

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, November 14, 2012
10:30 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT CLARKE
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO

BILL 120654 - An ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions and definitions, and making technical changes, all relating to stream buffers...

BILL 120774 - An ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising and clarifying certain provisions and making changes...

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COUNCILMAN GREENLEE: Good morning, everyone. Sorry for the delay, but some of you might know we got some things to talk about here.

This is a continuation of the Committee on Rules dealing with Bill Nos. 120654 and 120774. Just for the record, first of all, we have a quorum with Councilman Kenney, Councilwoman Reynolds Brown, Councilman O'Brien, Council President Clarke, and myself.

Ms. Marconi, just for the record, will you first read 120654, please.

THE CLERK: Bill No. 120654, an ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by revising certain provisions and definitions, and making technical changes, all relating to stream buffers, waterfront setbacks, and certain overlay districts; and further approving a Water Department Hydrology Map designating watercourses subject to waterfront

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2 setback requirements; all under certain
3 terms and conditions.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Ms. Gladstein, do you want to
7 make just a statement? I understand we
8 have, for the most part, an agreement on
9 this, which always makes us all happy to
10 hear agreements. If you just want to go
11 on record and say that.

12 (Witness approached witness
13 table.)

14 MS. GLADSTEIN: Sure. Eva
15 Gladstein, Deputy Executive Director of
16 the City Planning Commission.

17 I understand, although it would
18 be good I think to have a few folks
19 verify this, that there's an agreement
20 reached and there should be a new
21 amendment to the bill that's in front of
22 the Rules Committee right now.
23 Essentially it no longer addresses the
24 ability of properties within the buffer
25 to expand. With the additional permitted

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2 uses that would be within the buffer on
3 the Delaware and the Schuylkill, it makes
4 them by right, with the exception of one
5 use, which is no longer a permitted use
6 in the buffer, and that's wholesale,
7 distribution, and storage.

8 So my understanding is that
9 that -- and Councilman Henon is here, so
10 he may be able to verify that. I also do
11 have one amendment to offer up.

12 COUNCILMAN GREENLEE: And I
13 understand we all have an agreement on
14 that too.

15 Councilman Henon I know has
16 been the most involved in this, so I
17 think he wanted to make a statement on
18 this issue.

19 COUNCILMAN HENON: Good
20 morning, everybody. As you know, today
21 I'm proposing amendments to the Bill No.
22 120654, which establishes a 50-foot
23 waterfront setback along Philadelphia's
24 waterways. As you are aware, I worked,
25 along with Councilman Green and other

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2 members of the Council, especially this
3 Committee, which I appreciate their time
4 and patience and due diligence in coming
5 up with this proposal, as well as the
6 interest groups that developed a series
7 of proposed amendments for this bill,
8 along with just about every stakeholder
9 that has showed interest and concern with
10 the setbacks. And over the past two
11 weeks, we have continued to discuss
12 various perspectives and concerns and now
13 have a new version of the amendments to
14 share for the consideration today.

15 Simply put, the proposed
16 amendments provide that certain uses
17 within the 50-foot buffer along the
18 Delaware and Schuylkill Rivers are
19 permitted by right. These uses generally
20 relate to activities and uses that
21 require access to the water and the
22 waterfront. Uses that do not clearly
23 relate to or require access to the water
24 or waterfront have been eliminated as
25 permitted uses, such as warehouse,

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2 distribution, and storage. In addition,
3 there are a handful of amendments that
4 are technical in nature.

5 I just want to reiterate that
6 these changes preserve the proposed
7 50-foot buffer and apply only to two
8 major -- to the two major rivers, not the
9 smaller streams and tributaries. In
10 addition, I want to note that the
11 proposed amendments do not expand to the
12 types of uses that were outlined in the
13 bill as it was originally introduced.
14 While I agree in many cases concerns
15 should be addressed on a
16 district-by-district basis through
17 overlays, I believe that allowing certain
18 activities and uses to occur as a matter
19 of right is appropriately a citywide
20 policy. I believe that we need to strike
21 a careful balance between our
22 environmental goals and concerns, our
23 very real need to help business grow and
24 thrive. To my knowledge, there will not
25 be any interest group or Administration

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2 opposition to these proposed amendments.

3 I just want to thank everyone
4 who worked hard and dedicated their time
5 and resources to this, and the
6 Administration, yourself, Eva, and your
7 staff has been great. So I feel
8 comfortable with the amendments that I
9 propose here today.

10 COUNCILMAN GREENLEE: Thank
11 you. Thank you, Councilman. Thank you
12 for all your efforts.

13 The Chair recognizes Councilman
14 Kenney.

15 COUNCILMAN KENNEY: Thank you,
16 Mr. Chairman.

17 Ms. Gladstein and anyone else
18 who comes to the table to discuss this
19 proposed amendment or amendments, could
20 you please articulate your understanding
21 of the difference between what was first
22 proposed and what is being proposed now,
23 because at this point I don't understand
24 what that difference is other than
25 different verbiage. I mean, is it 50

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2 foot or it's not?

3 MS. GLADSTEIN: There's still a
4 50-foot buffer from any of the designated
5 watercourses, and the map is remaining
6 the same. We offered up an amendment
7 just because the key on the map had to be
8 changed to make it consistent with the
9 text in the bill.

10 So it's still 50 feet from all
11 the watercourses. There's no additional
12 language about expansion of properties
13 that are within the 50 feet. That had
14 been one of the proposals last -- at the
15 last hearing. There are still a set of
16 additional permitted uses within the
17 50-foot setback on the Delaware and
18 Schuylkill River. And so the change is
19 that one of those permitted uses is no
20 longer permitted. That's wholesale,
21 distribution, and storage. The other
22 uses are by right. They do not require
23 special review.

24 COUNCILMAN KENNEY: So that was
25 by right anyway?

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2 MS. GLADSTEIN: It was not.

3 The original bill had a review by the
4 Planning Commission and filing a document
5 with City Council. Then Version B last
6 week had all of those uses having to go
7 to the Zoning Board for special exception
8 approval. They're now by right, and
9 those are marine-related industrial uses,
10 marinas, utilities, City-owned
11 facilities, and those are now permitted
12 by right. So simply a permit could be
13 granted over the counter to L&I. So
14 that's --

15 COUNCILMAN KENNEY: And in the
16 prior version of the bill, what were --
17 those uses were not permitted?

18 MS. GLADSTEIN: In the version
19 as introduced, the Planning Commission
20 would have to review, would have to
21 review for consistency with the
22 comprehensive plan, would have to look at
23 the adjacent uses, would have to file its
24 determination with City Council, and City
25 Council had a limited time to override.

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2 That was in the original version.

3 COUNCILMAN KENNEY: So we're
4 not moving the whole marine terminal or
5 the Tioga Marine Terminal any time soon.

6 MS. GLADSTEIN: We expect not.

7 COUNCILMAN KENNEY: Glad to
8 hear it. Thank you.

9 MS. GLADSTEIN: Do I need to
10 formally offer the amendment that has
11 been distributed?

12 COUNCILMAN GREENLEE: No.
13 We'll do that at the meeting. Thank you.

14 Any other questions for
15 Ms. Gladstein?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, thank you, and thank you for all
19 you have done on this.

20 MS. GLADSTEIN: My pleasure.

21 COUNCILMAN GREENLEE: And all
22 the other stuff you've done with the
23 zoning.

24 Let me go out of order a little
25 bit just so we can kind of stay

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2 consistent here. Andrew, I think you had
3 one witness from the environmental. Who
4 would that be?

5 Mr. Syrnick, could you just
6 come forward and make your statement.
7 And as Councilman Kenney asked before, if
8 you could just kind of briefly go over
9 the differences, whatever there are.
10 Thank you.

11 (Witness approached witness
12 table.)

13 MR. SYRNICK: Mr. Chairman,
14 members of the Rules Committee, good
15 morning. My name is Joseph Syrnick. I'm
16 President of the Schuylkill River
17 Development Corporation. I come before
18 you today to express strong support for
19 Bill 120654, as amended, here this
20 morning. Today I represent not only my
21 organization, but also the Bicycle
22 Coalition of Philadelphia, the Circuit
23 Coalition, PennFuture, the Design
24 Advocacy Group, the Central Delaware
25 Advocacy Group, the Delaware Riverkeeper

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2 Network, Friends of the Wissahickon, the
3 Delaware River City Corporation, the
4 Central Delaware Waterfront Corporation,
5 Tookany-Tacony-Frankford Watershed
6 Partnerships, the Pennsylvania
7 Environmental Council, the Philadelphia
8 Parks Alliance, and the residents of
9 Shawmont Valley.

10 Representatives of all these
11 groups are here today in the audience
12 this morning. They're prepared to
13 testify, but only if you want them to do
14 so.

15 COUNCILMAN GREENLEE: That's
16 okay. Thank you.

17 MR. SYRNICK: We, all of us,
18 believe this bill with this amendment is
19 a meaningful and prudent compromise by
20 the various interest groups, groups on
21 both sides of this discussion.

22 Through several years of the
23 Zoning Code process, through several
24 meetings this past summer, and especially
25 during the past two weeks, various

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2 parties, including this Council and its
3 staff, have worked hard to develop
4 regulations that protect the environment
5 and leave open the possibility of
6 riverfront trails, yet make development
7 in Philadelphia less cumbersome, more
8 streamlined and, hence, easier.

9 We believe this bill, as
10 amended, meets all these objectives, and
11 the groups that I represent here today
12 would like to thank members of Council
13 and their staff for working overtime and
14 through a hurricane to craft this
15 legislation that hopefully can be
16 supported by all.

17 We often hear about political
18 gridlock and the unwillingness to
19 compromise, but this Council on this bill
20 has demonstrated that you can reach a
21 balanced accord in which all parties
22 benefit. We recognize that this was no
23 easy task, and we appreciate your
24 leadership.

25 With regard to the changes of

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2 this bill, the two big changes that we
3 were interested in was, number one, the
4 non-conforming structures part of it has
5 been removed. This is what would have
6 allowed a building -- if you had a
7 building that was already in a buffer,
8 that building is grandfathered in,
9 doesn't have to move, but the old
10 versions of this bill, at least some of
11 them, would have allowed expansion into
12 the buffer up to wherever that line was.
13 So that provision has been removed, which
14 is a good one. And also with regard to
15 the list of the uses that are now allowed
16 by right, they have removed the one for
17 warehouse, distribution, and storage,
18 which, again, we felt had nothing to do
19 with being on the waterfront or no need
20 to be on the waterfront, and we think
21 removing that is a good thing.

22 So to the Rules Committee, we
23 say thank you for a job well done, and we
24 urge you to report this bill out of
25 Committee with a favorable recommendation

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2 and move it to the full Council.

3 Thank you.

4 COUNCILMAN GREENLEE: I think
5 we'd be happy to. Thank you,
6 Mr. Syrnick, for all the work you did and
7 all in your group.

8 Any questions for Mr. Syrnick?

9 (No response.)

10 COUNCILMAN GREENLEE: Seeing
11 none, thank you very much.

12 Ms. Marconi, who is our next
13 witness?

14 THE CLERK: Craig Schelter.
15 (Witness approached witness
16 table.)

17 COUNCILMAN GREENLEE: Good
18 morning. You found your folder, I see.

19 MR. SCHELTER: Good morning,
20 sir.

21 I want to pass up this. This
22 is just highlighted testimony.

23 COUNCILMAN GREENLEE: We'll get
24 it around. Thank you.

25 COUNCILMAN KENNEY: Please

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2 identify yourself and proceed with your
3 testimony.

4 MR. SCHELTER: My name is Craig
5 Schelter. I am the Executive Director of
6 the Development Workshop and I am also
7 here this morning as a planner consultant
8 to Thackray Crane trading as Orthodox
9 Properties LLC, owners of 3100 and 3150
10 Orthodox Street.

11 Last June when Council
12 considered related zoning issues, the
13 Workshop had recommended that the stream
14 buffers, as the issue was described at
15 the time, should be considered separately
16 from technical amendments recommended by
17 the Planning Commission. City Council
18 wisely went one step further and required
19 the Water Department to prepare hydrology
20 maps to be approved by City Council.
21 That action by City Council led to
22 considerable agitation on the part of
23 stakeholders, including the revised bill
24 before you today. And I want to take
25 this opportunity to thank this Committee

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2 for your thoughtful deliberation and
3 continuing this hearing today. I was one
4 of the people unable to fly back to
5 Philadelphia during Hurricane Sandy and
6 appear at the last hearing October 31st
7 and very much appreciate the opportunity
8 afforded me today.

9 As recently as last Wednesday,
10 the Water Department provided additional
11 information, which was forwarded to us by
12 the City Planning Commission, on
13 riverfront parcels along both the
14 Schuylkill and the Delaware Rivers that
15 are also germane to my testimony today.
16 And let me add parenthetically here how
17 much I respect all the work that this
18 Committee did on this issue, the work of
19 the Planning Commission, the work of
20 Council staff, but realizing that you are
21 the people that are ultimately
22 responsible for zoning legislation, I
23 think it's remarkable when we reflect on
24 the fact that it was only 15 months from
25 the time a full draft of the Zoning Code

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2 was available to the citizens at large
3 and the Council that you acted on it in
4 December of last year, and wisely at that
5 time also required reporting from the
6 Planning Commission, L&I, and the Zoning
7 Board of Adjustment in terms of how these
8 various things were going to work.

9 During August, the City Council
10 staff assembled a working group in which
11 the Development Workshop was one of a
12 number of participants. Over two
13 meetings the group heard presentations to
14 the Water Department as well as reviewed
15 draft zoning language. During that time,
16 we asked three major questions. One,
17 what is the implication of additional
18 controls in terms of water quality on
19 stream buffers on existing and potential
20 industrial development sites?

21 Two, why are the same controls
22 being considered for rivers as are being
23 considered for streams, and where are the
24 scientific studies to back up the
25 waterfront restrictions suggested?

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2 And, third, isn't this whole
3 effort an indirect effort to ultimately
4 seize private property for public use in
5 the form of a waterfront trail?

6 On October 16th, I outlined our
7 remaining specific concerns to the City
8 Planning Commission at their monthly
9 meeting and recommended three general
10 amendments to the bill before you today.
11 One was the applicability standard as
12 they extend to waterfront setbacks,
13 particularly where the waterfront
14 characteristic is a bulkhead along the
15 water's edge. Under 14-704(5)(a), and I
16 quote, "all watercourses designated for
17 protection for purposes of including
18 restoring and maintaining the City's
19 water resources; restoring and
20 maintaining drinking water sources;
21 restoring and maintaining base flow of
22 streams; reducing and controlling erosion
23 and sedimentation; reducing and
24 controlling stormwater runoff;
25 stabilizing stream banks; and restoring

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2 and maintaining riparian habitats."

3 I provided to the Commission
4 prints of several series of aerial
5 photographs along the river that one can
6 see an industrial water's edge
7 characterized by bulkhead structures from
8 the Airport, to Girard Point, along the
9 refineries of the Schuylkill, along the
10 Navy Yard, the equivalent width of Center
11 City, along with Packer Avenue Marine
12 Terminal, industrial lands north of Penn
13 Treaty Park, Tioga Marine Terminal, north
14 of Betsy Ross Bridge to Northern Metals.
15 In these locations, a 50-foot setback
16 does nothing to achieve the stated
17 purposes which I just read through
18 earlier in the paragraph.

19 So recommendation one, we
20 suggest an alternative course. Exclude
21 bulkheaded properties from the setback
22 provisions. All these examples cited are
23 among the 40 to 45 percent of the parcels
24 along the Delaware and the Schuylkill
25 Rivers that have buildings within the

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2 50-foot buffer, as noted in the Water
3 Department's memo of November 6th. That
4 would be consistent with the diagram on
5 Page 7 of the proposed legislation, which
6 depicts unbulkheaded watercourses,
7 showing the relationship of a
8 25-foot-wide stream, a natural water's
9 edge to the top of bank, and a 50-foot
10 waterfront setback.

11 Secondly, the process by which
12 additional uses beyond just open space on
13 the waterfront setbacks on the Delaware
14 and Schuylkill River would be allowed.
15 Under 14-704(5)(c), additional permitted
16 uses are allowed provided they are,
17 quote, "permitted by the underlying
18 zoning and the Commission determines that
19 they are compatible with existing
20 adjacent uses, including public parks and
21 open space and recreational trails
22 located within the waterfront setback."

23 Already Councilman Henon and
24 Councilman Green have included thoughtful
25 amendments to deal with this provision,

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2 as many industrial users would clearly be
3 incompatible with an adjacent public park
4 or trail, and to create the trail in the
5 setback of those properties would require
6 a public acquisition of private property.
7 But shouldn't these provisions apply to
8 all industrial classifications rather
9 than just marine-related industrial as
10 delineated in the amended bill on Page 8.

11 Recommendation two, Chapter
12 14-704(5)(c)(1)(a), strike the word
13 "marine-related" and make all industrial
14 uses with the possible exception of what
15 was formerly least restricted industrial
16 included.

17 And, finally, let me talk about
18 3101 Orthodox Street. This is a specific
19 property on the North Delaware just north
20 of the Betsy Ross Bridge. This 13-acre
21 parcel has a 750-foot river's edge that
22 is entirely bulkheaded. Adjacent to that
23 bulkhead is concrete and asphalt
24 impervious paving. On this site a
25 thriving electronics recycling business

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2 is growing in size, layout, and
3 employment. It has the potential to
4 become the North American headquarters
5 for this international company. Under
6 the ordinances drafted, they may be
7 forced to a new location, all because
8 their product handling is clearly not
9 compatible with a public park or trail,
10 nor could they use their property to its
11 full capacity.

12 What we are asking today is
13 that business expansion be given at least
14 as much consideration as the eight
15 concerns of water quality listed above
16 since the bulkhead setback really doesn't
17 provide the natural water's edge referred
18 to in the draft legislation. We really
19 want to characterize our message to the
20 investment community that one needs a
21 special exception from the Zoning Board
22 of Adjustment to create and retain
23 industrial jobs in the City along the two
24 waterfronts?

25 Recommendation three, we are

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2 asking City Council to further amend the
3 bill asking for that wholesale,
4 distribution, storage uses by deleting
5 the words "only if proved by special
6 exceptions" in accordance with the
7 procedures of special exception approval.

8 I have to say, I haven't seen
9 the details of this amendment and would
10 like to read that further, but this will
11 directly lead to a major company which
12 will have to -- that was here long before
13 any of these studies were created, that
14 has grown in employment, that has been a
15 good client of PIDC, important industrial
16 jobs on their site, that won't be able to
17 expand to their full potential, and they
18 are actively being courted by people
19 outside of Philadelphia. This is
20 something that can be and needs to be
21 done right. Councilman Henon has
22 indicated that he will consider further
23 action with regard to this specific site,
24 but I think it really highlights what
25 this Council is going to find over the

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2 next year on other industrial sites along
3 the river.

4 And with that, I thank you for
5 your time and would be happy to answer
6 any questions you may have.

7 COUNCILMAN GREENLEE:

8 Mr. Schelter, I know Councilman Kenney
9 has a question too, but just on that last
10 issue, you said that they would not be
11 able to expand. I mean, they would not
12 be able to expand within the 50-foot
13 buffer, correct, but they would be able
14 to expand elsewhere, right?

15 MR. SCHELTER: They are in the
16 50-foot buffer area right now.

17 COUNCILMAN GREENLEE: Right.
18 And while you're getting that, I think
19 the other issue would be -- and I think
20 you referenced it -- that Councilman
21 Henon said he would be open to other
22 things. I mean, that's the whole idea,
23 is that if there are specific issues that
24 have to be dealt with, they can be dealt
25 with through an ordinance sponsored by

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2 that District Councilperson. So I
3 think -- and I'm sure Councilman Henon
4 will certainly cooperate and do what he
5 thinks is best with that.

6 MR. SCHELTER: He has indicated
7 that.

8 COUNCILMAN GREENLEE: So I
9 guess what's the problem?

10 MR. SCHELTER: I think one of
11 the things that we are doing is that when
12 Council approved the Zoning Code, they
13 wanted a report at the end of a year, and
14 there are issues which our members feel
15 are going to come up and are going to be
16 critical, and we want to be in a position
17 to lay the base for that testimony now,
18 because we want to submit a report to
19 City Council as well. And in situations
20 that we have, if we lose existing
21 companies or companies that can't expand
22 because they are hemmed in by that, I
23 think that would be a tragedy. And I
24 think that the whole notion of building
25 the tax base is something that is

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2 fundamental to the Development Workshop

3 and for allowing people who have been in

4 these sites to maximize their use of

5 those parcels, and we feel that if the

6 goal of the City is to have this --

7 ultimately get this waterfront trail,

8 which everybody seems to be talking

9 about, that it's something that they're

10 going to have to have money to acquire.

11 And we know from the master plan for the

12 Central Delaware, which is a piece of

13 legislation that will be coming to you

14 shortly, that the price tag that was put

15 on that by their consultants is way, way,

16 way in excess of what in fact the City is

17 able to put into their capital program

18 and budget by a factor of 100, and that's

19 something that we've also testified to.

20 So we want to add to the record here, and

21 we appreciate your hearing us today.

22 COUNCILMAN GREENLEE: So you're

23 establishing a record. I understand.

24 Councilman Kenney.

25 COUNCILMAN KENNEY: The

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2 electronics business that you described,
3 does it do shipping by water?

4 MR. SCHELTER: It does.
5 Ultimately it does shipping by water.

6 COUNCILMAN KENNEY: What do you
7 mean "ultimately"?

8 MR. SCHELTER: Ultimately --
9 right now they do all of the recycling
10 and breaking down of the various product,
11 and then it goes by truck to Tioga Marine
12 Terminal or to Packer Avenue.

13 COUNCILMAN KENNEY: So from
14 that site, there's no export.

15 MR. SCHELTER: From that site,
16 there is not, but it's one of the things
17 that they are considering as a way of
18 expanding the site since they do have the
19 bulkhead right there.

20 COUNCILMAN KENNEY: Well,
21 doesn't the bulkhead issue solve their
22 problem if they want to put a bulkhead
23 in?

24 MR. SCHELTER: The bulkhead is
25 there. It's there today, and that's

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2 what --

3 COUNCILMAN KENNEY: So it

4 doesn't --

5 MR. SCHELTER: I think that's

6 our point, is that this is not a

7 natural --

8 COUNCILMAN KENNEY: Aren't the

9 amendments protecting the bulkhead? So,

10 for example, the bulkhead at Packer

11 Avenue Marine Terminal, the bulkhead at

12 Tioga Marine Terminal, they are not as of

13 right today?

14 MR. SCHELTER: They are as a

15 matter of right. I think the thing

16 that's unclear, this is a business where

17 they take -- they bring product in, and

18 by forklift they move the various pieces

19 of it around.

20 COUNCILMAN KENNEY: But they

21 don't have to be at the river. There's

22 not a river component to their business

23 at the moment.

24 MR. SCHELTER: They don't have

25 to be in the river. There are

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2 existing --

3 COUNCILMAN KENNEY: No. That's
4 not my question. Their daily operation
5 of taking apart the electronics and
6 putting it in a truck and taking it to
7 Tioga Marine Terminal for export, they're
8 not shipping from that location today,
9 correct?

10 MR. SCHELTER: That's correct.

11 COUNCILMAN KENNEY: So with all
12 the available property we have along the
13 river into the Navy Yard and other
14 places, if they want to expand, why
15 wouldn't PIDC help them find another
16 property to expand to, maybe a more
17 modern, maybe more accessible by highway
18 or rail? There's all these options,
19 because the option you're only letting is
20 they're going to move. Unless they get
21 what they want, they're going to move. I
22 don't think that's really an option,
23 because there's so many other options
24 that they could avail themselves of if
25 PIDC and the Commerce Department and the

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2 Councilman attempt to help them.

3 So, I mean, what you are asking
4 for initially was the ability for the
5 entire waterfront, anybody who is in the
6 buffer, could do anything they wanted as
7 long as they built on their own property,
8 and that was the problem.

9 MR. SCHELTER: Sir, it was only
10 within bulkheaded property.

11 COUNCILMAN KENNEY: If an owner
12 owned a property inside a four-acre site
13 along the waterfront and they were in the
14 buffer, what the original proposal was is
15 they could expand that property in the
16 buffer the entire four acres. You think
17 that's good public policy?

18 MR. SCHELTER: I think it's
19 excellent public policy.

20 COUNCILMAN KENNEY: Well, we
21 disagree, because it's not in the bill.

22 MR. SCHELTER: I understand,
23 and you are the deciders. I'm just
24 saying when we see companies that are
25 being encouraged by other locales and

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2 what they could do and to simply say,
3 Well, there's other sites that you could
4 go to, when other cities are saying,
5 Here's a site, here's the zoning, you
6 won't --

7 COUNCILMAN KENNEY: That
8 happens every day. Jersey is trying to
9 steal stuff from us every day, Delaware
10 County stealing stuff every day. We
11 steal back from them. It's the way of
12 the world. It's dog eat dog. But the
13 problem is is that unless they expand at
14 that site, they're going to move? And no
15 one is saying they can't expand at that
16 site, because Councilman Henon has
17 already committed to helping them expand
18 there if they desire.

19 MR. SCHELTER: He has.

20 COUNCILMAN KENNEY: So why do
21 we have to include the entire waterfront
22 on both rivers for this kind of expansion
23 when it doesn't exist?

24 MR. SCHELTER: Because as I
25 said in my testimony, there are enough

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2 sites where this similar thing can happen
3 on the southwest Schuylkill and we think
4 it's going to be a factor. I may be dead
5 wrong. I'm simply putting it before this
6 Committee so it's out there and a concern
7 that's been expressed. Jobs, jobs, jobs
8 are what we believe is critical.

9 COUNCILMAN KENNEY: So do we,
10 and there's lots of places to put jobs,
11 jobs, jobs, not necessarily at that site
12 or at that site. So I don't think
13 anything is being precluded by not having
14 that portion in the amendment. He has
15 the opportunity to make that happen.
16 PIDC has the opportunity to make that
17 happen at another site. And, by the way,
18 if they're going to ship from that
19 location in their business plan, do they
20 need approvals to build a pier or to
21 build a transport facility in the river?
22 They want to bring -- can they bring a
23 ship up there now?

24 MR. SCHELTER: I don't know the
25 details of that.

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2 COUNCILMAN KENNEY: Well, my
3 point is, if they need to bring a ship up
4 because they want to export right from
5 their location, do they need approval
6 from anybody?

7 MR. SCHELTER: I don't think
8 they do. I think --

9 COUNCILMAN KENNEY: The Army
10 Corps of Engineers?

11 MR. SCHELTER: As long as they
12 have the water depth --

13 COUNCILMAN KENNEY: The Army
14 Corps of Engineers has nothing to say
15 about this? There's no hurdles to jump
16 there?

17 MR. SCHELTER: The bulkhead
18 today is in accord with the bulkhead line
19 established by the Secretary of War on
20 such-and-such a date, and as long as it
21 stays within that --

22 COUNCILMAN KENNEY: But there's
23 no container facility, there's no crane,
24 there's no anything there at the moment,
25 right?

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2 MR. SCHELTER: That's correct.

3 COUNCILMAN KENNEY: So I don't
4 know either, but I assume they need some
5 kind of approval from somebody, in
6 addition to the City, to do that.

7 So I think a lot of these
8 arguments are really specious, I'm sorry,
9 and I think that what you were asking for
10 initially was irresponsible, and now
11 we're solving a problem that was created
12 by the Workshop. So we're all going to
13 pat ourselves on the back for solving a
14 problem that you guys created. So
15 thanks.

16 MR. SCHELTER: I'm sorry you
17 feel that way.

18 COUNCILMAN KENNEY: I do.

19 COUNCILMAN GREENLEE: Thank
20 you, Councilman.

21 Before I recognize -- I know
22 Councilman Henon and then Councilman
23 O'Brien. I noticed some people coming in
24 I know for the Finance Committee. It's
25 supposed to start at 11:00. We're not

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2 going to start at 11:00. It might be a
3 little while. So I don't know how we're
4 going to handle that, but it might be a
5 little longer. We're running a little
6 late. Okay? Thank you.

7 Councilman O'Brien.

8 COUNCILMAN O'BRIEN:

9 Mr. Schelter, I just want to synthesize
10 something for my own process. What
11 you're saying is that you appreciate the
12 hard work that the Committee has done on
13 this, specifically Bobby Henon's
14 amendments.

15 MR. SCHELTER: Absolutely.

16 COUNCILMAN O'BRIEN: But what
17 you're here today to do is lay a
18 framework so that if there are any other
19 issues relating to bulkheads on the
20 river, you want to be able to lay that
21 foundation and --

22 MR. SCHELTER: That's correct.

23 COUNCILMAN O'BRIEN: -- have
24 that foundation available for further
25 discussions.

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2 MR. SCHELTER: Correct. That's
3 correct.

4 COUNCILMAN O'BRIEN: And that
5 you appreciate what Councilman Henon is
6 doing.

7 MR. SCHELTER: Absolutely.
8 Councilman Henon has been enormously
9 supportive. And the focus that we had
10 was to respond generally to a
11 characteristic of the waterfront, and
12 this came out when the Water Department
13 in the meetings over the summer said that
14 both of the rivers in the areas that
15 we're talking about where you've got
16 bulkheaded are degraded rivers. They
17 will never be pristine because of other
18 things where the water is coming down the
19 river. And then we looked at the
20 zoning -- actual pages of the Zoning
21 Code, and if you look at the diagram on
22 Page 7, what is shown as the condition is
23 one which simply doesn't exist where
24 properties are bulkheaded. And each of
25 those criteria that I read through,

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2 having a bulkhead there, it doesn't
3 degrade the situation or necessarily
4 impact the situation at all, and in one
5 case, it stabilizes the waterfront edge.
6 So we're saying in that case, we've never
7 seen what the nexus is between the water
8 quality issues that are stated and the
9 impact of a bulkhead, and that's been the
10 planning basis of our testimony. And we
11 think that this issue is going to come up
12 again, and if other District
13 Councilpeople are as responsive as
14 Councilman Henon has been to this
15 company, we'll solve it as an individual
16 piece of zoning legislation. But I think
17 it's going to require an individual piece
18 of zoning legislation, because when -- if
19 you tell a company that wants to come in,
20 We want you, but you have to get a
21 special exception in order to be there,
22 they're not going to feel very welcomed,
23 and that's the message that we are
24 sending.

25 COUNCILMAN O'BRIEN: But you're

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2 saying that there's a report that you're
3 going to submit to City Council?

4 MR. SCHELTER: This is an -- we
5 have submitted reports every time there's
6 been a piece of legislation, and all
7 we're saying is that when one year is up,
8 when the government and the
9 Administration are reporting back to City
10 Council, we want to be -- we're going to
11 report back as well. And if I come a
12 year from now and say all these things,
13 you say, Well, where were you when
14 such-and-such happened. That's why I'm
15 here today.

16 COUNCILMAN O'BRIEN: Thank you,
17 Mr. Schelter.

18 COUNCILMAN GREENLEE: I
19 appreciate that.

20 Councilman Henon.

21 COUNCILMAN HENON: I just want
22 to -- Mr. Schelter, I am, as you know, in
23 lengthy and ongoing conversations moving
24 forward with not only you, but the
25 company in question that you bring to the

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2 table here. I'm fully committed to
3 trying to work with them and make sure
4 that they grow and that there's no unduly
5 resistance or obstacles in doing so that
6 also conforms with the amendments that we
7 propose today, and I think the City is
8 committed to seeing businesses grow as
9 well. So look forward to having those
10 ongoing conversations, and the commitment
11 is to make sure that we grow our
12 businesses here, environmental
13 performance at the same time. I'd just
14 like to see us vote on this amendment
15 very soon so we can get on with our
16 lives, if you would.

17 COUNCILMAN GREENLEE: Amen.

18 COUNCILMAN HENON: But we're
19 certainly sensitive to the growth of the
20 economy and the citizens of Philadelphia.

21 COUNCILMAN GREENLEE: Thank
22 you. Let's get on with life. That's a
23 good idea.

24 Okay. Thank you, Mr. Schelter.

25 That's all I have on my list

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2 for this bill, for the hydrology issue.

3 Anybody else want to testify on that?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, Ms. Marconi, will you please just
7 read the title of Bill 120774, please.

8 THE CLERK: Bill No. 120774, an
9 ordinance amending Title 14 of The
10 Philadelphia Code, entitled "Zoning and
11 Planning," by revising and clarifying
12 certain provisions and making technical
13 changes; and amending various other
14 Titles to make conforming changes; all
15 under certain terms and conditions.

16 Alan Greenberger.

17 COUNCILMAN GREENLEE:
18 Mr. Greenberger and Ms. Gladstein, while
19 you're approaching, let me just state a
20 couple things.

21 First of all, anybody that is
22 here to talk about the whole RCO issue,
23 registered community organizations,
24 Councilwoman Blackwell has agreed to not
25 put forth any amendments on that issue.

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2 She will be introducing another bill, a
3 separate bill, because she feels that
4 that is a fairly substantive issue and it
5 should be handled separately. I just
6 want to note for the record that
7 Councilwoman Reynolds Brown previously
8 had done the same when it came to daycare
9 centers, and this Committee has already
10 passed that bill.

11 So I think it's been the
12 position -- and there may be some other
13 amendments that are offered -- the
14 position that we've tried to take that
15 any amendments that are reasonably
16 substantive really should be handled
17 separately. So everybody understands
18 what we're doing, both the Council
19 Committee, Council as a whole and also
20 the general public.

21 So, again, I appreciate both
22 Councilwoman Reynolds Brown and
23 Councilwoman Blackwell's cooperation on
24 those issues.

25 With that, Mr. Greenberger,

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2 Ms. Gladstein.

3 DEPUTY MAYOR GREENBERGER:

4 Thank you, Mr. Chairman. Good morning,
5 members of Council. Given what you just
6 said, a fair bit of the testimony that we
7 had given to you previously is now not
8 needed. So we're just going to skip
9 that.

10 COUNCILMAN GREENLEE: Very
11 good. Thank you.

12 DEPUTY MAYOR GREENBERGER:
13 Thank you.

14 COUNCILMAN GREENLEE: We always
15 like to skip testimony. It's like
16 agreements, we like them both.

17 DEPUTY MAYOR GREENBERGER:
18 Yeah.

19 I'm Alan Greenberger, Deputy
20 Mayor for Economic Development, and this
21 is the second hearing on this bill, and I
22 just want to provide a brief set of
23 comments on a few of the amendments that
24 are still active that are proposed in
25 previous sessions of the Rules Committee.

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2 Councilman O'Neill offered
3 three amendments, and we provided
4 comments on two of those amendments. And
5 although we do have some reservations
6 about them, we will not oppose them. The
7 third amendment, however, which was
8 presented at the very last minute prior
9 to this session raises some serious
10 concerns for us. This amendment changes
11 how 21 different uses are managed in the
12 CMX-2 district. We strongly object to
13 that amendment, as these are dramatic
14 changes to a very prevalent zoning
15 district and are being made when we're
16 not aware of any concerns about these
17 uses. And I'm not telling you that there
18 are no concerns. We just have not been
19 made aware of them.

20 But I do want to make you aware
21 of what CMX-2 represents. I think it's
22 important to know this. It represents
23 one-third of all commercially zoned land
24 in the City. Fifty-eight percent of the
25 commercial areas in the 8th District, 28

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2 percent of the commercial land in the
3 6th, 44 percent of the commercial land in
4 the 9th is all zoned CMX, 10 percent of
5 the commercial land in the 10th Council
6 District, because that's more the home of
7 more automobile-oriented shopping
8 centers, which account for a lot of the
9 commercial activity.

10 So if these amendments are
11 adopted, some of the uses that would now
12 require -- would now require approval
13 from the Zoning Board, and they would
14 include things like pet supply and
15 hardware stores, transit stations,
16 recreation, VFW post or even an ice cream
17 or a deli shop.

18 Now, there may be an issue out
19 here, and we're starting to hear things.
20 We're also aware that there were some
21 amendments that were put through this
22 morning that we just received before this
23 hearing started. We obviously haven't
24 had a chance to review them, digest them
25 or anything. In some cases, we're aware

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2 that there are even more changes that are
3 being recommended. What I would tell you
4 is this: The uses in the commercial
5 districts were very thoroughly reviewed
6 over the course of the four years of the
7 Zoning Code Commission. It included
8 dozens of citizen meetings as well as
9 several Council briefings. These changes
10 were not raised in Council
11 recommendations to the Zoning Code, nor
12 were they raised at several Council
13 briefings held this fall. Therefore, we
14 would oppose making such dramatic changes
15 to the City's major commercial mixed-use
16 district without benefit of additional
17 experience with the new Zoning Code and
18 certainly without a more thorough review.
19 So our recommendation at this time is to
20 do what Councilwoman Blackwell has done
21 with the RCO bill, put it aside. These
22 are serious changes. They have
23 implications all over the map. They're
24 walking backwards from a lot of things
25 that we did at the Zoning Code. We think

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2 this deserves its own attention, its own
3 separate bill, and its own set of
4 reviews, which we would obviously like to
5 be a more part of.

6 COUNCILMAN GREENLEE: I
7 appreciate that. Let me just go on
8 record basically saying that if a bill, a
9 separate bill, is introduced just like
10 with Councilwoman Blackwell's issue and
11 when Councilwoman Reynolds Brown did it,
12 that hearing will be scheduled.

13 DEPUTY MAYOR GREENBERGER:
14 Right.

15 COUNCILMAN GREENLEE: The
16 Committee is not interested in holding up
17 anything. We think people should have
18 their bills heard. But just speaking for
19 myself, I do think that this is a very
20 substantive issue that I do think
21 deserves a separate vetting where
22 everybody understands, because there
23 could be people that would be here if
24 they knew this was coming up and they're
25 not aware of it.

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2 DEPUTY MAYOR GREENBERGER: I
3 think you're right about that. We agree.

4 COUNCILMAN GREENLEE: I think
5 it's gone through that process.

6 Any questions or comments from
7 the Committee?

8 Councilman O'Brien.

9 COUNCILMAN O'BRIEN: I would
10 just like to go on the record that I
11 concur with the testimony and with the
12 Chairman.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 DEPUTY MAYOR GREENBERGER:
16 Thank you, Councilman.

17 COUNCILMAN GREENLEE: Any other
18 questions or comments?

19 Councilman Kenney.

20 COUNCILMAN KENNEY: The
21 question I would have is -- I know there
22 are a number of different amendments.
23 The one dealing with this particular
24 issue, is that separated from the
25 amendments we're going to offer?

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2 COUNCILMAN GREENLEE: Yes.

3 Yes. There are, I believe, four
4 amendments, if I'm right, that we all
5 agree on. There's the two, I'll call it,
6 O'Neill amendments, the industrial piece
7 and the major minor piece. There is --
8 you have something on wireless that we
9 had vetted and talked about last time,
10 correct?

11 MS. GLADSTEIN: Right. And we
12 have a new one today, which I sent, and I
13 am hoping it was distributed to staff. I
14 can explain what it is, if that would be
15 helpful.

16 COUNCILMAN GREENLEE: Maybe so,
17 because it's still a fluid process.

18 MS. GLADSTEIN: We became aware
19 in reviewing Councilwoman Reynolds Brown
20 bill around family-based daycare that
21 it's exactly what these technical
22 amendments were for. We had a map of
23 area one and area two that are treated
24 differently in family-based daycare. The
25 map included all of the 54th Ward, but in

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2 the text description, it did not include
3 all of that ward. So we're just making
4 the text and the map consistent with each
5 other. So that amendment is new this
6 morning.

7 COUNCILMAN GREENLEE: And
8 that's kind of a perfect example of a
9 technical amendment, I would say.

10 MS. GLADSTEIN: Exactly.

11 COUNCILMAN KENNEY: I just want
12 to commend you on your work. I think
13 you've done a Yeoperson's effort that you
14 all made over the period of time you did
15 it, and I know there was a lot of ups and
16 downs and fits and starts and last-minute
17 attempts to blow things up and other
18 things that were going on, and you held
19 your ground and did what you had to do.
20 So I'm very proud of what you did, and
21 I'm going to be happy to vote for this
22 piece of legislation. I think it's -- as
23 I said in earlier hearings, we've spent
24 50 years filling up our basements and
25 attics with overlays and other kinds of

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2 things and I think you took four years to
3 clean out the basement. I'm sure over
4 the next 50 years we'll be adding various
5 things here and there, but I really do
6 think it's going to make a difference in
7 this city going forward, and I'm just --
8 if you do nothing else, and you will do
9 other things, you should be proud of what
10 you did in the last four years. So
11 congratulations.

12 DEPUTY MAYOR GREENBERGER:
13 Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman.

16 Before you go, just one thing,
17 because -- and I don't know if the people
18 are here, but there was an issue brought
19 up just yesterday by some folks that were
20 walking around about decks. Could you
21 just address that in case they're either
22 here or coming?

23 MS. GLADSTEIN: Yeah, sure.
24 And it looks like Councilman O'Neill also
25 in something that I just received this

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2 morning might be trying to address it.

3 We became aware again as a
4 technical amendment that while we had
5 very rigorous standards for roof decks in
6 residential districts, we had not
7 addressed roof decks in a commercial
8 mixed-use district where there would be a
9 residential use. And so we added that
10 in, that they are permitted only when
11 there's a residential use, not when it's
12 a commercial use. So you can't have a
13 roof deck on a restaurant or a bar, but
14 where you have the mixed-use district, if
15 there's a residence, you can have a roof
16 deck, but it's subject to the same
17 standards as all the other roof decks.
18 In the absence of having that amendment,
19 there would be no standards for roof
20 decks.

21 COUNCILMAN GREENLEE: Okay.

22 Thank you.

23 Any questions on that?

24 (No response.)

25 COUNCILMAN GREENLEE: Again, I

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2 don't know if the people are here. I
3 don't see them, but just in case that
4 comes up. And obviously you guys are
5 always in those seats there, particularly
6 you, Eva. So if something comes up, you
7 can address it.

8 MS. GLADSTEIN: We'll be happy
9 to do that.

10 COUNCILMAN GREENLEE: And I
11 think we talked about all the amendments
12 that we were planning and doing, I
13 believe, right?

14 Any other questions or
15 comments?

16 (No response.)

17 COUNCILMAN GREENLEE: Thank you
18 very much.

19 Ms. Marconi, if you could say
20 who -- I'm not sure who else wants to
21 testify or who is here.

22 THE CLERK: Anne Fadullon.

23 COUNCILMAN GREENLEE: Why don't
24 you call the next one too, please.

25 THE CLERK: Rick Sauer.

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2 COUNCILMAN GREENLEE: Why don't
3 you both come up together.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN GREENLEE: Good
7 morning. I think it's still morning.
8 How are you? Please identify yourself
9 for the record and proceed.

10 MS. FADULLON: Anne Faddulon,
11 Vice-President of the Building Industry
12 Association, and I'm going to be very
13 brief, because the prepared testimony I
14 had was about the RCO issue, and I want
15 to thank Councilwoman Blackwell for
16 realizing that that was a substantive
17 issue and moving it out of this technical
18 amendments bill and having it heard
19 separately. And I just want to reiterate
20 kind of what's been said and I think what
21 seems to be the sentiment of the Rules
22 Committee, is that the Building Industry
23 Association is hoping that the technical
24 amendments bill does not become a venue
25 for sort of open season to make very

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2 substantive changes to the very
3 substantial and hard work that was done
4 by the Zoning Code Commission and that we
5 instead rely on the process that Council
6 so wisely put in, is that there's a
7 one-year reporting period and we kind of
8 deal with major issues at that time
9 rather than trying to deal with what
10 appear to be some substantive issues that
11 have made their way into the technical
12 amendments bill.

13 So, again, I just want to thank
14 you for the opportunity to say that, and
15 we look forward to continuing the
16 dialogue on building a better
17 Philadelphia.

18 Thank you.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Mr. Sauer.

22 MR. SAUER: Good morning. My
23 name is Rick Sauer. I'm the Executive
24 Director of the Philadelphia Association
25 of Community Development Corporations and

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2 I want to thank you for the opportunity
3 to briefly testify. Overall, we're
4 supportive of the technical amendments to
5 this bill. The concern we have, I think,
6 is the same concern that was raised by
7 the City Administration, and that is with
8 regard to changes to the uses in the
9 CMX-2 district.

10 There was a lot of time put in,
11 not just by folks on the City Council and
12 the Zoning Code Commission, but by a
13 number of commercial corridor managers
14 around what are appropriate uses in
15 neighborhood commercial areas, and it's
16 our concern that the proposed amendments
17 being offered by Councilman O'Neill would
18 actually revert sort of the new proposed
19 standards for appropriate uses in those
20 commercial districts back to a very
21 restrictive definition under the old
22 code. At a time when we're trying to
23 revitalize our neighborhood shopping
24 districts and encourage new small
25 businesses to open, I don't think we want

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2 to be putting additional obstacles in
3 place of those small business owners to
4 do that. Things like whether they're pet
5 supply stores or hardware stores or ice
6 cream parlors, those are appropriate uses
7 on neighborhood commercial corridors, and
8 so to require -- either to prohibit them
9 outright or require an owner to go to the
10 ZBA to get a special exception in that
11 case just does not make sense. So we'd
12 encourage the Rules Committee not to make
13 the changes that are proposed to the
14 CMX-2 district.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 MR. SAUER: I have written
18 testimony here, if that's helpful.

19 COUNCILMAN GREENLEE: We'll
20 make it part of the record.

21 Any questions or comments?
22 (No response.)

23 COUNCILMAN GREENLEE: Seeing
24 none, Ms. Marconi, is there anyone else
25 you have on your list? Call the last two

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2 I think we have here, if they're here.

3 THE CLERK: Henry Pyatt, Diana
4 Lu.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN GREENLEE: Please
8 identify yourself and proceed.

9 MR. PYATT: My name is Henry
10 Pyatt. I'm the Commercial Corridor
11 Manager at New Kensington Community
12 Development Corporation.

13 MS. LU: My name is Diana Lu.
14 I'm the Main Street Manager for
15 Philadelphia Chinatown Development
16 Corporation.

17 MR. PYATT: I am here as well
18 to speak about the proposed changes from
19 Councilman O'Neill relating to CMX-2
20 zoning. CMX-2 is the predominant
21 commercial zoning district on the
22 commercial corridors that I serve of
23 Frankford Avenue, Girard Avenue, Lehigh
24 Avenue, Richmond Street, Kensington
25 Avenue, Front Street, Allegheny Avenue

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2 and other -- well, we'll leave it at
3 that.

4 But basically in our
5 neighborhoods, we're working to create
6 walkable, attractive commercial
7 corridors. We're working to create -- to
8 come back to what we were, basically a
9 place where residents can find the
10 services and goods they need within their
11 neighborhood as opposed to having to
12 travel to an automobile-oriented shopping
13 center some place else, and we're also
14 working to create a place where some of
15 our residents can create new small
16 businesses that both fit within existing
17 paradigms and new paradigms that attract
18 new folks to our neighborhood and help
19 revitalize our commercial corridors to be
20 what they were intended and built to be.

21 Requiring businesses -- this
22 bill would require many businesses that
23 are appropriate on our commercial
24 corridors, including artisan
25 manufacturing and artist studios, to

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2 acquire a special exception from the
3 Zoning Board of Adjustment. This creates
4 two very big problems. The first problem
5 is that that is an unnecessary hurdle,
6 because many, if not all, of the uses
7 recommended for change are in fact
8 appropriate in CMX-2 zones, and so that
9 would create an unnecessary hurdle to
10 these businesses opening in an
11 environment where we're working very hard
12 to both incentivize financially using
13 City funds, including the Storefront
14 Improvement Program, and working very
15 hard in terms of our time to kind of
16 handhold these folks and get them to a
17 place where their businesses are ready to
18 go. This would create an unnecessary
19 hurdle and go against many of the
20 resources we as a city have chosen to
21 expend to encourage these folks to open
22 these businesses. And it would also
23 create a burden on the RCOs. We've got a
24 lot of volunteers that are working very
25 hard to facilitate a community input

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2 process to zoning variances, and in cases
3 where, let's say, an ice cream shop wants
4 to open on Frankford Avenue in the
5 Fishtown neighborhood, it's very
6 frustrating to the volunteers who work
7 diligently and give many of their weekday
8 nights to create -- to allow for public
9 input through the course of meetings and
10 putting notices in the newspaper,
11 flyering folks within 500 feet of an
12 affected property, and so on and so
13 forth, only when they know that this
14 variance is in fact appropriate and
15 should have never been required. So it's
16 a burden -- it's a hurdle for businesses
17 that are in fact appropriate, and we are
18 encouraging -- and it's also an
19 unnecessary burden on the folks that are
20 working very hard to ensure appropriate
21 public input into the zoning variance
22 process.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Ma'am, before you go, I don't

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2 think I said for the record that

3 Councilwoman Bass and Councilwoman Tasco,
4 members of the Committee, are also here.

5 Please. Identify yourself and
6 proceed.

7 MS. LU: My name is Diana Lu.

8 I'm the Main Street Manager for
9 Philadelphia Chinatown Development
10 Corporation. I have a role pretty
11 similar to Henry, except that for
12 Chinatown, we have only a few blocks. So
13 it's really -- essentially my area is
14 from Vine Street over to Arch Street,
15 from 9th to 11th. And when we have such
16 a small amount of space and so many
17 businesses and residences literally on
18 top of each other, it's already difficult
19 to when we have so many existing
20 businesses that are trying to stay in
21 business as well as new ones are trying
22 to come in and just act very quickly to
23 make use of any open space that comes up
24 or to respond to changes that happen.
25 And so a lot of the uses that are

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2 suggested to have more variances, these
3 are the types of uses that are
4 intertwined into the fabric of Chinatown,
5 and I think that they're really necessary
6 for us to stay an active commercial
7 corridor and a residential neighborhood.

8 Two of them in particular that
9 I wanted to point out were the mention of
10 to have a special variance in order to
11 have a group living situation or to have
12 visitor accommodations. In Chinatown, we
13 have a senior services center as well as
14 senior housing. On Lok House has about
15 70 seniors that gather for lunch on a
16 regular day. And this is not only a
17 place for gathering, it is also a place
18 where they live, and the uses that On Lok
19 Senior House has -- I mean, they're
20 already at capacity, so we're going to
21 need to have more senior housing soon,
22 and that will be considered a business.
23 So for that to be something that is
24 considered a special -- requiring a
25 special variance doesn't seem to fit with

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2 Chinatown.

3 And then on top of that, for
4 visitor accommodations, we're right next
5 to Independence Hall, right next to the
6 Independence Center. We are also a
7 gateway for new immigrants, tourists, and
8 visitors. And to try to welcome folks
9 into Chinatown and to have it be -- to
10 have it be difficult to have visitor
11 accommodations will make it really
12 confusing for the message of Chinatown
13 overall.

14 And, in general, I think the
15 greater question is, what kind of message
16 does it send to the businesses that are
17 trying to build stronger self-sustaining
18 local economy in Chinatown. There are
19 businesses that are trying to serve the
20 local economy as well as the newcomers
21 coming in. And as a Main Street Manager,
22 I speak multiple languages as the
23 somewhat middleman between the City,
24 other non-profits, other organizations
25 and being bicultural and bilingual, and

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2 there are so many languages there, but
3 one language that I do try to speak for
4 the businesses is a better understanding
5 of the Zoning Code and what businesses
6 need to do when they're coming in and
7 they're new businesses. This is
8 something that seems like an
9 unnecessarily long conversation, multiple
10 conversations that businesses will ask
11 about that I will have a hard time
12 explaining why this is necessary if we're
13 trying to be a competitive corridor in
14 Philadelphia and as a neighborhood.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilwoman Tasco I think had
18 a question.

19 COUNCILWOMAN TASCO: Let me
20 just say this: I'm looking at the
21 amendments, and I talked to Councilman
22 O'Neill about it. As I look at the new
23 designation, it seems like one size fits
24 all. Now, I hear and understand your
25 concerns where you live, but some of your

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2 concerns don't fit my district. So how
3 do you accommodate the change or the,
4 say, multi-family dwelling, raising of
5 putting a multi-family apartment over a
6 commercial corridor or a building in my
7 district, which our neighbors don't want.
8 You see what I'm saying?

9 So that is -- my issue is one
10 size does not fit all. You got to be
11 able to look at the neighborhood where
12 you are and protect the integrity of that
13 neighborhood based on those people who
14 live there.

15 MR. PYATT: May I -- if I may.
16 That concern I would suggest is best
17 addressed through remapping. CMX-2 is a
18 very clearly defined zone with very
19 clearly defined purposes. It is to be a
20 mixed-use commercial on commercial
21 corridors, including residents above
22 commercial spaces. And if a particular
23 corridor is not appropriate for that, I
24 would argue that the appropriate remedy
25 for that situation would be remapping

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2 that corridor to a different zone that
3 does not allow for mixed use.

4 COUNCILWOMAN TASC0: Well, we
5 may not be opposed to mixed use, but what
6 we are saying is that the community
7 should have input in terms of what is
8 going there, and right now this does not
9 allow for community input. The person
10 can just go and apply for an application
11 and do what they want to do. My issue
12 is, how do we get the buy-in from the
13 community. Because we may have certain
14 ideas about what it should look like, how
15 many people should be there, what kind of
16 facility it's going to be, and the impact
17 on the neighborhood. And so that is my
18 concern.

19 So I will be looking at the
20 amendments at the new bill that the
21 Councilman brings in, because I have a
22 different neighborhood than Chinatown,
23 but I certainly respect and understand
24 where you are and what you're dealing
25 with. It's not the same thing that I'm

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2 dealing with in the 9th District.

3 MR. PYATT: I greatly
4 appreciate your attention to the detail
5 there, and in our case, in the river
6 wards, we do have a community vetted plan
7 for our commercial corridors that
8 specifically asks for and seeks many of
9 the uses that would require a special
10 exception or in fact be prohibited under
11 the proposed bill. And so it does in
12 fact run counter to well-vetted community
13 input in our case for our neighborhood.

14 COUNCILWOMAN TASC0: So we have
15 to look at that.

16 MR. PYATT: Yeah. Thank you
17 very much.

18 COUNCILWOMAN TASC0: And that's
19 the discussion. Not that we are against
20 the idea, but how do we address the
21 issues of commercial corridors in various
22 neighborhoods. You tell that to Chestnut
23 Hill.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 MS. LU: I would like to just
3 add a very quick comment, that I
4 completely understand where you're coming
5 from, because I actually am not a
6 resident of Chinatown. I have lived in
7 various neighborhoods in West
8 Philadelphia. I currently live in
9 Fishtown, and I would identify myself as
10 a planner and just as an overall consumer
11 and lover of business development. But I
12 do understand what you're saying, that
13 there is not one blanket code that could
14 fit all the different neighborhoods and
15 the different characters that are in
16 Philadelphia and that -- when I look at
17 this, I just sort of think about what is
18 being considered are things that -- while
19 you make a very good point about the
20 group living situation, a lot of these
21 other businesses I wouldn't consider
22 nuisances in a lot of my neighborhoods.

23 MR. PYATT: For example,
24 prepared foods. We're talking about
25 delis. We're talking about ice cream.

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2 For example, artist studios. We're
3 talking about folks that paint pictures
4 and hang them up and sell them. These
5 would require special exceptions under
6 this proposed amendment, and I don't know
7 that there's anybody in town that would
8 say that a corner property on a
9 commercial corridor would in any way be
10 negatively impacted by an artist studio.
11 And there are many other uses that are
12 proposed to require special exceptions or
13 outright zoning variances to be allowed,
14 and I think that many of them, not all
15 most certainly, especially the ones you
16 brought up, including group living, but
17 many of these uses are in fact totally
18 benign and totally appropriate on, I
19 would argue, every commercial corridor,
20 things like prepared foods, very simple
21 basic things, artist studios.

22 COUNCILMAN GREENLEE: Let me
23 just say, I get where you're going,
24 unless the Councilwoman had another
25 question. I think if a bill, as I stated

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2 early, is introduced, it will certainly
3 get a hearing and you can talk about
4 these things. Okay?

5 MR. PYATT: Thank you very
6 much.

7 MS. LU: Thank you for your
8 time.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Ms. Marconi, is there anybody
12 else -- I have nobody else on record. Is
13 there anybody else here that wants to
14 testify?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none -- that concludes...

18 (Witness approached witness
19 table.)

20 COUNCILMAN GREENLEE: Please
21 identify yourself for the record and
22 proceed.

23 MR. WRIGHT: James Wright,
24 Commercial Corridor Manager for Lancaster
25 Avenue in West Philly near the People's

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2 Emergency Center. I just wanted to just
3 reiterate the effort that's being put
4 forth by the City at all levels through
5 the Commerce Department, the Planning
6 Department to revitalize these
7 neighborhood corridors, to bring energy,
8 jobs, revenue, revitalization, decrease
9 vacancy. And Lancaster Avenue is a
10 pretty vibrant corridor, but what we lack
11 is diversity. When you drive down, you
12 see many of the same uses that are easy
13 to get in. The restrictions here for the
14 different things, except for group
15 living, would add diversity that we
16 definitely need so that people don't
17 travel out of the City to shop at
18 auto-oriented malls, so...

19 COUNCILMAN GREENLEE: Thank
20 you. I get it. Thank you very much.

21 Anyone else?

22 (No response.)

23 COUNCILMAN GREENLEE: Seeing
24 none, that concludes the hearing of the
25 Committee on Rules.

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2 We will now go into the --

3 first we're going to take up Bill 120654,
4 and the Chair recognizes Councilman
5 Kenney for the amendments of that bill.

6 COUNCILMAN KENNEY: Thank you,
7 Mr. Chairman. I move that the amendments
8 offered to Bill No. 120654 be approved.

9 (Duly seconded.)

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

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: The
15 motion is carried. The bill is amended.

16 Once again, Councilman Kenney.

17 COUNCILMAN KENNEY: Thank you,
18 Mr. Chairman. I move that Bill No.
19 120654, as amended, be reported out of
20 this Committee with a favorable
21 recommendation and request made for rules
22 suspension to allow first reading at our
23 next Council session.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: Been

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2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, Bill No. 120654, as amended,

9 reported out of Committee favorably with

10 a rules suspension.

11 Now Bill No. 120774, the

12 amendments.

13 COUNCILMAN KENNEY: Thank you,

14 Mr. Chairman. I move that Bill No.

15 120774 be amended according to the

16 amendments that have been offered.

17 COUNCILMAN GREENLEE: Just for

18 the record, that does not include the

19 amendments dealing with the CMX changes.

20 (Duly seconded.)

21 COUNCILMAN GREENLEE: It's been

22 moved and seconded.

23 All in favor?

24 (Aye.)

25 COUNCILMAN GREENLEE: Opposed?

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2 (No response.)

3 COUNCILMAN GREENLEE: Hearing

4 none, the amendments are adopted.

5 Councilman Kenney.

6 COUNCILMAN KENNEY: Thank you,

7 Mr. Chairman. I move that Bill No.

8 120774, as amended, be reported out of

9 this Committee favorably and a request

10 made for rules suspension to allow first

11 reading at our next Council session.

12 (Duly seconded.)

13 COUNCILMAN GREENLEE: Been

14 moved and seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN GREENLEE: Opposed?

18 (No response.)

19 COUNCILMAN GREENLEE: Hearing

20 none, Bill No. 120774, as amended,

21 reported out of this Committee favorably

22 with a rules suspension for reading at

23 our next session of Council.

24 I appreciate all the

25 Committee's involvement and everyone

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2 else, and no further business right now,
3 the Committee on Rules is adjourned.

4 Thank you all very, very much.

5 (Committee on Rules concluded
6 at 11:30 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on November 14, 2012, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY
RPR-Notary Public

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certifying reporter.)

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3100 16:9				