. I believe
6 we will, but mine is pretty much to go on
7 record to say we are discussing, we want
8 to get in a discussion, it was at the nth
9 hour. He's open-minded. So if you work
10 ahead on that.

11 The future projects, I can't
12 stop anything, and I don't want to stop
13 anything. I just want people to know
14 that they have a serious traffic issue on
15 the corner of Thompson and American
16 because the narrow of the street. You
17 can't change it unless we both give up
18 land significantly.

19 COUNCILWOMAN BROWN: I see.

20 MR. RAMSTAD: And so going that
21 way, you have traffic also from the other
22 trucks that are there. Even though a lot
23 of businesses have left, there are still
24 significant truck traffic that comes
25 through that area.

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILWOMAN BROWN: And --

3 MR. RAMSTAD: And I personally
4 have five trucks a day that come through
5 there.

6 COUNCILWOMAN BROWN: And that's
7 what struck me, the fear, the
8 potentiality. And when we look at 22nd
9 and Market, it behooves us to think long
10 term forever. And so even the thought of
11 the notion that someone could be injured
12 because of a truck is what really --

13 MR. RAMSTAD: I unfortunately
14 think in the worst-case scenario, so I do
15 apologize for that.

16 COUNCILWOMAN BROWN: No, no,
17 no. We need to speak in the worst-case
18 scenario going forward.

19 MR. RAMSTAD: It basically is
20 more of you'll have other projects, and
21 I'm not pro this project or that project.
22 Mine is basically it's been a bad area
23 anyway of traffic. How does it get
24 managed better and to restrict from a
25 personal point. I don't want it to turn

1 6/18/13 - RULES - BILL 130272, etc.
2 into restricted truck traffic so I can't
3 get off the street, and that would be --
4 I'm trying to design my facility so I can
5 get off the street. So that's something
6 I'm making publicly known.

7 COUNCILWOMAN BROWN: So if we
8 can flush that out a little bit more
9 before I go to my other question.

10 Councilman Kenney.

11 COUNCILMAN KENNEY: No. Go
12 ahead.

13 COUNCILWOMAN BROWN: Well, then
14 what I'd like to do, with the permission
15 of the Chair, is to have either the
16 developer or the representative speak to
17 this long-term traffic issue that may
18 rear its ugly head five, six years from
19 now.

20 COUNCILMAN GREENLEE: How about
21 if we do this, how about if we complete
22 the questions and they can come back.

23 COUNCILWOMAN BROWN: That's
24 fine.

25 COUNCILMAN GREENLEE:

1 6/18/13 - RULES - BILL 130272, etc.

2 Councilman Kenney.

3 COUNCILMAN KENNEY: Yes. You
4 don't have -- Mr. Ramstad, you don't have
5 the feeling that people are trying to get
6 rid of you there, are you?

7 MR. RAMSTAD: Excuse me?

8 COUNCILMAN KENNEY: You had
9 mentioned earlier in your testimony that
10 you felt or potentially feel that someone
11 wanted to get rid of you there.

12 MR. RAMSTAD: Everyone but
13 Mr. Canus right now. Every developer in
14 town that keeps on telling me
15 regentrification. I'm not naive, and
16 that's the point, is I understand we can
17 work together. I'm actually supporting
18 his last three days. The issue if we can
19 work together and that's everyone
20 makes -- I don't want to be a residential
21 person. I have too much millions
22 invested to leave. I actually have a
23 pretty cool company right now. So that's
24 the part I don't want to leave either.

25 COUNCILMAN KENNEY: Does your

1 6/18/13 - RULES - BILL 130272, etc.

2 42 employees, are they generally in the
3 neighborhood?

4 MR. RAMSTAD: As many as I can
5 find. The issue in the neighborhood is
6 also regentrification, because those
7 people are -- I have general laborers, I
8 have high-level executives, and it
9 depends on where they're at. So I try to
10 hire as much as I can from Philadelphia
11 and in the inner city, because I do get
12 tax credits for it too.

13 COUNCILMAN KENNEY: And I'm not
14 suggesting that this happen, but the
15 potentiality still exists that as you
16 grow and because you're high tech and
17 because it's kind of a cool business, I
18 mean, I think of a place like the Navy
19 Yard where you may want to look at some
20 type of relocation.

21 MR. RAMSTAD: The real problem
22 is, my cost of construction is over the
23 top.

24 COUNCILMAN KENNEY: No, no.

25 MR. RAMSTAD: The other issue

1 6/18/13 - RULES - BILL 130272, etc.
2 is, I have two acres and I can triple,
3 quadruple my business until I'm dead and
4 my kids are dead. And so, yeah, that's
5 true, but the issue is at the moment, it
6 is a sheer millions and millions of
7 dollars to be lost on my end. And so
8 that's what I have to protect.

9 COUNCILMAN KENNEY: Again, I'm
10 not suggesting this happens next week,
11 but as time goes on, that facility was
12 created for the likes of companies like
13 yours that do that kind of cool stuff and
14 that you have parking, you'll have truck
15 access, you have all those kind of
16 things. And it's not something where you
17 would move on your own dime. It would be
18 something that the City would help kind
19 of maneuver.

20 MR. RAMSTAD: Well, that would
21 be great to hear from, but I never had
22 anyone ever say besides my own dime. So
23 that's the part at this moment it
24 would --

25 COUNCILMAN KENNEY: Plus there

1 6/18/13 - RULES - BILL 130272, etc.
2 are also tax zones and other things in
3 various areas that may put together a
4 package that makes sense. Do you own the
5 property you're at now?

6 MR. RAMSTAD: Yes, I do.

7 COUNCILMAN KENNEY: So there's
8 equity there.

9 MR. RAMSTAD: Definitely. In
10 the long term, there's nothing bad about
11 this for me, but mine is basically is,
12 you have to protect your assets. When
13 you have 500 new people walking in and
14 complaining -- which is great. I have no
15 problem. When I first was there, it was
16 horrible up in the Schmidt brewery area.
17 Now I can go to lunch without worrying
18 about getting shot, so it's great.

19 COUNCILMAN KENNEY: All right.

20 COUNCILMAN GREENLEE: That's an
21 advantage.

22 MR. RAMSTAD: It is an
23 advantage.

24 COUNCILWOMAN BROWN: My second
25 question is for the community.

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILMAN GREENLEE: I'm
3 sorry.

4 COUNCILWOMAN BROWN: On Page 2
5 of your letter, Ms. Leah, next to the
6 last paragraph -- one second. So you say
7 with the expectation that Phase II won't
8 happen for quite some time, the community
9 would like to see temporary greening or
10 other interim public improvements.

11 So what's the reality now when
12 it comes to -- you speak, I think I read
13 in here, dumping or whatever on the green
14 space. I'm trying to get a handle on are
15 you okay with the world as it is now with
16 Canus coming, but you have reservations
17 with the expansion of this enterprise?

18 MS. MURPHY: Well, with respect
19 to the maintenance of that lot over the
20 past several years, it has not been very
21 good. It has been a regular dumping
22 site. There has been next to no effort
23 made to make sure that things like TV's,
24 furniture, mattresses regularly you find
25 them along the street, especially on the

1 6/18/13 - RULES - BILL 130272, etc.
2 Thompson frontage, which is right next to
3 our community center. The plants have
4 been overgrown. The fence has been in a
5 state of disrepair for a number of years
6 as well. So that's obviously not ideal.
7 The impacts of vacancy along American
8 Street in general have been pretty bad.
9 I mean, it's a pretty desolate street.
10 It doesn't -- it's not -- I'm sure it has
11 impacts on adjacent neighbors and impacts
12 on development, revitalization of the
13 neighborhood.

14 COUNCILWOMAN BROWN: So given
15 that ugly site, might that also present
16 an opportunity with the new development
17 that's coming in terms of -- the new
18 magic word are community benefit
19 agreements. Might that present an
20 opportunity?

21 MS. MURPHY: Well, it could.
22 It could. But Canus has owned this
23 property since 2007. So, in effect, they
24 were responsible for the lack of
25 maintenance to the lot. So I don't know.

1 6/18/13 - RULES - BILL 130272, etc.

2 There's a question about trust and good
3 faith there that we are not comfortable
4 with.

5 But I would say that the
6 biggest concern of the community that
7 came out of this review process, as you
8 mentioned, is the worst-case scenario
9 where initially in 2007 they showed a
10 development that was in scale with
11 neighborhood character, and that
12 community support led to a rezoning by
13 ordinance for CMX-3, which would actually
14 allow a development that would be of a
15 Center City density. And now we see that
16 they have doubled the density of the
17 proposed development and there's really
18 nothing that could stop them from
19 developing a Center City type density on
20 this. That's the primary concern of the
21 community.

22 COUNCILWOMAN BROWN: I think I
23 remember them also saying in their
24 testimony that 2008 became a bad time for
25 everyone. And so from where I sit, it's

1 6/18/13 - RULES - BILL 130272, etc.
2 somewhat understandable that for two,
3 three, four, five years there was --
4 everybody pushed the pause button for
5 legitimate reasons.

6 So I mention how when we have
7 situations trying to find a silver
8 lining, if you will, or the positive that
9 can come out of that, that might be an
10 opportunity for you to consider going
11 forward.

12 MS. MURPHY: Sure. And I
13 think -- I mean, there would really be no
14 issue at all almost if we just had some
15 sort of formalized commitment to this
16 currently proposed project. If we had
17 some assurances that what gets built is
18 not going to have more units, is not
19 going to be higher than this, then that
20 would be the best-case scenario, I think,
21 for the community. Whether that's a deed
22 restriction or some other regulatory
23 measure, that's what we hope to discuss
24 going forward.

25 COUNCILWOMAN BROWN: Okay,

1 6/18/13 - RULES - BILL 130272, etc.

2 then. Thank you.

3 Thank you, Mr. Chairman.

4 COUNCILMAN GREENLEE: Thank
5 you, Councilwoman.

6 Any other questions?

7 (No response.)

8 COUNCILMAN GREENLEE: I want to
9 note for the record that Councilwoman
10 Bass, a member of the Committee, is
11 present.

12 If there's no other questions
13 right here, if I could ask to address
14 Councilwoman Reynolds Brown's issue on
15 traffic and trucks. I think that was
16 your questions. Mr. Rabinovitch, can you
17 address that at all.

18 Thank you both.

19 And I would note I think
20 Mr. Primavera said earlier that the
21 American Street part is probably still a
22 way in the distance time-wise. Is that
23 an accurate statement?

24 (Witnesses approached witness
25 table.)

1 6/18/13 - RULES - BILL 130272, etc.

2 MR. PRIMAVERA: Yes.

3 COUNCILMAN GREENLEE: So I
4 don't know how far along you are with the
5 traffic pattern, but I think at least
6 maybe you can address it for what you
7 know.

8 MR. RABINOVITCH: I'll make
9 reference to the site plans you have.
10 You can see on the first page what you --
11 where you have the zoning, you can see as
12 Ron said, as Mr. Ramstad said, that at
13 the southern end on American Street by
14 Thompson, American Street is narrow.
15 It's a two-lane road, and then as you
16 progress up north, as you can get towards
17 Master Street, it widens out. And at
18 issue here is if you can see the silver
19 of his facility sort of in the middle of
20 the block there, and that's where the
21 trucks are coming in, and they would be
22 in his new plan turning into his lot
23 at -- I don't know exactly how far, but
24 maybe 500 feet from the intersection of
25 Thompson into that large parking lot that

1 6/18/13 - RULES - BILL 130272, etc.
2 you see there. And so in that respect, I
3 certainly understand. It doesn't -- as I
4 said earlier in my testimony, I have
5 great respect for the investment that
6 he's made in his factory. I've had a
7 tour of it. He does have a lot of
8 high-technology materials in there, and
9 it's a growing factory, and I have no
10 opposition to him staying there and
11 continuing to operate at his highest
12 efficiency. Clearly, if he can't get
13 trucks in and out, that would be a
14 problem. I think that there is
15 opportunity for him to get his trucks in
16 and out using the street, and we would
17 support keeping cars from parking on our
18 side of American Street so that trucks
19 could get the proper turning radius to
20 get in. I don't think it really benefits
21 anybody in any way to have dinged up cars
22 all up and down American Street. So that
23 would be our support position. It's not
24 anything we have control over. That
25 would be a decision the City of

1 6/18/13 - RULES - BILL 130272, etc.

2 Philadelphia would make.

3 COUNCILMAN GREENLEE: And
4 obviously that's something that could be
5 done by ordinance through Council.

6 MR. PRIMAVERA: Yes. And we're
7 going to continue obviously, as you said,
8 to work on that. That's the second phase
9 of the development.

10 Interestingly, when this was
11 Absco Steel and before we had it rezoned
12 from industrial to CMX-3, I didn't know
13 Absco Steel, but I've done a lot of work
14 for companies like that. And I think we
15 all know, they come in with the scrap.
16 There's all kinds of activity. I mean, I
17 think that Council was very
18 forward-looking to eliminate that
19 entire -- what you see in red was
20 industrial. We spent \$8 million to
21 remediate the soil, with the cooperation
22 of Pennvest. So whatever small amount of
23 traffic in a transit-oriented development
24 would happen here has to be better than
25 if this site was an actively engaged

1 6/18/13 - RULES - BILL 130272, etc.

2 scrap metal site with the trucks and the
3 junk falling out.

4 Second of all, I heard Ron said
5 there are five trucks a day. We've
6 already looked at it with traffic
7 engineers and all that. We believe that
8 he can be fully accommodated without any
9 harm to us or anybody. So it's a
10 win-win.

11 The reason I mentioned the \$8
12 million from Pennvest, which has to be
13 repaid at some point very quickly, the
14 mention by Leah of a deed restriction and
15 all these other restrictions, Pennvest
16 would not agree to that. Pennvest in the
17 event that we fail, they want to reclaim
18 the property. They have a mortgage. So
19 what we want to build is what was
20 approved by the Planning Commission, and
21 what we want to build is what we intend
22 to build. But we don't own the property
23 free and clear, so we can't put on deed
24 restrictions and do things that we
25 otherwise might want to do.

1 6/18/13 - RULES - BILL 130272, etc.

2 So I just wanted to make sure
3 it's not through lack of cooperation, but
4 there's a financial reality to this.

5 So we're excited about the
6 project. It's been designed. That's
7 what we intend to build. Phase I will be
8 on Second Street. I don't think there's
9 any technical concern about that from
10 anyone. And then as I said earlier, we
11 will continue to work through both the
12 issues presented by the industrial users
13 on American Street and also the technical
14 issues that the community is concerned
15 about in terms of the active streetscape.

16 You can see that -- and we're
17 happy to be in this role, but we're in
18 the middle of the discussion. The last
19 panel was very interesting, because you
20 have somebody who has got a legitimate
21 successful business. They want to
22 protect that. And then you have the
23 community that wants to be
24 forward-looking. We're happy to be in
25 the middle, because we think we have the

1 6/18/13 - RULES - BILL 130272, etc.
2 expertise, the talent, and the vision to
3 really respect both sides. So that's
4 really the opportunity that we hope to
5 take advantage of.

6 COUNCILMAN GREENLEE: And,
7 again, you pledge that those
8 conversations, both with the community
9 and business owner, is going to continue,
10 correct?

11 MR. PRIMAVERA: Absolutely.

12 MR. RABINOVITCH: One more
13 comment on traffic. I'd ask Seth, our
14 architect, to talk about how we're going
15 to load and unload the majority of the
16 cars.

17 COUNCILMAN GREENLEE: Just
18 identify yourself. Just say your name
19 for the record.

20 MR. SHAPIRO: I'm Seth Shapiro.
21 I'm the Director of Planning and Urban
22 Design for Barton Partners. We're the
23 architects and land planners for this
24 project.

25 If you look at the second page

1 6/18/13 - RULES - BILL 130272, etc.
2 in your packet here, this page that looks
3 like this here, you'll notice that the
4 majority of our vehicular access is on
5 the -- well, I guess north is up -- north
6 is to the right in this case, is on the
7 north half of the parcel, mostly
8 concentrated along Master Street. So
9 there's access to the parking from Master
10 Street, with only an "in" curb cut on
11 American Street. And that was done, A,
12 through actually community input and, B,
13 because we realized that the majority of
14 the truck traffic from the business
15 across the street was occurring on the
16 lower half of American Street.

17 COUNCILMAN GREENLEE: Okay.

18 COUNCILWOMAN BROWN: And where
19 is the lot that the former panel was
20 referencing on Page 2, the lot that --

21 MR. RABINOVITCH: Ron's
22 factory?

23 COUNCILWOMAN BROWN: That
24 Ms. Murphy was referencing.

25 MR. RABINOVITCH: Oh, where is

1 6/18/13 - RULES - BILL 130272, etc.

2 the green?

3 COUNCILWOMAN BROWN: Yeah, the
4 lot that she was referencing.

5 MR. RABINOVITCH: I think she
6 was referencing that in the letter, you
7 mean. As Carl was saying, we are going
8 to develop the buildings on Second Street
9 first, those two buildings that you see
10 there.

11 COUNCILWOMAN BROWN: Yes.

12 MR. RABINOVITCH: And then the
13 third building that we developed would be
14 in the second phase, would be on American
15 Street. And I believe the point of her
16 correspondence was what's going to happen
17 with that vacant land while we're
18 developing the first phase.

19 COUNCILWOMAN BROWN: Okay. All
20 right, then. Thank you.

21 Thank you, Mr. Chairman.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Any other questions?

25 (No response.)

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILMAN GREENLEE: Seeing
3 none, is there anyone else here to
4 testify on Bill No. 130272?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, that will conclude our public
8 hearing. We'll go into the public
9 meeting momentarily.

10 And momentarily has happened.
11 We are now in the public meeting of the
12 Rules Committee, and the Chair recognizes
13 Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you,
15 Mr. Chairman. I move that Bill No.
16 130448 be amended to include formally the
17 EOP plan for the project.

18 (Duly seconded.)

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

21 All in favor?

22 (Aye.)

23 COUNCILMAN GREENLEE: Opposed?

24 (No response.)

25 COUNCILMAN GREENLEE: Hearing

1 6/18/13 - RULES - BILL 130272, etc.

2 none, the amendment is approved.

3 Councilman Kenney.

4 COUNCILMAN KENNEY: Thank you,

5 Mr. Chairman. I move that Bill No.

6 130448, as amended, be reported out of

7 this Committee with a favorable

8 recommendation and a request made for

9 rules suspension to allow first reading

10 at our next Council session.

11 (Duly seconded.)

12 COUNCILMAN GREENLEE: Moved and

13 seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN GREENLEE: Opposed?

17 (No response.)

18 COUNCILMAN GREENLEE: Hearing

19 none, Bill No. 130448, as amended, is

20 reported out of this Committee favorably

21 with a rules suspension.

22 Councilman Kenney.

23 COUNCILMAN KENNEY: Thank you,

24 Mr. Chairman. I move that Bill No.

25 130272 be amended accordingly to include

1 6/18/13 - RULES - BILL 130272, etc.

2 formally the EOP plan to the legislation.

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, the amendment is approved.

12 Councilman Kenney.

13 COUNCILMAN KENNEY: Thank you,

14 Mr. Chairman. I move that Bill No.

15 130272, as amended, be reported out of

16 this Committee favorably and a request

17 made for rules suspension to allow first

18 reading at our next Council session.

19 (Duly seconded.)

20 COUNCILMAN GREENLEE: Moved and

21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

1 6/18/13 - RULES - BILL 130272, etc.

2 COUNCILMAN GREENLEE: Hearing
3 none, Bill No. 130272, as amended, is
4 reported out of this Committee favorably
5 with a rules suspension to allow for
6 first reading at our next session of
7 Council.

8 That concludes the business of
9 the Rules Committee today. Thank you all
10 very much for your participation.

11 (Committee on Rules concluded
12 at 11:05 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 ability 19:12 29:8 34:8 able 19:6 27:8 49:8 51:7 Absco 18:25 21:14 67:11,13 Absolutely 70:11 accede 23:22 accepting 49:6 access 58:15 71:4 71:9 accessory 17:12 accommodated 68:8 accommodation 14:6 accommodations 28:10 accord 5:14 accurate 64:23 accurately 77:5 achieved 30:17 acknowledgment 19:24 acres 45:12 58:2 action 10:17 active 28:20,24 69:15 actively 29:5 67:25 activities 32:11 activity 30:21 52:18 67:16 actual 40:2 add 14:20 added 10:10 adding 2:20 34:12 addition 7:25 8:18 10:4 33:21 34:2,14 additional 4:2 23:23 address 10:15 24:25 64:13,17 65:6 adjacent 61:11	adopted 4:24 advance 27:9 advantage 34:7 59:21,23 70:5 advice 46:23 aerial 28:19 agenda 29:2 ago 19:8 26:15 45:17 agree 8:9 68:16 agreement 24:9 37:24 44:23 46:5 47:4,6,7,9 agreements 61:19 ahead 53:10 55:12 aisle 4:4 alarm 13:21 allocation 38:16 allow 10:10 19:10 29:8,12 35:16 50:13 62:14 74:9 75:17 76:5 allowable 50:3 allowed 27:25 33:15 allows 35:21,25 alternative 46:25 amend 15:24 amended 73:16 74:6,19,25 75:15 76:3 amending 2:18 3:14 amendment 15:9 22:3 74:2 75:11 amendments 3:20 5:4 amends 3:13 4:6 16:23 amenities 40:19 41:5 amenity 7:20 41:9 42:2 American 16:5 17:4,17 19:17 23:16,25 24:22	25:13 27:15,17 27:23,23 28:22 45:21 47:10 53:15 61:7 64:21 65:13,14 66:18,22 69:13 71:11,16 72:14 amount 25:2 67:22 analysis 42:6 and/or 77:22 answer 5:18 10:19,24 17:24 20:25 40:13 anybody 23:14 66:21 68:9 anyway 21:4 54:23 apartment 30:25 apartments 26:16 37:10 apologize 54:15 apparently 13:22 appear 5:17 applied 34:20 apply 9:22 77:20 appreciate 5:17 approached 6:8 18:12 43:9 64:24 approaching 6:4 approval 8:21 approved 5:10,14 17:21 24:11 68:20 74:2 75:11 approximately 4:14,18 April 16:21 43:20 architect 18:20 22:10 26:14 70:14 architects 9:3 14:21 70:23 Ardmore 38:6 area 2:21 3:16,21 3:24 4:2 16:3,25	18:24 19:23 24:2 25:8 28:17 42:7 53:25 54:22 59:16 areas 3:15 11:20 16:2 59:3 artisan 27:20 asking 9:24 aspect 35:2 aspects 19:12 51:4 asset 45:3,11 46:16 52:23 assets 59:12 assistance 19:3 assurances 49:23 50:18 63:17 as-of-right 49:15 49:17 attempting 34:23 attended 29:22 attorney 6:15 August 5:2 9:19 9:20 available 22:7 36:4 Avenue 25:18 aware 32:12,22 Aye 73:22 74:15 75:7,23 a.m 1:7 76:12 B B 27:24 71:12 back 19:14 25:4 55:22 background 12:10 bad 43:21 45:21 54:22 59:10 61:8 62:24 balance 22:14 30:17 barrier 44:24 46:9 Barton 18:21 70:22	based 49:10,22 basically 33:16 35:21 41:9 44:6 44:10,22,23 45:3,13 46:6,13 46:25 47:9 54:19,22 59:11 Bass 1:10 64:10 beauty 52:17 bedroom 36:18 36:19 beginning 51:11 begun 28:5 behooves 54:9 believe 9:14 13:16 20:18 23:14 29:10 53:5 68:7 72:15 benefit 42:8 61:18 benefits 37:24 66:20 best 44:17 best-case 63:20 better 22:17 54:24 67:24 beyond 42:9 bicycle 34:4,10 bicycles 34:3 big 47:24 52:22 biggest 62:6 bill 1:11 2:9,11,15 2:17,25 3:1,10 3:13,19 4:1,3,6 4:22 5:1,8,13 6:1,6,20 7:1 8:1 8:8,13,15 9:1,10 9:15,21 10:1,13 11:1,18 12:1,4,9 13:1 14:1 15:1,9 15:17,17,21,22 15:23 16:1,10 16:19,23 17:1 17:20 18:1 19:1 19:15 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1
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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 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 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1,4,15 74:1,5 74:19,24 75:1 75:14 76:1,3 BILLS 1:15 bird 39:12 bit 11:10 41:16 55:8 Blackwell 3:12 6:5 8:19 block 31:12,15,23 33:23 65:20 blocks 32:10 BLONDELL 1:13 BLT 14:21 board 6:14 14:5 48:19 Boles 14:22 bonuses 4:2 bound 50:23 bounded 2:21 3:16 16:3 17:2 break 27:8 breaking 10:17 brewery 32:4 59:16 brochure 18:23 Brown 1:13 21:22 36:24,25 37:4 37:12,17,25 38:8 39:3,20 40:20 41:18 42:13 51:25	52:3,4,11,14 53:19 54:2,6,16 55:7,13,23 59:24 60:4 61:14 62:22 63:25 71:18,23 72:3,11,19 Brown's 64:14 budget 14:16 build 68:19,21,22 69:7 building 7:16,22 8:6 13:8 31:24 35:3,3,13 41:16 44:12 49:10 50:3,4,23 72:13 buildings 3:23 17:15 26:17 34:23 72:8,9 built 14:15 17:14 43:22 49:21,25 50:19 63:17 Bumb 25:14 bunch 15:3 bus 33:23 business 25:23 26:9 30:15 37:15 45:8 57:17 58:3 69:21 70:9 71:14 76:8 businesses 22:13 22:24 53:23 businessman 40:8 button 63:4 C call 2:13 12:12 18:7,8 23:17 25:17 44:14 called 43:7 calls 7:13 Canus 26:7 44:22 52:19 56:13 60:16 61:22 carefully 25:11 Carl 18:11,18	27:6 28:12 29:18 72:7 cars 14:10 66:17 66:21 70:16 case 9:5 42:23 71:6 cash 13:11 Cathedral 4:12 6:23 7:6,14,18 8:2,25 12:15 Cathedral's 6:24 Cecil 27:24 cement 14:10 center 3:22 4:16 7:17 34:16 50:9 61:3 62:15,19 centers 40:4 central 36:5 50:11 CEO 43:15 certain 2:23 3:15 16:2 41:22 certainly 14:4 66:3 CERTIFICATE 77:2 certification 77:19 certified 11:21 13:24 CERTIFY 77:3 certifying 77:23 Chair 1:10 2:7,13 55:15 73:12 Chairman 3:5 6:14 16:14 31:8 64:3 72:21 73:15 74:5,24 75:14 change 19:16 20:11 53:17 changing 15:25 20:17 41:22 character 20:16 62:11 Chestnut 2:22 3:18 7:10 chicken 44:15,15	childcare 40:4 41:7 Children's 39:9 CINDY 1:10 cities 40:2 citizen 47:19 city 1:2,6 3:9,23 5:7,12 7:12 8:12 8:22 9:24 12:21 14:9 15:3 16:17 17:19 19:4,8 27:13 37:15 38:4,6,21,23 40:7 41:23 46:14 50:10,10 57:11 58:18 62:15,19 66:25 civil 52:15 Clarke 16:9,21 51:12 classification 27:25 50:13 classifications 50:7 classified 8:5 clean 33:18 cleanest 33:19 clear 21:6 68:23 Clearly 20:16 66:12 CLERK 2:17 15:23 18:10 43:3 client 13:14 18:19 closer 30:11 CMX-3 17:6,7 21:3 49:17 50:3 50:11 62:13 67:12 CMX-4 3:22 code 2:19 3:14 4:19,21,24,25 5:6 9:17,18,22 10:7 24:11 colleges 12:13 combine 27:18 come 6:2,19 19:14	33:15 46:3,18 54:4 55:22 63:9 67:15 comes 32:8 40:14 47:13 53:24 60:12 comfortable 62:3 coming 20:14 60:16 61:17 65:21 comment 70:13 comments 23:8 29:25 Commerce 25:13 44:7 commercial 3:23 7:2 8:7 17:6,7 20:20 Commission 3:9 5:8,13 8:21,22 16:18 17:20 20:5 24:12 68:20 commit 51:3 commitment 22:13 63:15 committed 24:20 46:14 Committee 1:3 2:3,7 3:6 8:12 10:12,15 16:15 48:22 64:10 73:12 74:7,20 75:16 76:4,9,11 Commonwealth 19:5 communal 41:6 communications 26:21 29:5 community 7:17 14:7 20:5,21 22:12,23 23:3 23:17 24:20 25:3,4,23 26:22 27:13 28:4,12 31:19 35:8,10 35:12,24 36:4,6
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37:24 40:22 48:18,20,23 49:2,5,8,12,20 49:24 50:20 59:25 60:8 61:3 61:18 62:6,12 62:21 63:21 69:14,23 70:8 71:12 companies 11:23 58:12 67:14 company 11:10 11:11,25,25 12:11 14:4 19:2 19:4 26:12,15 44:13,17 45:4 56:23 compassionate 46:20 complaining 52:24 59:14 complete 55:21 completed 8:23 33:9 completely 21:12 complex 9:6 31:2 complicated 24:17 comply 12:6 concentrated 71:8 concept 34:4 concern 23:14 47:15 62:6,20 69:9 concerned 69:14 concerns 48:14 conclude 73:7 concluded 76:11 concludes 5:16 76:8 conditional 50:21 conditions 2:24 24:14,15 conducted 15:2 congratulations 14:17	connection 35:17 consider 42:2 63:10 considered 17:20 consists 17:13 constraints 49:17 construct 4:12 constructing 6:25 construction 11:20 12:18,19 13:4 38:19,25 57:22 contained 77:5 contaminated 21:13 context 7:13 contextual 50:12 continue 25:10 29:13 51:22 67:7 69:11 70:9 continuing 24:24 66:11 contracting 38:14 38:16,17 contractor 12:2 contractors 11:12 13:7 14:8 contrast 50:16 control 48:2 66:24 77:22 conversation 24:7 26:24 27:12 51:20 conversations 27:5 28:3,8,14 51:22 70:8 convinced 44:10 cool 56:23 57:17 58:13 cooperates 14:5 cooperation 67:21 69:3 corner 53:15 Corporation 26:7 correct 21:25 22:5 70:10 77:8 correspondence	72:16 corridor 25:14 cost 57:22 Council 1:2 8:12 9:25 10:14 16:9 16:21 19:8 51:12,20 67:5 67:17 74:10 75:18 76:7 Councilman 1:10 1:11,11,12,12 2:2,6,8,8,9 3:2 5:20,24 6:10 10:21 11:3,6,7,8 11:16 12:24 13:19 14:19,25 15:5,6,13,19 16:6 17:25 18:5 18:15 21:5,9,16 21:19,20 22:2,6 22:20 25:21 26:3 29:17 31:3 31:6,7,17,21 32:23 36:8,12 36:20,22,23 42:15,19,22 43:5,11 48:8 51:9,24 55:10 55:11,20,25 56:2,3,8,25 57:13,24 58:9 58:25 59:7,19 59:20 60:2 64:4 64:8 65:3 67:3 70:6,17 71:17 72:22 73:2,6,13 73:14,19,23,25 74:3,4,12,16,18 74:22,23 75:4,8 75:10,12,13,20 75:24 76:2 Councilmember 3:11 16:20 Councilwoman 1:10,13 6:5 8:19 21:21 36:24,25 37:4,12,17,25	38:8 39:3,5,20 40:20 41:18 42:13,16 51:25 52:2,4,11,14 53:19 54:2,6,16 55:7,13,23 59:24 60:4 61:14 62:22 63:25 64:5,9,14 71:18,23 72:3 72:11,19 country 39:24 43:23 44:18 45:6,9 course 12:20 45:17 46:17 courtyard 34:15 36:5 Co-Chair 48:21 create 30:19,20 created 58:12 creative 27:19,20 creatively 25:11 credits 57:12 cross 31:13 crosswalk 35:20 36:3 cross-block 36:3 curb 71:10 curious 32:10 current 27:11 28:7 30:2 currently 17:11 23:9 49:7,9 63:16 cut 71:10 cutting 33:3 cutting-edge 35:6 C-2 8:5,7 D dare 33:20 date 9:16,19 David 6:18 day 43:20 54:4 68:5 daycare 4:15	days 56:18 daytime 36:7 dead 58:3,4 debris 14:9 December 9:18 decided 44:7 decision 66:25 deed 63:21 68:14 68:23 definitely 47:11 59:9 Delaware 50:11 deli 43:17,23 deliberate 30:4 demographic 40:24 41:12 demographics 41:3,22 demolition 13:2 14:11 DENNIS 1:12 denser 51:6 density 49:6,13 50:2,8 62:15,16 62:19 Department 25:13 44:7 depends 57:9 design 23:6 39:2 48:5 55:4 70:22 designated 3:21 designation 17:4 17:7 designations 16:2 designed 30:23 69:6 designing 35:23 designs 22:19 desire 24:13 40:19 desires 28:9 desolate 61:9 destination 30:21 details 29:24 develop 6:23 23:16 27:17 40:15 41:9 51:5
--	--	--	--	--

72:8	discussing 38:18	37:8,18,23 40:7	EOC 37:5	factored 42:11
developed 23:19	38:18 53:7	economy 19:11	EOP 14:6 15:8	factoring 40:4
38:4 72:13	discussion 25:6,7	27:7 45:17	21:24 38:4	factors 34:11
developer 4:10	25:22 30:5	edge 33:3	73:17 75:2	factory 66:6,9
12:2 17:9 48:25	39:22 53:8	Educational 37:6	Episcopal 4:11	71:22
51:17 55:16	69:18	effect 4:25 61:23	6:23	fail 68:17
56:13	discussions 44:22	effective 9:16,19	Episcopalians	faith 62:3
developers 13:6	disrepair 61:5	efficiency 29:7	14:13	falling 68:3
26:8 39:24 40:6	distance 31:16	35:5 66:12	equipment 44:18	familiar 11:17
41:25	64:22	effort 60:22	equipment-based	12:4,5,9 31:18
developing 62:19	diversity 28:2	either 55:15 56:24	44:13	32:16 38:22
72:18	Division 3:7,8	eligible 3:25	equity 59:8	families 41:15
development 3:7	16:15,17	eliminate 67:18	especially 60:25	far 18:20 50:4
5:3,5 7:3,14	dock 45:14 47:13	eliminated 47:12	established 2:6	65:4,23
11:11,24 16:16	doing 20:11 37:14	emerging 30:3	event 68:17	fast 46:15
22:15 24:10	40:7,17 41:20	Emil's 43:16	everybody 30:18	favor 73:21 74:14
30:9 32:11,24	45:14	employees 46:15	46:17 63:4	75:6,22
33:4,6 39:10	dollar 45:7	57:2	everybody's 28:9	favorable 10:17
40:3 44:25 45:2	dollars 58:7	enact 9:25	evidence 77:4	74:7
45:22 46:7	Domus 38:19	enacted 8:13 9:17	exactly 42:3 65:23	favorably 74:20
47:15,25 49:3	39:14	9:18	example 13:8	75:16 76:4
49:16 50:8,14	Don 31:14	enactment 10:14	23:24 41:2	fear 54:7
50:17 52:17	doorstep 30:13	energy 34:22 35:5	excited 69:5	features 33:2
61:12,16 62:10	doubled 62:16	energy-efficiency	exclusively 39:14	feel 56:10
62:14,17 67:9	Dougherty 44:9	35:6	Excuse 56:7	feeling 56:5
67:23	drives 10:5	engaged 14:21	executed 8:23	feet 4:5,5,14,17
dialogue 22:21	driveway 10:10	67:25	executing 9:4	7:10,11 10:7,8
23:4 24:19,24	Duane 25:14	engagement	Executive 26:6	10:11 33:17
25:3	Duly 73:18 74:11	48:23	executives 57:8	65:24
different 11:19	75:3,19	engagements	exercise 8:10	felt 56:10
26:11 27:19	dump 14:9	26:20	exists 57:15	fence 61:4
35:10 51:6	dumping 14:9	engages 12:11	exits 47:14	figure 32:12
difficult 47:7	60:13,21	engaging 38:19	expansion 60:17	final 9:4,7 22:19
dilapidated 32:14	dumpsters 14:11	engineers 9:3	expectation 60:7	35:2 45:13
dime 58:17,22	dwelling 50:24	14:23 68:7	expense 20:19	Finally 4:5 46:9
dimension 10:8		enjoyment 35:25	expertise 70:2	financial 7:4
dinged 66:21		enjoys 8:18	explain 35:18	24:14 40:10
Diocese 12:16	E	enormous 25:2	exploring 39:25	69:4
direct 26:22 77:22	eagles 42:2	ensure 38:10	40:12	find 22:14 32:18
direction 47:23	earlier 56:9 64:20	39:16	express 16:10	50:5,11 57:5
Director 3:7	66:4 69:10	enterprise 60:17	extremely 35:4	60:24 63:7
16:16 70:21	early 39:12	enterprises 27:17		fine 46:5 55:24
disagreements	earned 8:20	entire 28:22 67:19		finishing 9:2
51:15	earnest 28:5	entirely 12:11	facility 29:10 55:4	fire 13:20,21
disaster 31:25	easily 35:11	entitled 2:19 9:11	58:11 65:19	32:19
discovered 9:5	easy 18:6	entitled 2:19 9:11	fact 18:22	firm 6:7 14:22,23
discuss 63:23	ecclesiastical 7:24	environmental	factor 33:6,9	14:24 38:15,17
	economic 8:24	32:25 33:7		

first 2:15 3:21 7:16 17:15 23:12 25:5 33:9 37:14,20 38:3 39:7,8,10 43:12 44:9 52:2 59:15 65:10 72:9,18 74:9 75:17 76:6 first-class 6:25 fit 8:8 five 19:8 29:20 52:24 54:4 55:18 63:3 68:5 flavor 20:17 flexible 51:5 floor 3:24 4:2 7:16,20,22 floors 7:19 flush 55:8 focused 23:6 follow 11:23 14:14 following 9:16 follows 14:4 Foods 44:3 Fool's 43:20 foot 20:10 36:17 36:17 force 9:15 foregoing 77:7,19 forever 54:10 Forgive 52:11 formalized 63:15 formally 73:16 75:2 former 71:19 forth 38:7 40:17 fortress 47:18 forward 6:2 10:16 54:18 63:11,24 forward-looking 67:18 69:24 four 33:17 63:3 frankly 41:15 free 68:23 fresh 44:3 frontage 28:22,23	32:7 61:2 full 10:13 fully 52:16 68:8 77:5 furniture 60:24 future 24:4 27:15 28:10 47:15,25 52:18 53:11 G garage 10:6 gardens 34:19 gathering 4:16 7:18 general 12:2 13:5 36:13 57:7 61:8 generally 57:2 generation 37:23 gentleman 13:23 14:2 gentlemen 37:2 getting 59:18 Girard 25:18 31:13 give 12:6 36:13 53:17 given 61:14 glad 14:12 go 13:17 21:15 24:9 31:15 43:12 53:6 55:9 55:11 59:17 73:8 goes 24:18 58:11 going 18:8 19:25 20:2,12,18,20 24:23 25:4 30:13,18 32:16 34:12 36:16 38:14 39:17 46:7,8 49:20 52:21 53:20 54:18 63:10,18 63:19,24 67:7 70:9,14 72:7,16 gold 35:11,12 good 3:2,4 6:13	8:10 11:9 14:17 15:14 16:13 18:14,15 24:7 30:18 33:14 35:16 36:25 37:3 43:14 46:23 52:4 60:21 62:2 Goode 1:11 2:8 Gourmet 43:16 granted 49:21 grants 34:24 great 36:20 40:12 41:13 46:24 47:19 58:21 59:14,18 66:5 greater 28:2 green 1:11 2:9 34:15 60:13 72:2 greening 50:25 60:9 Greenlee 1:10 2:2 2:10 3:2,5 5:20 5:24 6:10 10:21 11:3,6 15:5,13 15:19 16:6,14 16:20 17:25 18:5,15 21:5,20 22:2,6,20 25:21 26:3 29:17 31:3 36:22 42:15,19 42:22 43:5,11 48:8 51:9 55:20 55:25 59:20 60:2 64:4,8 65:3 67:3 70:6,17 71:17 72:22 73:2,6,19,23,25 74:12,16,18 75:4,8,10,20,24 76:2 gross 3:24 4:2 ground 7:22 10:17 45:19 group 6:16,19 25:14 28:4	29:23 groups 26:22,23 grow 57:16 growing 7:12 44:2 46:15 66:9 guess 24:21 71:5 guy 43:19 44:8,15 44:16 46:20,24 gyms 41:6 H half 4:8 31:12 71:7,16 Hall 1:6 handle 60:14 happen 32:2,20 57:14 60:8 67:24 72:16 happened 73:10 happening 25:15 25:16,19 30:11 happens 45:2 58:10 happy 5:18 15:3 17:23 69:17,24 harm 68:9 head 29:16 43:24 44:6 47:18 55:18 hear 14:12 19:21 29:23 30:6 48:10 52:6 58:21 heard 6:5 16:8 51:16 52:8 68:4 hearing 73:8,25 74:18 75:10 76:2 height 50:5 heights 49:10 50:3,23 held 2:13 help 19:5 38:10 45:20 58:18 hidden 43:18 high 35:4,14 44:16 57:16	higher 36:11 63:19 highest 29:7 66:11 high-level 30:5 57:8 high-tech 44:13 high-technology 66:8 hire 47:20 57:10 hires 12:2 hiring 14:3 historic 7:6 Historical 8:21 history 38:20 39:15 49:11,22 hit 45:18 48:4 home 45:7 homework 41:21 hope 20:12 23:15 45:18 63:23 70:4 hopefully 12:4 14:16 23:19 39:18 45:19 horrible 59:16 Hospital 39:9 hour 53:9 hours 36:7 housing 4:7 7:19 13:9 I idea 12:6 35:16 36:14 40:12 41:13 ideal 61:6 identical 8:14 identify 6:11 26:4 43:12 70:18 ignored 46:2 II 23:15 24:16 60:7 immediate 31:19 impacts 61:7,11 61:11 important 10:18
---	--	--	--	--

52:6 improve 29:12 improvements 8:2 60:10 include 73:16 74:25 Included 7:20 including 9:10 17:15 34:4 incorporated 23:8 29:25 individual 11:12 industrial 17:5 19:19,20,23 20:10,19,22 21:2 22:12 24:21 25:4 26:23 29:8 30:12,15 31:24 32:13 67:12,20 69:12 informs 9:13 infrastructure 38:9 initially 62:9 initiated 26:25 injured 54:11 inner 57:11 input 71:12 inside 47:18 insist 51:21 installed 36:3 Intech 12:17 14:3 integrates 35:24 intend 11:13 68:21 69:7 intends 9:22 interest 37:5 interested 35:22 35:23 interesting 69:19 interestingly 39:6 67:10 interfere 20:3 interfered 19:11 interim 27:10 38:5 60:10	internal 10:5,10 internally 44:12 intersection 7:8 65:24 introduced 3:11 16:20 invested 44:11 56:22 investment 66:5 involved 43:25 in-depth 40:18 isolation 25:16 issue 12:25 13:2 44:20 45:2,9,23 46:6 47:24 52:22 53:14 55:17 56:18 57:5,25 58:5 63:14 64:14 65:18 issued 5:3 issues 23:7,18 24:8 45:5 48:6 53:3,5 69:12,14 item 5:14 I-2 17:5 J JAMES 1:12 joint 6:17 8:22 JR 1:11 July 4:23 jumped 46:23 June 1:7 5:9,11 junk 68:3 K K 1:10 keep 47:17,18 51:14,17 keeping 66:17 keeps 56:14 Kenney 1:12 2:6 11:7,8,16 12:24 13:19 14:25 21:9,16,19 31:6 31:7,17,21 32:23 36:8,12	36:20 51:24 55:10,11 56:2,3 56:8,25 57:13 57:24 58:9,25 59:7,19 73:13 73:14 74:3,4,22 74:23 75:12,13 Kensington 16:25 29:21 48:18,20 48:24 kept 43:24 44:6 kids 58:4 kind 19:24 30:5,7 30:15 33:3 34:24 40:18 41:8 46:2 57:17 58:13,15,18 kinds 27:19 30:21 67:16 know 6:21 11:17 22:10,24 24:2,2 24:17 29:21 32:15 33:24 34:22 40:6 45:8 51:20 53:13 61:25 65:4,7,23 67:12,15 knowing 50:2 known 12:20 55:6 knows 43:18 Kramer 2:25 3:3 3:4,6 5:21,22 16:7,12,13,15 18:2 L L 77:14 laborers 57:7 lack 61:24 69:3 land 3:16 16:2,25 53:18 70:23 72:17 landmark 30:7 landscaped 34:17 land-planning 8:11 large 13:5,6 20:8	30:10 31:24,24 32:13,19 34:14 36:18 65:25 larger 36:9 law 4:23 Leah 43:3 60:5 68:14 leaking 32:3 learning 39:23 leave 46:17 56:22 56:24 led 62:12 LEED 35:9 left 18:18,20 19:19,20 53:23 legal 41:25 legislation 6:7 8:16 16:11 75:2 legitimate 63:5 69:20 letter 50:21 60:5 72:6 letters 46:10 48:12 Let's 48:10 level 35:4,11,13 35:14 49:6 lies 52:18 light 52:2 likes 58:12 line 33:23 lining 63:8 list 43:2 litigation 33:12 little 11:10 13:20 24:16 32:6 55:8 live 19:25 30:24 30:25 47:3 living 41:4,10 load 70:15 loading 45:14 47:13 loan 19:6 located 3:16 16:3 locations 29:14 lockers 34:4 long 25:22 39:15	54:9 59:10 long-term 48:5 55:17 look 10:16 35:19 42:7,12 50:6 54:8 57:19 70:25 looked 32:4 68:6 looking 30:19,20 32:17 35:3 40:25 looks 31:25 32:19 71:2 lost 58:7 lot 12:22 21:12 23:6 29:24 41:11 49:5 53:22 60:19 61:25 65:22,25 66:7 67:13 71:19,20 72:4 lots 14:8 lounge 41:7 lower 27:22 49:13 71:16 low-rise 7:21 luck 14:17 15:15 Ludlow 2:22 3:17 lunch 59:17 L&I 9:8,13,21 M magic 61:18 main 24:13 52:20 maintenance 7:5 60:19 61:25 major 7:13 majority 70:15 71:4,13 making 55:6 manage 38:25 managed 54:24 manager 12:19 managing 38:16 Manayunk 39:8 maneuver 58:19 manner 13:15
---	---	--	--	--

manufacturer 43:16	68:14	moving 47:22	news 48:3	open-minded 53:9
map 28:19 50:7	mentioned 39:6	multiple 27:4,4	nice 39:18	operate 29:6
Maps 15:25 16:24	51:11 56:9 62:8	multi-family 4:7	non-sacred 6:24	66:11
March 28:6	68:11	Murphy 43:3	north 13:7 31:12	operates 13:14
Marconi 2:14	met 45:23,24	48:10,16 60:18	65:16 71:5,5,7	operation 52:25
15:20 18:7	metal 68:2	61:21 63:12	note 6:4 15:7 16:8	operations 29:13
42:25	MICHELE 77:14	71:24 77:14	64:9,19	opportunity 5:17
market 24:14	microphone 29:18		notes 77:6	8:24 10:15
40:18 54:9	middle 65:19	N	notice 71:3	30:23 37:6,8,19
markets 44:4	69:18,25	naive 56:15	notion 54:11	37:23 61:16,20
masonry 32:3	million 44:12	name 6:15 26:5	nth 53:8	63:10 66:15
Master 16:3 17:2	45:7 67:20	43:15 52:9,10	number 30:10	70:4
65:17 71:8,9	68:12	52:13 70:18	49:4,9 50:22,24	oppose 50:15
match 21:3	millions 56:21	named 44:8	61:5	opposed 14:7 53:4
material 27:2	58:6,6	names 43:6	numbers 13:5,6	73:23 74:16
33:10	mind 40:14	narrow 53:16	numerous 28:14	75:8,24
materials 33:15	mine 47:20 53:6	65:14	Nutter 8:13	opposition 66:10
66:8	54:22 59:11	national 44:4		ordinance 2:18
matter 6:17 20:7	minimum 4:4	natural 43:17,23	O	15:24 62:13
77:7	minor 5:4 9:7	Navy 57:18	objections 77:4	67:5
mattresses 60:24	10:4	near 28:4	obtain 10:3	organic 43:17,22
maximize 29:9	mix 30:15	necessarily 11:24	obtained 8:17	organizations 12:14
maximum 50:2	Mixed 3:23 17:8	necessitated 5:5	obviously 12:25	original 19:18
50:14	mixed-use 4:13	need 52:7 54:17	30:6 61:6 67:4,7	25:8
Mayor 8:13 11:18	7:2,15 20:21	needed 7:3 50:18	occupants 41:12	originally 4:19
ma'am 37:16	26:17	needs 20:9	occupied 7:23	9:10 19:7
mean 24:3 51:19	models 35:7	negative 46:18	occupy 40:5	other's 29:3,4
57:18 61:9	modifications 9:7	negotiated 25:12	occurring 71:15	outside 38:6
63:13 67:16	moment 58:5,23	neighborhood 17:2 20:15,17	offered 15:8 22:3	overall 25:17
72:7	momentarily 73:9	30:25 33:2 42:9	offhand 32:15	overgrown 61:4
means 77:21	73:10	43:21 50:6 57:3	office 7:21 39:2	oversaw 48:22
measure 9:8	Moore 27:24	57:5 61:13	41:6,6	over-the-counter 8:17 10:3
63:23	morning 3:3,4	62:11	offices 4:16	owned 26:12
meats 43:17,23	6:13 11:9 13:12	neighborhoods 26:12 39:13	official 29:20	61:22
Medium 17:5	16:13 18:14,16	neighbors 26:21	Oh 71:25	owner 22:9 70:9
meet 10:9	37:2,3 43:14	26:23 28:4	okay 21:19 37:25	owners 26:8
meeting 5:9,11	52:5	33:13,14 52:23	38:8 39:3,20	owns 32:13,18
15:10 17:18	mortgage 68:18	61:11	42:13 52:14	O'Brien 1:12 2:8
22:4 73:9,11	mother 26:13	Neil 6:15	60:15 63:25	o'clock 13:12
meetings 27:4	39:6	never 43:25 58:21	71:17 72:19	
29:20 46:21	move 13:23 58:17	new 9:16,22 10:7	okayed 45:16	P
member 48:19	73:15 74:5,24	24:10 25:6	old 18:25	package 41:10
64:10	75:14	27:16 30:25	once 49:14	59:4
members 3:5 6:14	moved 73:20	45:5 59:13	one's 36:10	packet 71:2
10:16 16:14	74:12 75:5,20	61:16,17 65:22	ongoing 24:19	
mention 37:9 63:6	moves 51:18		25:23 27:12	
			open 32:2 36:6	

page 60:4 65:10 70:25 71:2,20	Pennsylvania 1:6 19:6	38:21 57:10 67:2	portion 8:5 19:9	25:25 29:15,19
paid 13:11	Pennvest 67:22	Philadelphia's	position 66:23	35:15 39:5
panel 18:8 69:19 71:19	68:12,15,16	7:8	positive 22:15 63:8	42:21 64:20
panels 34:21,25	people 25:24	Piazza 30:20	possibilities 29:11 29:11	65:2 67:6 70:11
paragraph 60:6	30:14,24 35:25	31:10,23 32:9	possibility 42:11	principally 7:23
parcel 19:17	41:4 44:14	41:2	possible 27:16	principles 8:11
49:15 71:7	47:14,20 53:13	PIDA 34:20	29:25	prior 13:24 37:22
park 36:6	56:5 57:7 59:13	PIDC 27:22	potential 31:25	pro 54:21
parking 4:4,6,8	people's 14:10	piece 23:19	potentiality 54:8 57:15	probably 29:16
4:15 17:12 47:9	percent 3:25 21:4	pioneer 39:7,8	potentially 56:10	35:12 39:10
58:14 65:25	perform 35:4	place 38:10 50:18 57:18	Powelton 39:11	46:22 47:5,24
66:17 71:9	performance	placed 4:20	preliminary	64:21
part 4:24 25:16	35:14	plan 5:4,5 8:24	41:20	problem 13:20
40:3 41:10 42:6	period 24:4 26:24	19:11,15 20:4	present 1:9 61:15	32:23 47:2
47:8 48:13	permeability	23:9 28:7,7,10	61:19 64:11	57:21 59:15
56:24 58:23	35:21	28:11 30:2	presentation	66:14
64:21	permission 55:14	35:20 37:8,20	49:19 52:16	proceed 6:12
participation	permit 8:9,18	37:24 46:4	presented 46:25	43:13
76:10	9:12 10:3	47:17 49:13	49:12,24 50:20	proceedings 77:4
particular 13:3	permits 5:2 13:9	50:25 65:22	50:24,25 51:2	process 24:10
22:25 32:25	40:16	73:17 75:2	69:12	28:13 48:22
40:13,21,24	permitted 3:24	planners 70:23	presenting 28:7	49:19 62:7
particularly	10:6 45:16	planning 2:20 3:8	preservation 7:4	professional
33:14	permitting 8:6	3:9 5:7,12 8:20	President 6:18	27:20
partly 17:5,6	32:9	16:16,18 17:19	16:9,21 26:7	profile 37:10
partnering 6:22	person 39:11 46:3	20:5,8 23:7,18	51:12,21	programs 14:6
Partners 18:21	56:21	24:12 48:21	pretty 25:19	34:18
48:18,20 70:22	personal 54:25	68:20 70:21	46:19 53:6	progress 65:16
partnerships	personally 12:8	plans 9:4,7,8	56:23 61:8,9	project 7:21 8:9
12:12	54:3	37:19 45:16	previous 5:15	8:18 9:3 10:2,18
parts 14:9	personnel 38:9	47:17 65:9	45:4	11:14 12:14,19
passage 4:21	phase 17:15,16	plant 47:10	previously 5:8	13:4 14:15 15:2
passed 9:21	23:12,15 24:13	plants 61:3	22:22	15:15 23:12
passes 47:4	24:16,18 60:7	please 2:14 6:10	pre-homework	26:25 27:9 30:6
passing 18:22	67:8 69:7 72:14	15:20 29:18	42:4	30:7,22 34:13
pattern 65:5	72:18	42:24 43:12	price 36:13	39:18 44:21
Paul 18:10,19	phases 17:14	pleased 10:19	priced 36:16	49:11 51:4,6,8
19:4 20:24 22:8	Philadelphia 1:2	pledge 70:7	primarily 24:21	53:4,4 54:21,21
24:24 25:25	1:6 2:19 3:8,14	Plus 58:25	primary 38:15,24	63:16 69:6
26:6 39:6 45:24	4:11,21 5:7,12	point 7:11 25:20	62:20	70:24 73:17
46:21 47:22	6:22 12:21 13:7	32:5 33:19	Primavera 18:11	projects 9:6 30:11
52:21	14:22,24 15:24	54:25 56:16	18:14,17,18	38:5 53:11
pause 63:4	16:17,24 17:19	68:13 72:15	21:6,11,18,25	54:20
pay 11:23 47:19	26:10,17 27:14	policy 5:15	22:5,8 23:2	proper 66:19
paying 13:10	33:20 37:15	portfolio 26:16		properties 6:24
				7:7 26:11 29:4
				31:18 33:19

40:25 property 3:22 6:16,19 8:4 26:9 27:3,3 28:16,19 28:21,24 31:9 31:22 34:16 40:15 59:5 61:23 68:18,22 proposal 17:13 propose 49:16 proposed 4:10 7:15 48:24 49:7 49:9 50:17 62:17 63:16 proposes 3:19 4:12 17:9 prospects 19:13 protect 45:3,10 46:16 52:23 58:8 59:12 69:22 provide 7:3 30:23 provision 10:9 provisions 2:20 4:20,24 5:6 9:25 provisos 50:22 prudent 8:10 public 34:9 36:2 60:10 73:7,8,11 77:15 publicly 55:6 public-private 12:12 purely 42:4 purpose 6:25 purposes 7:24 Pursuant 8:16 pushed 63:4 put 9:2 21:23 34:25 39:22 40:16 45:7 50:18 51:25 59:3 68:23 putting 13:13 Q quadruple 58:3	question 39:21 55:9 59:25 62:2 questions 5:18,22 10:20,24 11:4 15:11 17:23 18:3 20:25 22:7 31:5 42:17,23 48:11 51:23 55:22 64:6,12 64:16 72:24 quickly 68:13 quite 8:8 52:15 60:8 Quixote 31:14 quorum 2:6 R Rabinovitch 18:10,19 26:5,6 26:13 31:11,20 32:21 33:8 35:19 36:10,15 37:11,16,21 38:2,13 40:11 40:23 42:5 64:16 65:8 70:12 71:21,25 72:5,12 radius 66:19 Radnor 6:16,19 6:21 rain 34:18 Ramstad 28:15 43:4,14,15 52:10,13,20 53:20 54:3,13 54:19 56:4,7,12 57:4,21,25 58:20 59:6,9,22 65:12 ran 27:7 44:8 range 36:13 rate 35:11 ratio 4:7 reached 24:8 read 2:15 15:20 46:12 60:12	reading 37:5 74:9 75:18 76:6 ready 21:15 24:3 24:5,15 40:15 real 49:23 57:21 reality 38:12 60:11 69:4 realize 44:25 realized 71:13 realizes 20:6 really 13:2 14:14 20:7,9,23 21:4 21:15 24:3 28:5 28:20 30:23 33:3 39:12 40:17 45:21,21 54:12 62:17 63:13 66:20 70:3,4 rear 55:18 reason 19:20 44:5 44:24 68:11 reasons 49:4 63:5 received 46:10 reclaim 68:17 recognizes 73:12 recommend 10:13 recommendation 74:8 recommended 5:10,13 8:12 17:21 27:22 record 2:5,11 6:4 6:11 15:7 16:8 18:18 21:21,24 48:13 53:7 64:9 70:19 recycled 33:18 red 67:19 redesigned 19:14 redevelop 17:10 redeveloping 26:11 redevelopment 20:13 25:18 reduces 4:3	reference 65:9 referenced 27:6 28:12 referencing 71:20 71:24 72:4,6 reflect 21:21 reflected 27:21 refusal 9:23 regards 28:16 regentrification 56:15 57:6 regular 4:4 60:21 regularly 11:13 60:24 regulatory 63:22 rehabilitated 21:12 reinstated 5:6 relation 31:10 relationship 12:17 relative 11:20 12:22 32:24 33:4 relied 9:21 religious 12:13 relocated 19:3 relocation 57:20 rely 12:21 remain 20:10 51:5 remains 9:15 remapped 18:24 27:24 remapping 19:19 25:5,8 remediate 19:7 67:21 remember 62:23 reminded 46:4 removed 27:2 33:10,16 renewable 34:22 rental 7:19 repaid 68:13 replaced 33:17 reported 74:6,20	75:15 76:4 reporter 77:23 reporting 11:19 represent 6:16 representations 39:16 representative 55:16 representatives 22:11 27:14 represented 23:5 reproduction 77:20 request 2:12 74:8 75:16 requests 23:23 required 4:3,6 requirement 3:15 34:3 requirements 3:20 38:23 requires 10:7 11:19 research 40:2 41:16 reservation 52:18 reservations 60:16 residential 4:18 7:2 13:8 17:11 19:10 20:9 25:9 27:18 29:9 30:16,22 56:20 residents 40:5 42:10 48:24 resolve 53:5 resolved 30:3 respect 29:3 60:18 66:2,5 70:3 respective 29:14 respectively 29:13 respects 30:8 response 5:23 15:12,18 18:4 42:18 43:8 64:7
--	---	--	---	---

72:25 73:5,24 74:17 75:9,25 responsible 61:24 restoration 7:5 restrict 54:24 restricted 55:2 restriction 63:22 68:14 restrictions 9:9 68:15,24 result 9:23 retail 4:17 7:17 7:22 23:25 retailers 44:4 retention 34:18 review 24:10 28:12 62:7 reviewed 5:8 revitalization 61:12 Reynolds 1:13 21:21 36:24 51:25 52:3 64:14 rezoned 19:9 27:3 49:15 67:11 rezoning 16:24 62:12 rid 56:6,11 right 11:5 21:7 22:14 23:25 30:12 31:15,22 33:22 38:18,19 41:12,14,21 47:23 51:5 56:13,23 59:19 61:2 64:13 71:6 72:20 road 52:24 65:15 role 69:17 Ron 43:3,15 52:10,13,14 65:12 68:4 Ron's 71:21 roof 32:2 34:21 34:25 roofs 13:13	Room 1:6 rough 47:21 roughly 25:24 26:15 31:11 36:16 RPG 7:15 9:2 14:21 RPR-Notary 77:15 rules 1:3 2:3 3:1,6 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1,24 12:1 13:1 14:1,5,14 15:1 16:1,14 17:1 18:1 19:1 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 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 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 73:12 74:1,9,21 75:1,17 76:1,5,9 76:11 run 45:8 R-16 8:4,7 S safely 14:15 satisfied 39:17 saying 62:23 72:7 says 48:4 scale 35:9 62:10 scenario 54:14,18	62:8 63:20 Schmidt 59:16 scorecards 35:10 scrap 33:13 67:15 68:2 sculpture 31:14 second 7:16 16:4 17:3,16,16 23:13 31:12 59:24 60:6 67:8 68:4 69:8 70:25 72:8,14 seconded 73:18 73:20 74:11,13 75:3,5,19,21 secret 43:18 section 7:12 sectors 41:23 secure 34:24 secured 12:17 see 24:17 28:17 28:18 32:17 50:9 53:19 60:9 62:15 65:10,11 65:18 66:2 67:19 69:16 72:9 Seeing 5:24 15:13 15:19 18:5 42:19 73:2,6 seek 21:3 seeking 20:24 22:16 seeks 19:16 sense 20:7 40:9,21 40:24 41:11,25 59:4 sensitive 22:18 separate 39:22 separately 8:8 September 45:19 serious 53:14 Servante's 31:14 session 74:10 75:18 76:6 Set 7:11 Seth 18:11,20	22:9 70:13,20 sets 30:7 setting 14:10 Shapiro 18:11,20 22:9 70:20,20 sheer 58:6 sheet 18:23 shelf 39:23 shot 59:18 showed 43:19 46:3 62:9 showing 18:24 side 38:25 39:2 66:18 sides 52:7 70:3 signed 4:22 8:13 11:18 significant 19:9 20:13 23:4 25:20 28:24 53:24 significantly 53:18 silver 63:7 65:18 similar 50:19 simply 41:20 single 17:6 sir 31:20 52:9 sit 62:25 site 4:11 11:20 17:10 18:25,25 19:2,7,10 20:8 21:4,7 33:11,11 33:16,22 34:5,7 35:17,20,22,23 36:2 60:22 61:15 65:9 67:25 68:2 sitting 28:15 situations 63:7 six 55:18 size 8:6 Sklaroff 5:25 6:3 6:13,15 10:22 13:13,16 14:20 15:4 small 8:5 18:23	36:19 67:22 smaller 30:11 32:8 Smyth 14:23 soil 33:17,18 67:21 solar 34:21,25 solve 47:2 somebody 35:16 48:4 69:20 somewhat 63:2 sophisticated 29:23 44:16 sorry 32:21 60:3 sort 27:24 34:19 49:16 63:15 65:19 source 34:22 38:15 south 16:25 27:23 29:20 48:17,19 48:23 southern 65:13 space 4:5,16,17 7:18,20 40:5 41:6,7 60:14 spaces 4:8,15 17:12 speak 6:20 12:23 21:7 28:25 29:17 54:17 55:16 60:12 speaking 25:12 special 2:20 specific 20:25 specifics 24:25 spent 25:2 67:20 split 20:6 sponsor 2:12 6:6 16:9 sprinkler 13:21 square 4:17 36:17 36:17 staff 32:17 stage 25:20 42:4 stages 45:14 standpoint 33:7
--	--	---	--	---

40:8,10 start 16:7 18:16 24:13 47:21 started 26:14 starting 2:4 state 27:15 61:5 statement 48:17 64:23 States 44:3 stay 42:22 44:10 46:14 staying 66:10 Steel 18:25 21:14 67:11,13 stenographic 77:6 steward 38:24 stop 47:16 53:12 53:12 62:18 stopped 13:25 stories 7:23 stormwater 34:18 street 2:21,22,22 2:23 3:17,17,17 3:18 7:9,10 16:4 16:4,4,5 17:2,3 17:3,4,16,17 19:18 23:13,16 23:25 24:22 25:14 27:16,18 27:23,23 28:21 28:22,25 29:12 31:13 32:8 43:19 45:13,15 45:21 47:10,11 47:14 53:16 55:3,5 60:25 61:8,9 64:21 65:13,14,17 66:16,18,22 69:8,13 71:8,10 71:11,15,16 72:8,15 streets 7:9 streetscape 69:15 strictly 9:22 strip 21:2 strong 29:11	42:10 struck 54:7 structure 4:13 17:17 21:17 structures 17:13 student 13:9 students 13:23 Studios 36:10 study 27:22 40:18 stuff 58:13 subcontractor 12:3 subcontractors 11:21 subject 33:12 submitted 37:18 37:22 submitting 37:20 substantial 7:25 successful 39:18 69:21 suggesting 41:19 57:14 58:10 summarize 48:14 Superfund 19:2 33:11 supermarket 34:8 supervision 77:22 support 6:7,20 7:4 8:19,20 16:11 49:3,8 50:17,21 51:7 62:12 66:17,23 supporting 56:17 supports 51:13 suppression 13:21,22 sure 11:15 19:21 28:18 46:11 48:16 52:7 60:23 61:10 63:12 69:2 Susan 26:13 39:7 suspension 74:9 74:21 75:17 76:5 sustainability	33:5 34:13 sustained 23:3 symbolic 19:24 system 13:22 T table 6:9 18:13 43:10 64:25 take 27:8 70:5 taken 77:6 talent 70:2 talk 11:9 46:19 70:14 tall 4:14 taller 51:6 tax 57:12 59:2 taxes 11:23 13:10 47:20 tech 57:16 technical 69:9,13 tell 41:14 telling 56:14 temporary 60:9 ten 4:8 tenants 40:19 term 54:10 59:10 terms 2:23 12:10 28:6 61:17 69:15 terrific 14:15 testify 3:10 15:17 16:19 43:7 73:4 testimony 5:16 17:22 37:9 52:6 56:9 62:24 66:4 thank 5:20 10:14 10:21 11:8 14:18 15:4,5,14 17:25 18:17 31:3,7 36:21,22 39:4 42:14,15 42:20,21 48:7,8 51:9 52:5 64:2,3 64:4,18 72:20 72:21,22 73:14 74:4,23 75:13 76:9	Thanks 15:3 thing 19:15 22:21 41:8 45:8 46:13 49:5 52:20 things 12:22 22:17 33:2 34:19 44:18 58:16 59:2 60:23 68:24 think 5:25 13:13 14:2 18:8 25:6,9 27:21 29:19 30:13,14,16 35:8 37:22 39:13 40:11 41:11,13 42:6 47:5,21,22,23 51:16,25 52:8 52:21 53:3 54:9 54:14 57:18 60:12 62:22 63:13,20 64:15 64:19 65:5 66:14,20 67:14 67:17 69:8,25 72:5 thinking 41:23 third 72:13 Thompson 16:4 17:3 47:11 53:15 61:2 65:14,25 thought 32:14 54:10 thousand 36:17 three 3:19 17:13 45:16 56:18 63:3 three-story 7:21 Thursday 45:24 time 2:4 8:3 14:16 19:18 23:21 25:2 27:11 32:5 37:14,20 38:3 40:14 58:11 60:8 62:24 time-wise 64:22	title 2:15,18 15:21 today 2:16 3:10 6:18 13:18 15:21 16:18 18:6 20:24 22:25 23:5,11 24:23 47:4 51:19 76:9 told 14:3 46:7 tone 30:8 tons 33:10 top 29:16 33:16 43:22 57:23 totally 39:21 touches 9:2 tour 66:7 town 56:14 toxic 27:2 33:10 tractor-trailer 48:4 traffic 45:20,20 48:2 53:2,14,21 53:24 54:23 55:2,17 64:15 65:5 67:23 68:6 70:13 71:14 tragic 12:25 train 33:25 trained 11:22 training 26:14 transcript 77:8,20 transit-friendly 33:22 transit-oriented 34:6 67:23 transportation 34:9 trend 25:9,17 30:14 trends 23:20 triple 58:2 trolley 33:24 trouble 49:6 truck 53:24 54:12 55:2 58:14 71:14 trucks 53:22 54:4
---	---	---	---	--

64:15 65:21 66:13,15,18 68:2,5 true 58:5 77:7 trust 62:2 try 51:15 57:9 trying 32:12 46:16 55:4 56:5 60:14 63:7 Tuesday 1:7 turn 26:2 54:25 turning 65:22 66:19 TV's 60:23 two 7:8 12:16 17:14,15 26:19 26:20 28:13 31:23 32:10 36:19 45:12,16 58:2 63:2 72:9 two's 36:11 two-bed 36:18 two-bedrooms 36:9 two-lane 65:15 type 34:6 57:20 62:19 types 11:19 50:8	United 44:2 units 4:9,18 7:19 17:12 49:9,14 50:24 63:18 universities 12:13 University 7:12 50:10 unlimited 50:4 unload 70:15 untested 13:20 upper 7:23 upstate 45:5 urban 23:6,18 70:21 urge 10:12 use 3:23 11:12,13 17:8 28:20 29:9 34:9 35:25 user 24:22 29:8 33:13 users 19:23 20:20 30:12 69:12 uses 7:17 8:7 27:19,20,20 28:2 29:3 utilize 36:5,7 utilized 34:17 utilizing 35:5 41:5	waiting 32:2,20 39:25 walk 33:24 34:8,8 34:10 walked 31:21 walking 31:16 59:13 walk-friendly 34:6 want 5:25 10:24 30:24 43:7 48:3 48:14 51:4 52:25 53:7,12 53:13 54:25 56:20,24 57:19 64:8 68:17,19 68:21,25 69:21 wanted 13:23 16:10 46:11 56:11 69:2 wants 46:17 51:14 51:17 69:23 wasn't 46:2,23 water 32:2 wave 30:9 way 12:9 53:21 64:22 66:21 ways 29:5 week 44:9 58:10 weeks 28:14 Wegmans 44:3 went 28:11 weren't 20:2 33:14 west 31:23 32:10 we'll 22:18 24:17 48:12 73:8 we're 2:3 18:8,22 20:11,23 21:6 22:16 24:23 29:4 30:19,20 31:15,16 43:16 44:2,2 52:21 67:6 69:5,16,17 69:24 70:14,22 72:17 we've 12:15,17	13:5 19:14,14 24:6,20 26:9,19 26:19 36:2 38:5 40:16 68:5 what-have-you 34:11 widens 65:17 widest 7:9 width 4:4 7:10,11 10:7 WiFi 41:7 William 1:10 3:6 16:15 willing 51:3 WILSON 1:11 win-win 68:10 witness 6:8 18:12 43:9 64:24 witnesses 6:8 18:9 18:12 43:9 64:24 word 61:18 work 14:13 20:2 22:18 34:10 51:15 53:9 56:17,19 67:8 67:13 69:11 worked 39:13 workers 11:21 13:10 working 12:15 13:12 20:4 38:14,21,23 51:14,18 world 47:16 60:15 worrying 59:17 worst-case 54:14 54:17 62:8 worth 40:12 wow 33:6,9 writing 38:11	yeah 42:5 58:4 72:3 year 8:3,11 10:5 28:6 38:20 years 12:16 19:8 21:14 23:21 26:10,15 44:11 45:17 52:24 55:18 60:20 61:5 63:3 yesterday 45:25 46:24 York 45:5 young 41:14
U	V			Z
ugly 55:18 61:15 ultimately 49:14 49:25 51:7 unchuted 14:11 underground 4:15 10:6 understand 52:8 52:16 56:16 66:3 understandable 63:2 undocumented 13:11 unfortunately 27:6 43:24 45:23,25 49:2 51:2 54:13	vacancy 61:7 vacant 14:8 17:11 21:11 72:17 value 52:17 variance 49:18,21 various 26:19 59:3 vehicular 71:4 venture 8:23 ventures 6:17 version 8:14 Vice 2:7 26:7 Village 39:11 Vince 44:8 vision 70:2			ZBA 49:18 zone 20:6 zoned 3:22 8:4 zones 59:2 zoning 2:19 3:14 3:15,20 4:21,25 8:17 9:9,11,17 9:18 10:3 15:25 15:25 16:24 17:4,7 19:16 24:11 27:25 40:16 48:21 49:18,18 50:7 50:12,13 65:11
				\$
				\$2 36:16 \$2,000 36:19 \$8 67:20 68:11
				1
				10:00 1:7 104 7:9 11th 5:11 16:21 11:05 76:12 12th 5:9 120 49:14 120480 4:22 5:9 8:14 9:10,15 10:2 130252 1:15 2:11 130272 1:15 3:1
	W		Y	
W 1:11		yard 33:13 57:19 Yeager 6:18 10:23 11:2,5,15 12:8 14:18		

4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1,23 16:1,19,23 17:1 17:20 18:1 19:1 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 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 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1,4 74:1,25 75:1,15 76:1,3 130448 1:15 2:17 3:10,13,19 5:14 15:17 73:16 74:6,19 130488 10:13 14 2:18 140 17:12 17th 4:23 18 1:7 1996 43:20 44:8	2009 27:11 2010 27:22 2011 46:3 2012 4:23 5:2,9 2013 1:7 3:12 5:12 16:22 17:19 21st 17:18 22 4:5 10:7,11 22nd 5:2 9:20 54:8 23 7:18 23rd 3:12 24 4:5 10:8 53:2 24/7 52:25 258 4:14 26 20:10 26-foot 44:23 26-foot-wide 19:17 21:2 26-story 7:15 28,000 33:10 288 4:18	18:1 19:1 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 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 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		
	3	7		
	30 26:10,15 30-plus 38:20 320 17:11 37th 2:22 3:17 38th 2:21 3:17 7:9	750 3:25		
	4	8		
	400 1:6 42 46:14 57:2 48 4:14	8th 11:18 80 7:11		
	5	9		
2	500 26:16 37:10 50:4 59:13 65:24 57 33:23	90 21:4		
2 13:12 60:4 71:20 2,570 4:17 2.56-acre 17:10 2007 26:24 27:5 44:21 49:12 61:23 62:9 2008 27:5,11 62:24	6			
	6/18/13 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1			