

COUNCIL OF THE CITY OF PHILADELPHIA
RULES COMMITTEE

ROOM 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 12, 2012
10:40 A.M.

PRESENT:

COUNCIL PRESIDENT DARRELL CLARKE
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN KENYATTA JOHNSON
COUNCILWOMAN MARIAN B. TASCO
COUNCILMAN CURTIS JONES

Bill No. 120301 ...

Bill No. 120431 ...

Bill No. 120417 ...

Bill No. 120418 ...

- - -

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILMAN GREENLEE:

3 Please, can I have everybody's
4 attention, please. Because it's very
5 hard to hear in here. Folks are
6 talking. It's difficult to hear.

7 I apologize for the slight
8 delay here. This is the Committee on
9 Rules. For the record, we have a
10 quorum consisting of Councilwoman
11 Bass, Councilwoman Reynolds Brown,
12 Councilman Jones, Councilwoman Tasco
13 and Council President Clarke.

14 Ms. Marconi, will you
15 please read the first bill before us
16 today.

17 CLERK: Bill No. 120301:
18 "An Ordinance continuing the Mt. Airy
19 Business Improvement District beyond
20 its termination date, in an area that
21 generally includes both sides of
22 Germantown Avenue from 6300 to 7631
23 and certain blocks of streets that
24 intersect that portion of Germantown
25 Avenue and for which Mt. Airy

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2 Improvement District, Inc., a
3 Pennsylvania nonprofit corporation,
4 is the Neighborhood Improvement
5 District Management Association for
6 the District, approving a plan and
7 report for the District, including a
8 list of proposed improvements and
9 their estimated cost, and providing
10 for assessment fees to be levied on
11 property owners within the District,
12 authorizing the Director of Commerce,
13 on behalf of the City, to execute an
14 agreement with Mt. Airy Improvement
15 District, Inc., relating to the
16 District authorizing Mt. Airy
17 Improvement District, Inc., to assess
18 certain property owners within the
19 district a special property
20 assessment fee to be used in
21 accordance with the approved final
22 plan, all in accordance with the
23 provisions of the Community and
24 Economic Improvement Act and under
25 certain terms and conditions."

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2 COUNCILMAN GREENLEE: Thank
3 you. And before we take witnesses
4 and just so they can be ready; if
5 Kevin Dow, Hollie Malamud-Price and
6 Ken Weinstein, please approach the
7 table. And while they are coming,
8 the Chair recognizes Councilwoman
9 Bass.

10 COUNCILWOMAN BASS: Thank
11 you, Mr. Chairwoman. I did want to
12 before we begin the testimony, thank
13 Kevin and Hollie and Ken for being
14 here this morning and speaking out on
15 behalf of the Mt. Airy Business
16 Improvement District. You know, I
17 just really wanted to echo -- I know
18 you are all here in support obviously
19 -- and to stand alongside with you in
20 terms of my support for the very
21 important work that the Mt. Airy Bid
22 does and the services that you
23 provide. I think that it's crucial
24 that the communities, particularly
25 business areas and business corridors

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2 like Mt. Airy, have the opportunity
3 to provide the services they deem are
4 essential and that we have the
5 support of folks in the community.
6 We have our support from elected
7 officials, community leaders, block
8 captains, Committee people, just
9 folks living in the neighborhood.

10 So it's very important the
11 work that the Bid does. And I just
12 want to thank you all for being here
13 and for all that you have done to
14 make it such a success that it is.
15 So thank you.

16 COUNCILMAN GREENLEE:
17 Thank you, Councilwoman. And the
18 record will please reflect that
19 Councilman Henon, a member of the
20 Committee, is also present.

21 And, Mr. Dow, before you
22 start, just an announcement to
23 everyone. This promises to be kind
24 of a long day. I know a lot of
25 people here are for the

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2 Eastwick/Korman Suite zoning. I just
3 ask for your patience. We will try
4 to get through the other bills.
5 There is three other bills. We are
6 going to try to get through them as
7 quickly as can. And then it will be
8 your turn.

9 But, again, please keep
10 your voices at a very low minimum
11 because it's very difficult to hear
12 and we have to get everyone's words
13 on the record here. And I just want
14 to make a statement quickly; for all
15 witnesses, if they could be brief in
16 their statements. If you have
17 written testimony, that will be made
18 part of the record already and you
19 can just summarize your statements.

20 So, Mr. Dow, you are going
21 to set this great example by starting
22 out. Thank you.

23 MR. DOW: Good morning. My
24 name is -- excuse me -- Mr. Chairman
25 and members of City Council -- my

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 name is Kevin Dow. I'm Deputy
3 Commerce Director for the City of
4 Philadelphia Commerce Department.
5 And I'm here to provide testimony in
6 support of Bill No. 130301 which
7 provides for the reauthorization of
8 the Mt. Airy Business Improvement
9 District.

10 As per request from the
11 Chairman, I refer you to my written
12 remarks. I will try to contain them
13 substantially in order to move
14 forward.

15 Despite the modest budget
16 of the Bid, it has maximized its
17 impact by working closely with the
18 Neighborhood Partner Organization,
19 Mt. Airy USA, by mobilizing
20 volunteers and be securing grant
21 funds, the City has complemented the
22 work of the bid by providing
23 financial and technical assistance to
24 enhance the sidewalk cleaning and
25 beautification work and provide

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2 matching funds for the recent street
3 improvements on Germantown Avenue.

4 Taken all together, all of
5 these activities have benefitted the
6 business district and helped to
7 ensure the stability of the
8 surrounding community. The Commerce
9 Department supports this partnership
10 and encourages continued and enhanced
11 coordination between the Bid and Mt.
12 Airy USA to ensure comprehensive and
13 effective development of the
14 Germantown Ave. Corridor and
15 surrounding neighborhoods.

16 In closing, this worthwhile
17 effort deserves the support of the
18 City. Thank you for your
19 consideration, and I would be happy
20 to answer any questions at this time.

21 COUNCILMAN GREENLEE:
22 Thank you, Mr. Dow. We are going to
23 hear from all three. And then if
24 there is questions. Whoever would
25 like to go next.

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2 MS. MALAMUD-PRICE: Good

3 morning, Chairman Greenlee and

4 members of the Rules Committee. To

5 start, I want to thank Councilwoman

6 and her staff for the assistance they

7 have provided in this process. Good

8 morning, again. My name is Hollie

9 Malamud-Price. I am the Executive

10 Director of the Mt. Airy Business

11 Improvement District. I have been in

12 this position for almost two years.

13 I moved to Philadelphia

14 three and a half years ago, and I

15 have the good fortune of residing in

16 Mt. Airy, which I think is the best

17 neighborhood in the City. So since I

18 moved to Mt. Airy after the formation

19 of the Bid, I cannot speak to what

20 Germantown Avenue looked like prior

21 to the formation of the Bid. But I

22 have been told by countless people

23 that Germantown Avenue and its

24 adjacent side streets are much more

25 clean, welcoming, friendly, safe and

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2 people feel comfortable going out

3 during the day, during the night.

4 The restaurants are frequented, et

5 cetera.

6 Since the Business

7 Improvement District's inception in

8 2007, the accomplishments are many.

9 You have this in the written

10 testimony so I won't go into complete

11 detail. But most recently we

12 purchased 100 flower baskets. 90 of

13 them are out currently. They are

14 beaming with flowers. They are

15 gorgeous. They are beautiful. They

16 add color to the Avenue which was

17 really missing prior to that.

18 We purchased over \$5,000 in

19 planters for businesses and property

20 owners. We now have a website that

21 allows our presence to be known. As

22 Mr. Dow referenced, we have leveraged

23 our dollars with grant revenue. And

24 in the last year, \$65,000 actually

25 through Commerce and the Northwest

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2 Fund.

3 We provide daily street
4 cleaning five days a week and one
5 Saturday a month which our folks --
6 we have two gentlemen. They collect
7 an extra 20 bags of trash a week.
8 This is not trash that goes in big
9 bellies. This is trash people put on
10 the streets: cigarette butts, cans,
11 bags. You name it. They collect it.

12 We also provide graffiti
13 removal. We recently just received
14 15 rain barrels from the Philadelphia
15 Water Department. We'll be the first
16 bid in the City who will be
17 collecting rain water to water our
18 flowers. We have security lighting.
19 We have banners. We partner with Mt.
20 Airy USA and have 50 big belly solar
21 trash containers.

22 We have additional parking
23 because of the Bid. And, really, one
24 of the things I want to say very
25 briefly is that we have built amazing

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2 partnerships. We annually provide
3 and participate in the Philadelphia
4 Spring Cleanup and the Philadelphia
5 Cares Day. Most recently we helped
6 clean East Duval Street and as a
7 direct outcome there were properties
8 recognized, specifically 126 to 142
9 East Duval were identified as
10 properties for rehab which we are
11 hopefully going to work with Mt. Airy
12 USA to have something done with those
13 properties.

14 It will be really short, I
15 promise. Only one more minute. Even
16 with all these accomplishments, there
17 are challenges that still remain.
18 I want to mention the graffiti. It
19 is horrible in Mt. Airy as the rest
20 of the City.

21 If our two crew were unable
22 to remove the graffiti as they do on
23 a daily basis, 311 would be much more
24 busy than they are now. So we
25 actually complement City services by

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2 providing our own graffiti removal
3 except for areas that need to be
4 power-washed which then are reported
5 to 311.

6 Also, our street
7 ambassadors have helped curb illicit
8 activity. We were made aware of drug
9 sales at a specific location within
10 the Corridor. Our two street
11 cleaners were there, and we have been
12 told by property owners that illicit
13 activity has dropped during the day.

14 Even with all of these
15 challenges, we consider all of these
16 opportunities to build partnerships
17 with the stakeholders, community
18 organizations. And we have excellent
19 relationships with the other Mt. Airy
20 organizations as well as the 14th
21 District. We really have done a lot
22 in the last five years and will
23 continue to move forward with the
24 reauthorization of the Business
25 Improvement District.

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2 Thank you so much.

3 COUNCILMAN GREENLEE:

4 Thank you. And your full statement
5 will be made part of the record, as
6 will Mr. Weinstein's.

7 MR. WEINSTEIN: Thank you
8 very much. I'm Ken Weinstein,
9 Chairman Greenlee, Councilmembers,
10 Councilwoman Bass. Thanks for your
11 comments.

12 I'm the owner of Charley
13 Car Diner and Deli, ice cream stop in
14 Mt. Airy, Charley Cart Cafe in East
15 Falls and a partner in
16 Phillyofficeretail.com. I have been
17 Chair of the Mt. Airy Business
18 Improvement District for the last
19 five years since it was initially
20 passed by City Council.

21 I would like to introduce
22 my fellow Mt. Airy board members and
23 others who came all in support of the
24 legislation today. If they could
25 just stand.

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2 (Board members stood.)

3 COUNCILMAN GREENLEE: Thank
4 you. Thank you for coming.

5 MR. WEINSTEIN: Thank you
6 very much for coming out today. Mt.
7 Airy really is a success story that
8 can and should be duplicated in other
9 parts of the City. Five years ago
10 after City Council initially enacted
11 the Bid, we set out to change the
12 business District. Our goal was to
13 clean, beautify, provide safety to
14 the two-mile stretch of Germantown
15 Avenue.

16 Five years later, I am
17 proud to report that we have done
18 just that. Our streets used to be
19 strewn with trash. And they no
20 longer are. As Hollie said, we have
21 daily street cleaning.

22 We used to have little
23 color or decorations. Now we have
24 banners, flower baskets, sidewalk
25 planters. Five years ago we used to

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2 be dark and less safe. And now we
3 were able to put 100 exterior light
4 fixtures on the sides and rears of
5 the property which has helped stop
6 graffiti and slow down crime in our
7 neighborhood.

8 On a personal note, I have
9 12 properties, pay a little more than
10 \$7,000 a year in Bid fees for
11 properties on and off the Avenue.
12 And I clearly see the benefit of the
13 Bid. And I'm glad that most other
14 people do, too.

15 It's something that needs
16 to continue into the future to help
17 continue the revitalization of Mt.
18 Airy. I would be happy to answer any
19 questions on specifics of this
20 legislation but would also like to
21 move this hearing forward. Thanks
22 for having us today.

23 COUNCILMAN GREENLEE: We
24 want to move everything forward,
25 that's right.

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2 (Laughter.)

3 COUNCILMAN GREENLEE: Thank

4 you. And I could just add in

5 summarizing, as Councilman at large,

6 I do try to get around the City. I

7 am familiar with that portion of

8 Germantown Avenue and I have to say

9 the improvement has been extremely

10 noticeable over the years. So you

11 all do a great job.

12 Any questions or comments?

13 (No response.)

14 COUNCILMAN GREENLEE: Thank

15 you very much. Call two more

16 witnesses. First Clifton Jones and

17 Yvonne Haskins. Are they here?

18 After them will be Abraham Fuchs -- I

19 apologize if I am pronouncing that

20 wrong and Max Glantz. So we will

21 have Mr. Jones and Ms. Haskins and

22 then the other two.

23 So whoever would like to go

24 first; if you can identify yourself

25 for the record, please.

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2 MS. HASKINS: Good morning,
3 Chairman Greenlee and members of the
4 Rules Committee. And thank you very
5 much, Councilwoman Bass, for your
6 comments about us.

7 My name is Yvonne Haskins,
8 and my company Ariadne Properties,
9 LLC, owns 6751 Germantown Avenue that
10 is located within the Mt. Airy
11 business district. I am also a
12 long-time resident of west Mt. Airy.
13 In '71 and '73, I served as the
14 executive director of West Mt. Airy
15 Neighbors and had a lot of
16 experience, even back then, with the
17 community's concern about the poor
18 appearance of our commercial
19 corridor.

20 I have been a member of the
21 Mt. Airy Improvement District Board
22 of Directors since September 2011.
23 And I have been active or our Bid
24 Clean and Safety Committee. This
25 District is doing a stellar job in

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2 carrying out its mission.

3 The Improvement District is
4 a vital part of a vibrant commercial
5 district in Mt. Airy. I know
6 personally the before and after story
7 very well. I can recall the many
8 years before the Bid was created when
9 we suffered with trash and graffiti
10 on every block. I can recall feeling
11 anger about our commercial district
12 in comparison to Chestnut Hill.

13 Mt. Airy's residential
14 blocks are beautiful with neighbors
15 taking responsible for that
16 condition. That responsibility was
17 missing on Germantown Avenue until
18 the Bid was created five years ago.

19 Since that time the feeling
20 of pride in our commercial corridor,
21 a feeling of safety has been high and
22 sustained. This pride has generated
23 business growth and many more
24 shoppers.

25 I will stop there in the

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2 interest of time. I would like to
3 enter this into the record.

4 COUNCILMAN GREENLEE:
5 Absolutely. Thank you. Mr. Jones.

6 MR. JONES: Good morning,
7 Chairman Greenlee, members of the
8 Rules Committee and, of course,
9 Councilwoman Bass. Thank you for
10 receiving us this morning. My name
11 is Clifton Jones. I am the director
12 of operations for New Covenant Church
13 and New Covenant Campus located at
14 7500 Germantown Avenue.

15 I am a member of the Bid
16 board and have been so for
17 approximately four years now. I
18 believe in the work that the Mt. Airy
19 Business Improvement District does.
20 As a faith-based organization in the
21 Mt. Airy community, our mission is to
22 love, reach and serve children, youth
23 and adults. And we do that in a
24 number of ways. And when we partner
25 with an organization such as the Mt.

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2 Airy Business Improvement District,
3 we have to be sure that the mission
4 of that organization is in synergy
5 and in concert with our own
6 organizational mission.

7 And we found that to be
8 true in terms of the Mt. Airy
9 Business Improvement District. The
10 changes in the community that have
11 been noted from those that have
12 already spoken before me are, in
13 fact, true. They are very visible.

14 The work of the Bid has
15 been good for the first five years
16 but we are still needed because the
17 work is not done. There are still
18 more areas that need to be positively
19 affected, more property owners that
20 we need to partner with.

21 The Bid has been very, very
22 successful -- I haven't necessarily
23 heard it mentioned today -- in
24 mobilizing volunteers who would not
25 normally come out and serve the

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2 community. Therefore, we are
3 offsetting costs for possibly persons
4 that need to be paid to provide the
5 same service. And they have been
6 very good at brokering relationships
7 with a number of community
8 organizations, faith-based
9 organizations, nonprofits, block
10 captains, block organizations. You
11 name it and we have brokered the
12 relationships or are looking to do
13 that.

14 We even have a mindset not
15 to just worry about the Mt. Airy
16 community but what condition is of
17 the surrounding communities in that
18 may spill over and affect. We are
19 still needed because if you notice
20 such a dramatic change with the Bid
21 being in existence, you will notice a
22 dramatic change when that Bid is no
23 longer in existence. But it will not
24 be to the positive, I assure you.
25 Again, thank you for hearing us

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2 today. I believe you already have a
3 statement that is noted in the record
4 again. Again, we just really
5 heartfully request your approval of
6 the Bid's reauthorization. Thank you
7 very much.

8 COUNCILMAN GREENLEE:

9 Thank you, sir. And thank you both
10 for what you do in the community.
11 Mr. Fuchs -- again, I hope I am
12 pronouncing that right -- and Mr.
13 Glantz. Are they here? Please
14 approach and state your name for the
15 record and proceed.

16 MR. FUCHS: I am Abraham
17 Fuchs. I am the owner of 31 West
18 Alans Lane for the past 40 years. I
19 share in the positive program. I'm
20 not here to contradict that there is
21 a plus in the last five years. I'm
22 here on the subject of fairness.

23 Being in the middle of the
24 block of 31 West Alans Lane, it's an
25 apartment complex, 25 units. We have

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2 our share of ups and downs. Now we
3 have more downs than ups. Rents are
4 flat. The City has raised our
5 assessments. The Water Department
6 ended up instituting water runoff on
7 top of that.

8 We are actually being
9 squeezed. I'm here to testify that
10 being fair being on a side street of
11 an apartment complex which I am one
12 of the highest assessed across the
13 board, close to \$3,000 a year, which
14 was very difficult on top of our
15 normal taxes.

16 Rents are flat. Yes, the
17 improvement looks pretty good. We
18 really did not get a 100 percent
19 benefit, being on a side street.
20 Yes. Our tenants walk to the Wawa or
21 711 at the corner. That was the way
22 before.

23 Plus there is the Alans
24 Lane train station where some of our
25 tenants get on the train to go down

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2 to City Hall or in Center City in
3 general.

4 Across the board was 18
5 percent plus every year 4 percent on
6 top of that on top of the City
7 assessments. They don't raise taxes
8 but they just raise our assessment.
9 Two, three years ago I think we got a
10 \$5,000 increase. This year they are
11 talking again. We received some
12 paperwork.

13 So between the City and the
14 assessment here, I feel that I had to
15 come down to really protest the
16 fairness of the apartment complexes.
17 It only seems very simple to assess
18 the apartment complex because you
19 pass it on to the tenants. But the
20 tenants are also working people.
21 That's why we ended up having flat
22 rents for a number of years, okay, to
23 attract different people and to keep
24 people, which we run a very tight
25 ship.

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2 Presently we have around
3 four vacancies. We tried to make
4 sure that each person that comes in
5 is really justified and able to pay
6 rent which is for the benefit of the
7 whole neighborhood.

8 We cannot even fix our own
9 parking lot because I am getting
10 zapped from the left and from the
11 right. Yes. I indicated to the
12 board: I'm willing, you know, to put
13 up \$3,000 and 4 percent every year
14 and being on a side street which is
15 not a walk-in business. Okay.

16 People don't walk in to
17 look for apartments. We do not have
18 a management company. It's a small
19 complex. I believe due to fairness,
20 there should be some adjustment to
21 compensate the apartments that I own
22 and the rest of apartments that are
23 involved. Thank you.

24 COUNCILMAN GREENLEE:

25 Thank you. Mr. Glantz. And then if

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2 there is any questions.

3 MR. GLANTZ: My name is Ken
4 Glantz. I'm actually Max' son and
5 the owner of Macland's Autobody which
6 is directly across the street from
7 this apartment complex. We are about
8 90 yards off of the Avenue. And I
9 also own property on the Avenue,
10 which I am not in protest of those
11 properties basically of my property
12 which is up off of that on Alans
13 Lane.

14 Mt. Airy Bid has done a
15 wonderful job. All the improvements
16 look great. They are fantastic.
17 It's brought the community together.
18 Those improvements have not actually
19 come onto the side streets so we do
20 not see better streets, better
21 sidewalks, better lighting, nice
22 flower arrangements, nice signage.

23 So that's already on the
24 Avenue which is wonderful because
25 that's where it needs to be. I am a

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2 commercial business, not a
3 residential business. I am not one
4 that gets business from people
5 walking by. I'm a destination
6 business. When people have an
7 accident, they come and see me.

8 I have been in the
9 community since 1945. My family has
10 been there since 1945. And that's
11 where my business is driven and I
12 have been serving that community
13 since 1945.

14 Again, I am just looking
15 for a fairness as to, you know, what
16 my tax base should be based on, what
17 my business is to that community.

18 COUNCILMAN GREENLEE: Thank
19 you, sir. If I could ask you a quick
20 question. I think two other
21 Councilpeople have a question. Do
22 you think there is any benefit to
23 your apartment building living or
24 having people live close to
25 Germantown Avenue that has improved

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2 as much as you admit it has? In
3 other words, it's cleaner. Do people
4 go to -- are they more likely to move
5 there because of the proximity to
6 Germantown Avenue.

7 MR. FUCHS: No. It might
8 be very slight. But we get our
9 tenants across from many areas. The
10 Alans Lane train station is really
11 the best feather in our hat to have
12 it right down the street and the
13 school system down the street.

14 I do agree to some extent,
15 yes. There is some benefit, of
16 course. But that benefit to tax me
17 personally -- and I'm talking for
18 myself now. This gentleman can do it
19 for himself, is fairness. Okay.

20 I'm not on Germantown
21 Avenue. It's an apartment complex
22 and stores are not open. People rent
23 apartments from Craigs List or papers
24 that we advertise. They come into
25 the community. Sure. There is a

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2 benefit. But it's not the 100
3 percent benefit that would be fair to
4 tax me as one of the highest just
5 because I am an apartment complex
6 with a high assessment. So that
7 should be considered.

8 COUNCILMAN GREENLEE: No.
9 I understand. Councilwoman Bass.

10 COUNCILWOMAN BASS: Well, I
11 think respectfully we will agree to
12 disagree on that. I think where you
13 are located at, it's sort of just one
14 of the best locations in Mt. Airy,
15 even in the City. When you think
16 about your access to Germantown
17 Avenue, it's right around the corner,
18 access to the Alans Lane train
19 station, access to the Houston School
20 which is, you know, just a step away
21 and which is one of the best schools
22 in the City.

23 And so there are just so
24 many assets within walking distance
25 of where your building is. But I do

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2 understand your concern about
3 fairness and about the amount you are
4 paying. And I think what I would
5 like to do is really have an
6 opportunity to have a separate
7 conversation with you gentlemen and
8 to see if there is any other remedy.

9 I'm sure that Ken and some
10 others may be willing to participate
11 and see if there is something that we
12 could do that you would find a little
13 more palatable. So I would love to
14 sit down and have an opportunity to
15 talk to you about that.

16 MR. FUCHS: Absolutely. I
17 think we both would appreciate that.
18 We are not saying -- we will step up
19 to do our fair share. But fairness
20 should be in here, especially since
21 we don't get that much of a benefit.

22 We have our own cleaning
23 crew every day. There is no flowers.
24 Our concrete, especially now, it's
25 been busted up with the Water

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Department coming in.

3 COUNCILWOMAN BASS: And

4 feel free to let our office know if

5 these things are happening. We want

6 to be helpful to you. So I look

7 forward to having a separate

8 dialogue. The office is just right

9 upstairs. I will ask Mr. Bembry here

10 to get your information before we

11 leave so we can sit down and have a

12 conversation.

13 MR. FUCHS: That would be

14 wonderful.

15 COUNCILMAN GREENLEE:

16 Councilwoman Reynolds Brown.

17 COUNCILWOMAN REYNOLDS

18 BROWN: My colleagues have covered my

19 thoughts. But I will ask the

20 questions in a different way. Do you

21 believe that with collective

22 investment comes collective benefit?

23 By those who benefit 10 percent, 50

24 percent or 100 percent comes a

25 collective benefit?

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2 MR. FUCHS: I don't know
3 what you're trying to get at.

4 COUNCILWOMAN REYNOLDS

5 BROWN: What I have come to
6 understand about the Business
7 Improvement District is that no one
8 entity shoulders the burden
9 financially, that all of those who
10 stand to gain in any way from the
11 benefit of the Business Improvement
12 District are also asked the question
13 to invest in the Business Improvement
14 District.

15 MR. FUCHS: Well, we are
16 willing to invest in the improvement
17 district because it does affect us to
18 some extent. But not to the extent
19 of spending \$3,000 where we are not
20 on Germantown Avenue. We are not a
21 storefront. The side street has
22 never been actually cleaned by the
23 District because it's cleaned
24 already. We have our own lighting
25 because we were there 40 years. Yes.

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2 We do have an interest, a vested
3 interest in our community. It's a
4 beautiful neighborhood.

5 But our tenants came
6 before, middle and after because of
7 not so much Germantown. But they
8 come because of a train station.
9 They don't have to drive into Center
10 City. They leave their car there.
11 They walk down to the street.

12 COUNCILWOMAN REYNOLDS
13 BROWN: If I can please hear from the
14 other gentleman. Were you there to
15 experience the decline in that
16 community ten, fifteen years ago?

17 MR. GLANTZ: I have been
18 there since 1978. My family has been
19 there since 1945. And we have
20 invested in the community. We've
21 bought other properties and we have
22 brought those properties up to be
23 pillars in the community there.

24 We own the property the
25 WaWa is on, the property that Valley

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Green Bank is on and the property
3 that Brewer's Outlet is on. And they
4 pay the tax burden on that, also. So
5 I'm not coming in saying there is no
6 benefit to those properties.

7 I'm saying that my property
8 that is behind these, that is 90
9 yards off of this property; that,
10 again, I don't see any of the
11 benefits that are on the Avenue. I'm
12 not seeing the lighting, streets
13 clean, the flags -- and it's nice.
14 It is. It brings people into the
15 community.

16 My business is not driven
17 by people in the community. I'm not
18 a WaWa that people drive up and park
19 and go in and get a sandwich.

20 When you wreck your car,
21 you come to see me. Unfortunately
22 for you, fortunate for me. But
23 that's it. They are coming because I
24 am there. Most of my work is being
25 driven through insurance companies.

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2 I have had a community backing
3 because I have been there since 1945.
4 I have been a successful business
5 there. People know that they can get
6 a good job.

7 COUNCILWOMAN REYNOLDS

8 BROWN: My last question would be
9 this. How would you define
10 citizenship?

11 MR. FUCHS: How would I
12 define citizenship? I'm supporting
13 the community to be a citizen in the
14 community. And I'm saying I have
15 done that. And now I am saying I
16 think there should be a fairness in
17 here.

18 COUNCILWOMAN REYNOLDS

19 BROWN: Thank you for your testimony.

20 COUNCILMAN GREENLEE: Thank
21 you both. Is there anyone else here
22 to testify on this bill?

23 (No response.)

24 COUNCILMAN GREENLEE:

25 Seeing none, we move to our next

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 bill, which is Bill No. 120431. Ms.
3 Marconi, could you please read the
4 title? And while she is, if Mr.
5 Greenberger and Ms. Gladstein could
6 approach.

7 CLERK: Bill No. 120431:
8 "An Ordinance amending Title 14 of
9 The Philadelphia Code, entitled
10 'Zoning and Planning,' by revising
11 and clarifying certain provisions and
12 making technical changes, all under
13 certain terms and conditions."

14 COUNCILMAN GREENLEE: Thank
15 you. Mr. Greenberger, if you would
16 like to go first. Just, again, your
17 statement has been -- will be made
18 part of the record, as will Ms.
19 Gladstein's. So maybe you can just
20 summarize, and there may be some
21 questions on this one. Okay.

22 MR. GREENBERGER: Good.
23 Thank you. Good morning.

24 COUNCILMAN GREENLEE: Good
25 morning.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. GREENBERGER: Thank

3 you, Mr. Chairman. I'm Alan

4 Greenberger, Deputy Mayor for

5 Economic Development and Eva

6 Gladstein, who is, was the Executive

7 Director of the Zoning Code

8 Commission and is now the Deputy

9 Director of the City Planning

10 Commission is with me this morning to

11 comment on this bill.

12 This bill consists of a

13 number of proposed amendments to the

14 new zoning code, the majority of

15 which are technical and

16 nonsubstantive in nature. As we had

17 promised when the bill passed some

18 time ago, we, the Law Department,

19 Licenses and Inspections, Planning

20 Commission and various members of

21 Council, we have all gone back and

22 tried to assess whether we had any

23 technical mistakes. And we have

24 uncovered a number of them that are

25 part of this bill. Some of them are

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 as small as the insertion of a comma
3 into a sentence to make sure that the
4 meaning is clear. Others probably
5 are at least a little more debatable.
6 But that's fundamentally what this
7 bill contains.

8 Let me comment on what it
9 doesn't contain. It does not contain
10 the new sign provisions. That will
11 still be a matter that will be taken
12 up by Council later in the year. Is
13 there anything else that we have --
14 that's fine.

15 I want to make a particular
16 point of a few things that are in
17 this so that Council is aware of
18 them. This ordinance does include a
19 set of amendments with respect to the
20 flood protection that is necessary to
21 ensure that the City is in compliance
22 with the requirements of the
23 Department of Homeland Security.
24 This has been a very carefully worked
25 out arrangement with the Federal

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Emergency Management Agency to make
3 sure that their particular technical
4 needs are being addressed in a way
5 that's timely enough to ensure that
6 Philadelphians have access to flood
7 insurance. That is the only reason
8 why the FEMA regulations are in this
9 zoning bill here.

10 We also had the opportunity
11 to review some testimony that I think
12 you will hear later from the
13 Development Workshop. Craig Schelter
14 will be presenting that today on
15 behalf of them. And in our
16 testimony, I have included a short
17 memo on his points that I won't go
18 over right now as an addendum to this
19 testimony.

20 There are also -- I'm going
21 to reserve till the end of my
22 comments some material that we got a
23 half hour ago about some
24 Council-proposed amendments that I do
25 need to note for the record, both by

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 way of making sure that you are aware
3 of at least what we think we are
4 seeing here and a few comments that
5 we would have.

6 Before I do that, let me
7 just comment on a couple of other
8 things. In March, we began a series
9 of zoning code training programs
10 under the auspices of the Citizens
11 Planning Institute for City officials
12 as well as members of the public. We
13 have reached out to all members of
14 Council and their staff for this
15 training. And so far 150 different
16 individuals have participated, taking
17 anywhere from eight to twenty hours
18 of training. We think this is going
19 very well.

20 The Planning Commission has
21 adopted new regulations to guide our
22 own process. We have been holding
23 public hearings on them over the last
24 few months. And, in fact, later this
25 afternoon there should be a final

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 hearing that we will be holding at
3 Planning Commission.

4 The Planning Commission and
5 L&I had a meeting to ensure that they
6 understand and can address any new
7 administrative issues that are raised
8 by the new zoning code. And as I
9 mentioned, we will be submitting the
10 chapter on sign controls and taking
11 that up with Council later in the
12 year. As always, that's a fairly
13 contentious matter. And we purposely
14 excluded it the first time and we are
15 keeping it out of your business right
16 now.

17 COUNCILMAN GREENLEE:

18 Thank you.

19 MR. GREENBERGER: Let me
20 just comment on a few of these
21 proposed amendments from Council,
22 many of which we are in agreement but
23 a few of which we want to make sure
24 that you are aware of the
25 implications. I will do two of them.

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2 Eva is going to do two of them.

3 A small one involves the
4 removal of something called, in
5 quotes, the preparation or production
6 of food as a matter of right for
7 food, beverage and grocery
8 establishments. There's a specific
9 relationship between this and a few
10 sellers of food. There's a cheese
11 place in the Reading Terminal. There
12 is a sausage place in the Italian
13 market that also makes their product
14 on site.

15 The zoning code, the new
16 zoning code was set up to allow that
17 as a matter of right as an adjunct to
18 their business of selling food. We
19 just want you to be aware that this
20 provision to remove that will force
21 them into a zoning refusal and a
22 variance process. We don't support
23 it but I just want -- more
24 importantly, I just want you to be
25 aware that that's out there. The

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 important one that I want to comment
3 on is a number of these points that
4 are amendments that ultimately have
5 to do with stream buffers.

6 In the zoning code as
7 passed by Council, there is
8 commentary about creating a 50-foot
9 stream buffer. And there is a
10 comment in there -- and I apologize.
11 I don't have the language right in
12 front of me -- that talks about in
13 relationship to protection of the
14 drinking water of the City which is
15 coming out of intakes in the
16 Schuylkill and the Delaware but
17 obviously they are fed by various
18 other streams that empty into those
19 rivers.

20 The intention of that
21 provision was not to restrict stream
22 buffers, which in this case is a
23 50-foot setback from the top of the
24 bank. The intention was not to
25 protect very specifically the areas

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 where there are drinking intakes but
3 to protect the entire watershed as
4 part of what we think is good
5 environmental policy. And so the
6 proposal in the new zoning code is to
7 have that 50-foot setback exist on
8 all streambeds and riverbeds
9 throughout the City.

10 However, we wanted to make
11 sure that we were not standing in the
12 way of industrial uses or
13 port-related uses where there is
14 water dependency; that is to say,
15 where things are moving between land
16 and water for industrial reasons. So
17 we offered as part of our amendments
18 specific exclusions from the
19 streambed provisions that would
20 account for industrial and other
21 purposes like that where those
22 connections of water to land have to
23 exist as a way to get business done.

24 I want to put on the record
25 there are various amendments before

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 you that would remove the stream

3 buffers from areas of the Schuylkill

4 and Delaware, if we are interpreting

5 this right, below the water intakes.

6 We think the stream buffers are good

7 environmental policy and we have

8 accounted for the industrial

9 crossover where that is necessary.

10 Eva?

11 MS. WEINSTEIN: And just to

12 add to Alan's point on the stream

13 buffers, we have brought with us

14 today the City's hydrology map as

15 prepared by the Water Department and

16 are prepared to offer that up. I

17 have it right here (indicating). My

18 understanding is that the amendments

19 today -- and we are offering it up so

20 that it can be approved by ordinance

21 with this legislation -- my

22 understanding is that Council's

23 amendments that we saw this morning

24 would have that being taken up as a

25 separate matter, rather than as a

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 matter of today's hearing.

3 I just wanted to be clear:
4 The maps are here if Council would
5 like to review them and we can hand
6 those out.

7 MR. GREENBERGER: Okay.
8 Thank you. There was two other
9 points we wanted to make and then we
10 are done.

11 COUNCILMAN GREENLEE: And
12 Ms. Gladstein will make --

13 MR. GREENBERGER: Yes.
14 Thank you.

15 MS. GLADSTEIN: One of the
16 items in terms of Council amendments
17 that was shared with us this morning
18 had to do with the pending ordinance
19 doctrine. And that is a doctrine
20 that the City has followed but has
21 not been in the zoning code for many
22 years. The way it works currently is
23 that if a zoning ordinance has been
24 introduced, L&I -- and it has been
25 through Committee with a favorable

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 vote -- L&I has to apply it as if
3 it's law even though it has not yet
4 been approved by City Council so that
5 zoning applications that come in have
6 to be in compliance with that zoning
7 ordinance.

8 So if a District
9 Councilperson does a remapping or
10 changes some part of the text of the
11 zoning code, the new applicant is
12 required to comply, so long as it has
13 received a favorable vote from
14 Committee. Our ordinance that we
15 shared with Council and that Council
16 approved actually changed this. It
17 was at the request of City Council's
18 technical staff and our Law
19 Department who worked with Mr.
20 Auerbach who was then the Council
21 technical staff, and changed the
22 process that if there is a zoning
23 ordinance introduced by a member of
24 Council and the ordinance had been
25 scheduled for a hearing, the pending

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 ordinance doctrine would apply -- at
3 that point. It would apply earlier
4 in the process, meaning that an
5 applicant would have to comply with
6 that ordinance as if it had been
7 approved during that period of time.

8 So we just wanted to make
9 sure Council is aware of the
10 implication of this change. It's
11 truly a matter for Council as to when
12 it wants a pending ordinance to be --
13 to take -- to be guidance for L&I in
14 terms of reviewing applications.
15 Again, we had originally inserted in
16 the code at the request of Council
17 technical staff, and the amendments
18 that we saw this morning would change
19 it back. So we just wanted you to be
20 aware of that.

21 And then I wanted to
22 comment on three items at the end of
23 the list of Council. And those
24 amendments have to do with
25 eliminating the statement about the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 purpose of the parking regulations
3 being to avoid excessive amounts of
4 land being devoted to parking and
5 moving caps on parking.

6 I just wanted to share with
7 Council that this was a carefully
8 negotiated set of standards that we
9 established during the Zoning Code
10 Commission process. We do have caps
11 on commercial uses in commercial
12 districts and commercial and office
13 uses in industrial districts. The
14 caps do not apply to the shopping
15 center kind of setup but more on
16 neighborhood commercial corridors or
17 in the densest part of Center City.

18 The caps in general, we
19 reviewed -- there are some of them on
20 the commercial side 125 percent of
21 the minimum. On the industrial side
22 they are 200 percent of the minimum.
23 But they don't even apply to
24 industrial uses or wholesale or
25 storage distribution uses. It's only

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 to the commercial uses.

3 We thought there was a good
4 reason to do this in terms of trying
5 to make sure the City does not have
6 an oversupply of parking, that we
7 don't have more impervious surface
8 leading to storm water fees, that
9 land can be used for development that
10 can produce taxes and jobs.

11 We have reviewed these
12 parking caps with PIDC on the
13 industrial side to make sure that
14 they did not believe they would be
15 preventing any kind of investment in
16 industrial areas. And we have
17 reviewed them with our streets
18 department on the same side for the
19 commercial and industrial uses both,
20 and both thought that they were
21 reasonable caps. Again, we wanted to
22 share that as a point of concern
23 because these are in the amendments
24 in front of Council today.

25 MR. GREENLEE: I know

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 members have questions. And I just
3 want to raise one issue and I know
4 it's been resolved with the flood
5 plain issue. But I know we got
6 emails at the end of last week about
7 the urgency of this. And I think
8 it's only fair to put on the record
9 that apparently this issue was
10 brought to the Administration's
11 attention the end of last year. I'm
12 looking at a copy of an email from
13 MaryAnn Tierney.

14 So I just want to state
15 that I think it would have helped
16 everybody if Council had been made
17 aware of that much earlier and then
18 we might not have had this emergency
19 which thankfully got worked out. So
20 just put that on the record.

21 MR. GREENBERGER: Noted.

22 COUNCILMAN GREENLEE:

23 Councilman Green, I think you have
24 questions.

25 COUNCILMAN GREEN: Thank

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 you, Mr. Chairman.

3 COUNCILMAN GREENLEE: And
4 then it will be Councilman Kenney
5 after him.

6 COUNCILMAN GREEN: Thank
7 you. With respect to the food
8 preparation, quote-unquote, technical
9 amendment you proposed and then our
10 removal of it, could you explain to
11 people what the current state of the
12 law is, not what it will be on August
13 22nd.

14 MS. WEINSTEIN: And I
15 may -- and Mike C. From L&I is in the
16 audience. And, Mike, if I misstate
17 something, please let us know. But
18 my understanding is that there had
19 been -- we have been aware of under
20 current law several situations in
21 which refusal has been granted. The
22 two examples are a butcher in the
23 Italian market where the creation of
24 the sausage was viewed as an
25 industrial activity so they had a

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 refusal even though primarily the
3 operation is retail. And then more
4 recently in Reading Terminal where
5 there is somebody who is opening up a
6 shop to sell cheese. And again, some
7 aspect of the cheese creation
8 occurred on site. Again, it's
9 primarily a retail operation.

10 But I believe that received
11 a refusal from L&I and they will have
12 to seek a variance.

13 COUNCILMAN GREEN: Right.
14 And they will seek a variance for, a
15 use variance and they will be able to
16 use in their current zoning is what's
17 going to happen. And the big fear --
18 the reason I don't think some of us
19 viewed this as a, quote-unquote,
20 technical amendment is because it
21 essentially could create as of right,
22 every corner store in the City is
23 turning itself into some kind of
24 restaurant with food preparation.

25 And we -- so I'm not really

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 opposed to solving this problem over
3 the summer. But the approach that
4 was presented to us seemed too broad.
5 So just to be clear, even though some
6 of the work that's been done is not
7 here, if there is not too -- if there
8 is another way to solve the problem
9 without turning every corner store
10 and every neighborhood into a
11 restaurant, we are open to it or I am
12 open to it, speaking for myself.

13 MR. GREENBERGER: I think
14 we are happy, if you want, I mean, I
15 certainly -- we don't want this one
16 item to sort of jam everything up
17 over the summer. So if this is
18 something that we can discuss over
19 the summer and work out what
20 everybody agrees is a better
21 solution, we are happy to do it. We
22 just don't want to add another layer
23 into those kind of businesses where
24 we think it should be moved forward
25 by itself.

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2 COUNCILMAN GREEN: With the
3 stream buffers, what is the current
4 state of the law, not what happens on
5 August 22nd?

6 MS. WEINSTEIN: With the
7 stream buffers, the current state is
8 that there is a required setback
9 along the north Delaware from an
10 existing overlay and there is a
11 required setback for the central
12 Delaware in an existing overlay. In
13 the north Delaware, there are certain
14 industrial and marine-related uses
15 that are permitted within that
16 buffer. Those uses have to be -- the
17 Planning Commission has a review and
18 approval and then must notify
19 Council, which has the opportunity to
20 overturn or override that Planning
21 Commission action. So that's the
22 current state. There are also --

23 COUNCILMAN GREEN: So the
24 current state is essentially Council
25 gets a look prior to any Planning

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Commission action being final?

3 MS. WEINSTEIN: Correct.

4 COUNCILMAN GREEN: Okay.

5 And essentially for the summer,
6 that's what we are proposing happen
7 with respect to the hydrology map?

8 MS. WEINSTEIN: That's only
9 applicable to a section of the north
10 Delaware. It's not applicable to
11 other water --

12 COUNCILMAN GREEN: So if
13 you get away from the north Delaware
14 and the central Delaware and just
15 talk about the rest of the City where
16 there are not overlays, what's the
17 law?

18 MS. WEINSTEIN: Other than
19 in the Wissahickon watershed which
20 has its own overlay?

21 COUNCILMAN GREEN: No
22 overlays, right.

23 MS. WEINSTEIN: Right.
24 Development can occur within that
25 50-foot area between the water course

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and going inland. It has created
3 issues in a number of other
4 watersheds.

5 COUNCILMAN GREEN: Now,
6 there is federal law that limits
7 development near bodies of water
8 which is in place whether or not it's
9 a matter of our zoning code. But in
10 terms of what you are testifying to,
11 you are proposing an environmental
12 policy which is broader than the
13 environmental policy that was
14 discussed during the Zoning Code
15 Commission which is simply not more
16 than technical. And so, for example,
17 in the original bill, the hydrology
18 map was only going to deal with the
19 City's drinking water sources.

20 In the amendment proposed
21 by the Administration, the hydrology
22 map was going to have the goal of, in
23 addition to drinking water,
24 maintaining the base flow of streams,
25 reducing erosion and sedimentation,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 control storm water runoff, stabilize
3 stream banks and restore riparian,
4 quote-unquote, habitats.

5 There is no way for -- I
6 don't think City Council to
7 understand the difference between
8 protecting our drinking water which
9 what was agreed to in the zoning code
10 process and all those other perfectly
11 sound and good environmental goals in
12 the two-week or three-week or
13 four-week period we have had since
14 then.

15 I think the key issue here
16 is the bill that you sent over said
17 that the hydrology map would be
18 attached as Exhibit B so that we have
19 an opportunity to look at it. And
20 although we have asked for it
21 numerous times, it appeared this
22 morning. We were told by
23 Ms. Gladstein less than a week ago
24 that it was electronic and there was
25 no way for it to be provided to us.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 And so now we have it this morning.

3 It's quite complicated and
4 it covers the entire city. And there
5 is no way for us to review it. So
6 I'm not sure what you expect us to do
7 except punt over the summer so that
8 we can take a look at it with you and
9 understand which limitations apply to
10 protecting our drinking water, which
11 limitations apply to reducing erosion
12 and sedimentation, which limitations
13 in the hydrology map control storm
14 water runoff, which limitations
15 stabilize stream banks, restore
16 limitations, restore riparian
17 habitats, et cetera.

18 I don't know how we do that
19 this morning and get the actual
20 technical amendments through City
21 Council by the end of the summer.

22 MS. WEINSTEIN: Councilman,
23 I think I want to take a step back
24 because the areas that are being
25 covered under the code that Council

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 adopted in December, the stream
3 buffer areas, are exactly the same as
4 the ones that we are proposing today.
5 There was a small map in the
6 ordinance that Council adopted that
7 said it was illustrative. And now we
8 have a larger printed version of the
9 map so that you can see it in more
10 detail.

11 We were not proposing to
12 add any areas to the stream buffer.
13 In fact, what we are trying to do
14 today was in those areas that Council
15 has already approved for stream
16 buffers, to add the ability to have
17 industrial and marine-related uses
18 occur within the stream buffer. I
19 understand the point that you're
20 making which has to do with the
21 purpose statement related to the
22 stream buffers. And I think that we
23 would be happy to withdraw that
24 amendment to that purpose statement
25 because there are broader purpose

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 statements to that section of the
3 code.

4 But I want Council to be
5 clear. We are not adding any
6 protected areas. We are trying to
7 liberalize and increase the uses that
8 could occur within the buffer that
9 Council had already established.

10 COUNCILMAN GREEN: Right,
11 that the Zoning Code Commission
12 established. And frankly, that's the
13 first time I have heard an
14 explanation like that in this entire
15 several-week process.

16 With respect to the
17 additional permitted uses, I think
18 there is already with respect to
19 anything having to do with the Port
20 Authority, our zoning laws don't
21 apply to begin with. And so with
22 respect to port uses where the Port
23 Authority is involved, there already
24 is all the protection for that
25 industry that's needed. So we can

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 agree on that.

3 The additional permitted
4 uses that you have here basically say
5 may be permitted within the stream
6 buffers along the Delaware and
7 Schuylkill River, to which these
8 restrictions never applied before, if
9 the Commission determines that they
10 are compatible with any public parks
11 and open space or recreational trails
12 located within the stream buffer and
13 allow sufficient clearance for safe
14 recreational use, maintenance and
15 repair thereof.

16 So none of the uses that
17 you're trying to say that you're
18 providing -- every use that you have
19 listed below that is contradictory to
20 -- there is no way for you to reach
21 the conclusion that an airport use
22 permits, for example, recreational
23 trails or other things to do with the
24 stream buffer. It's internally
25 inconsistent -- and I'm not sure what

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 the intent was. And it just didn't
3 seem to us to be -- it's internally
4 inconsistent with the port-related
5 use, too, for example. It just
6 didn't seem like there was time for
7 us to go through all of this before
8 this summer.

9 MS. WEINSTEIN: We did --
10 we were replicating the language that
11 was in the north Delaware overlay
12 because Council had previously
13 approved that language and had
14 approved that process where the
15 Planning Commission would take a
16 first look and then Council had the
17 opportunity to take a second look --

18 COUNCILMAN GREEN: There is
19 no opportunity for Council to take a
20 second look because --

21 MS. WEINSTEIN: No. There
22 is. There is. Because the Planning
23 Commission has to make a report to
24 Council and then Council have the
25 opportunity to review it and to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 approve or disapprove within a 45-day
3 period.

4 COUNCILMAN GREENLEE: Okay.

5 MS. WEINSTEIN: So we were
6 trying to replicate that process. To
7 your point about those standards, I
8 think we would be more than happy to
9 discuss them. Our goal was to allow
10 those uses in the buffers that,
11 again, the buffered areas which
12 Council had already approved back in
13 December.

14 COUNCILMAN KENNEY: Point
15 of information.

16 COUNCILMAN GREENLEE:
17 Councilman Kenney.

18 COUNCILMAN KENNEY: Just
19 from a time perspective, the 22nd I
20 know is an important date. But are
21 we precluded from amending anything
22 after the 22nd in the fall or the
23 winter or the spring.

24 MS. WEINSTEIN: No.

25 COUNCILMAN KENNEY: So can

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 you tell me what the necessity to do

3 this today is, both Councilmembers

4 and the Administration amendments?

5 This is the first time I have seen

6 these this morning. There is 14 of

7 them. I'm sure some of them make

8 sense. Maybe they all do. But, I

9 mean, I don't understand the urgency

10 of doing this in the midst of all the

11 other things we are doing.

12 I understand the

13 Administration was the one that

14 pressed this to be done before we

15 leave, before we stop in the summer.

16 MR. GREENBERGER: Well, and

17 that was simply to have certain

18 corrections in place by August 22nd

19 where there would be no more

20 opportunity to do it.

21 MR. KENNEY: That's what I

22 am trying to determine. Why is the

23 22nd a drop dead deadline?

24 MR. GREENBERGER: I think

25 we are just trying to get the start

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 date for the code as cleaned up as
3 possible, with the exception of the
4 FEMA.

5 COUNCILMAN KENNEY: Between
6 August 22nd and when we come back
7 September, whenever it is, is
8 anything going to change in the
9 world?

10 MR. GREENBERGER: I don't
11 know.

12 MR. KENNEY: I hope not. I
13 don't know. I would like an
14 opportunity to --

15 MR. GREENBERGER: It seems
16 not, but I can't tell you I know
17 what's out there.

18 MR. KENNEY: I would like
19 an opportunity to look at yours and
20 Council's amendments in more depth.

21 COUNCILMAN GREENLEE: And
22 in all fairness if I could jump in.
23 When this was originally put in, you
24 know, we went back and forth whether
25 we were going to have the hearing or

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 not. The word technical kept being
3 brought up. I think a lot of these,
4 in all fairness -- and I guess we can
5 all have a different definition of
6 technical -- because even Ms.
7 Gladstein -- and I hope I am not
8 putting you on the spot -- said,
9 Well, they are technical but they can
10 be confusing and complex.

11 MS. WEINSTEIN: That was
12 with regard to the flood plain.

13 COUNCILMAN GREENLEE: Well,
14 it goes with some of the others, too.
15 If there is a way that we can maybe
16 take the flood plain because I
17 understand the flood plain issue, the
18 time issue, if we can take that
19 out -- and I just talked to Ms. Brahm
20 (ph) here who said that might be
21 possible and get that moved so we
22 don't want anybody not getting flood
23 insurance.

24 'Cause I think Councilman
25 Kenney and Councilman Bass and others

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 have raised this question.

3 And obviously we have a lot
4 to do here. We're dealing with that
5 little issue called budget and AVI
6 and all that good stuff. And it
7 is -- I think it is a little unfair.
8 I mean -- see, I guess I think of
9 technical as "A" versus "the" and
10 comma versus period and semicolon
11 versus -- and there are all those.
12 But there is clearly a lot of others.
13 And I guess that's where, I guess, I
14 have, you know -- and if the
15 Committee was okay with it, I was
16 going to go with it. But it seems
17 like there is enough questions that
18 if we can somehow take care of this
19 flood plain issue -- Councilman
20 Green -- I know you have done a lot
21 of work on this. If we could
22 separate that and maybe -- I don't
23 know if there is anything else that's
24 pressing at this moment.

25 COUNCILMAN GREEN:

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Councilman Henon had a separate bill
3 whose amendments are rolled into this
4 bill. And so I know that Councilman
5 Henon is interested in moving his
6 amendment. They are not
7 Administration amendments.

8 So while Councilman Henon
9 is talking to various members about
10 that, I will -- I guess I have no
11 objection to holding up all of the
12 Administration's technical
13 amendments. But I think that leaves
14 a couple of things that have to be
15 addressed, I think. Number one, the
16 central Delaware overlay goes away.
17 So everything goes away. And so
18 everything goes back to its base
19 zoning. That is a consequence -- I
20 think there are other people here who
21 have amendments for that purpose.

22 But that's something I
23 think would have to be addressed
24 today or we all go back to the
25 overlay. It also means that these

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 particular stream restrictions which
3 don't exist as the Commissioner
4 testified, the 50-foot limitation on
5 development within a body of water
6 does not exist today. If we don't
7 act, then development can -- that the
8 existing change in the zoning code
9 which the Administration tried to
10 amend will go into effect on August
11 22nd. And that means on August 22nd
12 no development can happen within 50
13 feet of any waterway, including
14 industrial, with a hydrology map.

15 Before that can take place
16 under the current code, the hydrology
17 map has to be approved by the Water
18 Department by regulation. And I
19 don't think that's occurred. So you
20 can tell us where that stands under
21 the current code.

22 MS. WEINSTEIN: I don't
23 believe -- the Water Department has
24 had and maintains a hydrology map.
25 We had put a copy of, hard copy of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that in the zoning code. And what we
3 are producing to you today is a much
4 larger and more legible version for
5 Council to approve as part of the
6 cleanup ordinance. But I don't
7 believe it had to be adopted by
8 regulation in the original code. I
9 may be wrong, Councilman.

10 COUNCILMAN GREEN: It says,
11 "the Water Department shall establish
12 by regulation a hydrology map that
13 designates these water courses." And
14 I don't believe that's been done. Is
15 that correct or incorrect?

16 MS. WEINSTEIN: I'm looking
17 at the Water Department
18 representative in the room. I
19 believe that's correct.

20 COUNCILMAN GREEN: Okay.
21 So that won't go into effect, either.
22 So I just -- those issues I'm not
23 aware of that create --

24 COUNCILMAN GREENLEE: Let
25 me ask you this, both Councilmen and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Mr. Greenberger and Ms. Gladstein.

3 Is there any way to sit down -- we

4 have another hearing scheduled for

5 tomorrow; okay, on Councilwoman

6 Blackwell's bill, to work out what is

7 time sensitive, necessary because I

8 think the members raise a good point.

9 There is a whole lot of things in

10 here. And the last thing we want to

11 do on something like the zoning code

12 that people have worked so hard on

13 and so long is to pass something and

14 then look later and say, Well, jeez.

15 We didn't know.

16 But I don't want to hold

17 this up too long. There have been

18 very patient people here that are

19 waiting to testify. And I don't know

20 if there is a way if we can continue

21 this to tomorrow and we are going to

22 have -- but I'm trusting you to try

23 to work this stuff out because we

24 have a tight time frame tomorrow.

25 There is other hearings tomorrow. We

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 are just going to have one bill.

3 But I'm just trying, rather
4 than just going back and forth here,
5 if we could work something out, take
6 the stuff out that we really have to
7 do now and then hold the other
8 things, if that's okay with the
9 Committee.

10 COUNCILMAN KENNEY: And if
11 I could make a suggestion,
12 Councilman. We have been meeting
13 with Council staff on this for some
14 time. But if there is still this
15 confusion, which we appreciate.

16 Personally I would rather
17 say, let's just get the critical,
18 time-sensitive things done now and
19 put all the rest of it aside and have
20 a broader discussion over the summer.
21 Because frankly, even between today
22 and tomorrow, there are going to be
23 all kinds of open-ended questions, I
24 suspect.

25 COUNCILMAN GREENLEE: Okay.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 But then I am trying to figure out:

3 Are we ready now to say what is and

4 what is not time sensitive? That's

5 what I'm getting at. I mean, the

6 flood plain --

7 COUNCILMAN GREEN: It's

8 just the FEMA matter is the time

9 sensitive one.

10 COUNCILMAN GREENLEE: Well,

11 Councilman Henon has some concerns,

12 too.

13 COUNCILMAN HENON: I

14 understand the time sensitivity here

15 and I understand the dedication and

16 the time that people put into the

17 zoning code. Moving forward, I just

18 wanted to get on the record that it

19 is my hope that we could come up with

20 some agreement. And I recommend that

21 amendments that I submitted to the

22 Committee be recommended and voted

23 out tomorrow, if that is the call of

24 the Chair for our next hearing.

25 Does the Planning

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Commission have any issues with that?

3 MS. WEINSTEIN: I think it
4 would be helpful for us to clarify
5 which amendment because what we
6 received this morning to our
7 amendments that we had shared with
8 Council and incorporated Council
9 amendments, we are not sure which
10 ones are directly related to your
11 concern.

12 COUNCILMAN HENON: Okay.
13 Well, after the hearing here, then,
14 we can go over some of that. But my
15 intention is on the record to try to
16 move the amendments that I submitted
17 tomorrow at the call of the Chair.
18 Thank you.

19 COUNCILMAN GREEN: So you
20 think that between now and tomorrow,
21 we could be ready to -- 'cause I
22 don't want to -- we're not going to
23 have time for a long hearing
24 tomorrow. That's why I'm trying to
25 see if we can work everything out.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 If you are pretty confident between
3 the two sides that we can work it out
4 and basically just move it tomorrow.

5 COUNCILMAN HENON: I would
6 be a part of a larger discussion.
7 And hopefully we can come up with
8 some other conversations and move
9 things tomorrow.

10 MR. GREENBERGER: Are there
11 others?

12 COUNCILMAN GREENLEE: This
13 was a technical amendment. I'm not
14 hearing technical. In all due
15 respect, that's not our fault. This
16 bill was put in just a few weeks ago.
17 And with the urgency and with the
18 repetitive statement that these are
19 technical amendments because if you
20 remember, there was a time where we
21 were not going to schedule this
22 because we were concerned there was
23 too much here. And I think it's been
24 proven right, that there's a whole
25 lot here.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 So in any event, if we can,
3 I think because I don't think the
4 Committee as I'm speaking now, is
5 ready to do it. I'll be perfectly
6 honest with you. So I think the only
7 way if you want to get some things
8 done is to take my suggestion and do
9 it tomorrow.

10 MR. GREENBERGER: Okay.

11 COUNCILMAN GREENLEE:

12 Councilman Green.

13 COUNCILMAN GREEN: Thank
14 you. It was my understanding -- and
15 correct me if I am wrong -- that you
16 did not have any issues with moving
17 the civic design review process from
18 270 days to 150 days with granting
19 the Administration the ability to
20 create, not require but the ability
21 to create separate civic design
22 review committees in the event there
23 was a backlog and the one committee
24 starts to slow progress in terms of
25 development.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. GREENBERGER: Yeah. We
3 are okay with that. If there's a
4 backlog, we'll come back and report
5 on it and deal with it then.

6 COUNCILMAN GREEN: Right.
7 And then those two items and then the
8 rules for parking measurement were
9 all, were the only items in
10 Councilman's bill. And I had thought
11 that you were okay with removing the
12 rules for parking measurement until I
13 heard Ms. Gladstein's testimony. And
14 all that does is it doesn't maximize
15 the parking that someone can put on
16 their private property. The minimum
17 requirements are still there. And so
18 I -- am I wrong there? Are you okay
19 with that?

20 MS. GLADSTEIN: That's not
21 something we agreed to when we met
22 with staff and it's not something
23 that we drafted amendments to. But,
24 you know, I think it's something
25 that --

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. GREENBERGER: You know,
3 I don't want to belabor this --

4 COUNCILMAN GREEN: So
5 that's one issue that you have a
6 concern with. The other two issues
7 that Councilwoman Henon would like to
8 proceed, you have no problem with.
9 So that one issue is hopefully
10 something you can discuss in the next
11 day. I want to get on the record
12 what you agreed with so we weren't
13 retreading old --

14 MS. WEINSTEIN: Yes.

15 COUNCILMAN GREEN: Okay.

16 Thank you, Mr. Chairman.

17 COUNCILMAN GREENLEE:
18 Councilwoman Tasco, did you have a
19 question?

20 COUNCILWOMAN TASCO: No. I
21 just wanted to ask about the one on
22 the parking on the property.

23 COUNCILMAN GREENLEE: All
24 right. Councilman Kenney.

25 COUNCILMAN KENNEY: Just

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 generally about the parking
3 restrictions. Why would a developer,
4 a commercial development, put more
5 parking in --

6 MR. GREENBERGER: They do
7 it all the time.

8 MR. KENNEY: I mean, what
9 do they need it for? Isn't it the
10 best square footage that you could
11 develop as opposed to putting it,
12 making it a parking space --

13 MR. GREENBERGER: Let me
14 give you an example.

15 COUNCILMAN GREEN: Let me
16 finish. If it's not a paid parking
17 lot where it's a business, if it's
18 ancillary to your commercial
19 operation, why would you take up
20 usable space that you could develop
21 into income-earning space with a
22 parking space that you don't need?

23 MR. GREENBERGER: I'll give
24 you an example that's fairly common
25 that happens in commercial corridors

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 regularly. And that's chain
3 drugstores routinely oversupply
4 parking to create the look that there
5 is always parking available. It's
6 very common.

7 COUNCILMAN KENNEY: But
8 isn't that an uneconomic use of
9 square footage?

10 MR. GREENBERGER: They
11 don't think so if they have a
12 property that's big enough to
13 accommodate the formula that they
14 need for selling space. And then
15 they have an issue about how they
16 want to put parking forward to create
17 an impression about availability,
18 about you can get in here easily
19 without a problem which under many
20 circumstances you might say is okay.
21 But that parking usually shows up on
22 a commercial corridor in the front
23 which doing -- from the perspective
24 of the public is doing the least
25 good.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. KENNEY: Well, I would
3 like tomorrow -- whenever we have an
4 opportunity to discuss this further,
5 I would like to hear that from the
6 development community, what their
7 view of that is. I can't believe
8 that is an industry standard.

9 MR. GREENBERGER: It's
10 policy. I mean, I don't know if it's
11 written anywhere but that's common
12 practice.

13 COUNCILMAN KENNEY: How do
14 we know that if it's not written
15 anywhere?

16 MR. GREENBERGER: Oh, I'm
17 sorry. I don't know that it's not
18 written. I have not seen it written
19 anywhere.

20 COUNCILMAN KENNEY: How do
21 we come to know about it?

22 MR. GREENBERGER: I have
23 talked to people in the businesses
24 who --

25 COUNCILMAN KENNEY: I just

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 find development space extremely
3 lucrative and very expensive and if
4 you are going to put a macadam
5 parking space there as opposed to
6 having a bigger operation, to me
7 doesn't make much economic sense,
8 especially if we are not charging for
9 parking. So all right. Thanks.

10 COUNCILMAN GREENLEE: Okay.
11 Councilwoman Reynolds Brown. I know
12 you have another amendment we haven't
13 talked about.

14 COUNCILWOMAN REYNOLDS
15 BROWN: Good morning. It should not
16 go unnoted that we fully recognize
17 after 48 months and 50 community
18 meetings, the enormity of the work
19 you have. But, as you can see, we
20 are of the view that we need to get
21 it right on this side of the clock
22 versus discovering flaws on the other
23 side of the passage of the law. You
24 are aware that my office and others
25 have tried to follow the child care

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 development in the bill.

3 And there is an amendment
4 that I have introduced. First, if
5 you can simply explain to us the
6 spirit of the amendment because a
7 number of my colleagues have raised
8 questions around it when it's about
9 family child care and the
10 introduction of the word adult when
11 this is supposed to be a family child
12 care amendment. So walk us through
13 the spirit of the amendment.

14 MS. WEINSTEIN: I will try
15 to do that. The amendment would
16 permit family-based child care is
17 always in the code is always an
18 accessory use; in other words, that
19 primary use of the residence is for
20 residential purposes and either the
21 homeowner or the tenant with the
22 permission of the landlord is
23 operating a family-based child care
24 center, child care operation, and it
25 is capped at up to six children.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 The amendment would seek to

3 -- if the homeowner/day-care provider

4 wanted to and had the capacity to

5 care for more than six children, the

6 amendment would permit up to twelve

7 but would require a trip to the

8 Zoning Board of Adjustment for what's

9 called a special exception which is

10 currently a certificated use.

11 So a hearing at the ZBA.

12 So the zoning code that Council

13 adopted in December, the owner would

14 have to seek a variance rather than a

15 special exception. And the purpose

16 behind this amendment is just to

17 apply the standards that are

18 applicable to special exceptions.

19 And those standards are that the

20 owner would have to show that the use

21 met the definition in the zoning

22 code. Anybody who wanted to protest

23 could protest that the use would have

24 an impact on what would normally be

25 expected and then the ZBA would make

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 a -- and then the owner would have to
3 counteract that.

4 There would still be a
5 discussion at the zoning board where
6 the community would have input but it
7 would not rise to the same degree of
8 difficulty as obtaining a variance.

9 And this has been a current
10 practice. The way it has operated up
11 till now -- and the zoning code was
12 kind of hardening it until the
13 amendment -- would enable
14 family-based day care to go up to
15 twelve children after ZBA hearing
16 where, you know, the community could
17 have input.

18 COUNCILWOMAN REYNOLDS
19 BROWN: And so the concern that they
20 are raising and I share it is: If
21 this is about family child care, why
22 do we have the language of up to
23 twelve adults which signals
24 another --

25 MS. WEINSTEIN: That might

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 be a typo if -- is that what the
3 amendment says?

4 COUNCILWOMAN REYNOLDS

5 BROWN: Yes.

6 MS. WEINSTEIN: You can
7 change that to children. In general
8 in the zoning code, day care is
9 applicable to both children and
10 adults but not -- in the family-based
11 it's only applicable to children.

12 COUNCILWOMAN REYNOLDS

13 BROWN: That clarity is important.
14 Thank you.

15 MS. WEINSTEIN: Sure.

16 COUNCILWOMAN REYNOLDS

17 BROWN: Thank you, Mr. Chairman.

18 COUNCILMAN GREENLEE: Thank
19 you, Councilwoman. Councilwoman
20 Tasco.

21 COUNCILWOMAN TASCO: Could
22 you just please explain to me the
23 difference in the amendment and what
24 is currently required, that you have
25 to go, does an applicant have to go

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 before the zoning board? Do they get
3 a variance now or do they just get a
4 special --

5 MS. WEINSTEIN: My
6 understanding is they get a variance
7 now, not a special exception or
8 certificated use. The reason for the
9 requested amendment is that the new
10 zoning code has much stricter
11 standards for variances, where
12 economic hardship has to be proved
13 and it's a very, very narrow ability
14 to get a variance because you have to
15 show that the property can be used
16 for no other economic use.

17 So because a new zoning
18 code tightens up that variance
19 standard so dramatically, the request
20 was that it be a more similar kind of
21 standard going forward, be more the
22 current practice of the ZBA.

23 COUNCILWOMAN TASC0: So, I
24 want to go from six to twelve
25 children. Under the new code, what

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 does that mean?

3 MS. WEINSTEIN: Without
4 this amendment, L&I would refuse you.
5 You would have to go to the Zoning
6 Board of Adjustment and seek a
7 variance. The standard for a
8 variance is you would have, because
9 it's a use variance, you would have
10 to show that the variance, a need for
11 variance was not caused by yourself,
12 that you could not have been aware,
13 you know -- that you could not have
14 been aware of the problem. And you
15 would have to show that there would
16 be no other economic use of the
17 property other than that. That would
18 be the variance.

19 With the special exception
20 with this amendment, you would have
21 to demonstrate that you are meeting
22 the requirements of use, the ability
23 for the community, the Councilperson
24 to basically protest and say it would
25 have more than the expected impact,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 either congesting traffic, whatever
3 it might be.

4 Unless the owner can
5 counteract that testimony, then the
6 ZBA -- if there is that kind of
7 testimony, unless the owner can
8 counteract it, then the ZBA would
9 refuse the special exception.

10 MR. GREENBERGER: But it is
11 still a lesser standard which means
12 it would be easier to get that kind
13 of home-based child care under this
14 amendment.

15 COUNCILWOMAN TASC0: Where
16 does the community come in?

17 MS. WEINSTEIN: At the
18 Zoning Board of Adjustment because
19 again, under the new code, the
20 applicant would have to inform
21 Council and the registered community
22 organization to have a meeting before
23 the ZBA hearing to hear out the
24 issues. Then they would go to the
25 ZBA and either the registered

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 community organization or the
3 Councilperson or individuals in the
4 neighborhood all would be able to
5 testify at the ZBA hearing.

6 COUNCILWOMAN TASC0: So it
7 puts the burden back on the community
8 to show that it was counterproductive
9 to allow -- it would be easier for
10 the applicant?

11 MS. WEINSTEIN: The burden
12 would be on whoever came up to
13 protest, you are correct.

14 COUNCILWOMAN TASC0: So why
15 are we changing? And it's not a
16 technical amendment; is it?

17 MS. WEINSTEIN: No. And
18 this is not one that we originally
19 offered. This is one that
20 Councilwoman Reynolds Brown has
21 offered today, I believe. The
22 concern was because the standards for
23 variance are going to be much
24 stricter under the new code that
25 there would be virtually no situation

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 in which the ZBA could grant the
3 variance, even if the community was
4 supportive because the standards for
5 hardship would be so hard to meet in
6 this particular situation.

7 COUNCILMAN GREENLEE: Thank
8 you. Councilwoman Reynolds Brown.

9 COUNCILWOMAN REYNOLDS
10 BROWN: For the record, I am going to
11 hold this today until we reconvene
12 tomorrow and make sure that my
13 colleagues are okay with this.
14 Councilman Kenney raises an important
15 question that I wouldn't think about.
16 Would the zoning board look at square
17 footage as a factor in how they would
18 render a decision with twelve
19 children?

20 MS. WEINSTEIN: Actually,
21 the State has requirements in terms
22 of the amount of space that is
23 required, indoor and outdoor space.
24 And so we are requiring operators to
25 be in compliance with the State

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 requirements but we don't have an
3 independent set of requirements.

4 COUNCILWOMAN REYNOLDS

5 BROWN: Okay. Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you. And I would just remind
8 everyone, we still have two other
9 bills to take up. Councilman Green.

10 COUNCILMAN GREEN: Just for
11 the record today, the 50-foot
12 requirement which is from the top of
13 the bank as determined, I suppose,
14 top of a stream bank, top of a bank
15 in the Delaware or Schuylkill or
16 wherever, that would go into effect
17 automatically. Can you explain to me
18 how a hydrology map -- the
19 illustrative purposes hydrology map
20 that was in the zoning code had
21 stream beds that were going into the
22 Delaware below our water intake plan.
23 So can you explain how those stream
24 beds affect our drinking water since
25 we take water above that point on the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Delaware and not below it?

3 MR. GREENBERGER: If I
4 could, I would like to bring up
5 somebody from the Water Department to
6 answer that. While we were waiting,
7 Mr. Chairman, there was mention
8 earlier by Councilman Green about the
9 central Delaware overlay, and it's
10 our understanding that there is also
11 an amendment that might be coming
12 from Councilman Squilla. Is that
13 your understanding?

14 COUNCILMAN GREENLEE: Yes,
15 yes. I believe that's it. You have
16 that. Oh, tomorrow we are going to
17 do that amendment. Okay. All right.

18 MR. CROCKETT: Good
19 morning, Councilmen. I'm Deputy
20 Commissioner Chris Crockett from the
21 Philadelphia Water Department, our
22 Planning and Environmental Services
23 Group. And in response to your
24 question about the map and the
25 streams, this is a map of all the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 streams in the City of Philadelphia
3 that we maintain routinely with
4 information from all the different
5 surveys and information we get from
6 work we do. The question about the
7 intake, the streams coming in below
8 our intake, actually on the Delaware
9 River, it is a title river. So
10 actually water that comes in
11 downstream of our intake actually
12 comes back up to our intake, like
13 water sloshing back and forth in a
14 bathtub.

15 COUNCILMAN GREEN: I was
16 wondering how that worked. Thank
17 you. So every stream -- so it's the
18 City contention that the hydrology
19 map will contain every single
20 waterway in the City and within 50
21 feet of every stream, even if it's a
22 seasonal stream or whatever, you
23 cannot do development within 50 feet
24 of it. Will that become the law
25 August 22nd?

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. CROCKETT: I would
3 defer back to Planning on that.

4 MR. GREENBERGER: I don't
5 believe it's every single stream.
6 It's major watersheds.

7 COUNCILMAN GREEN: Well,
8 what is the hydrology map? Is it
9 every single stream?

10 MR. CROCKETT: It covers
11 the major streams in the City of
12 Philadelphia, which is, in essence,
13 every stream that's left that is not
14 in sewer.

15 COUNCILMAN GREEN: Every
16 stream, whether or not there is
17 always water flowing through it?

18 MR. CROCKETT: Well, for it
19 to be considered a stream, it has to
20 always be flowing.

21 COUNCILMAN GREEN: So
22 seasonal streams that are fed by
23 streams that may or may not have
24 enough water table to --

25 MR. CROCKETT: And they

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 would be very few and far between.

3 COUNCILMAN GREEN: Are they
4 in your hydrology map?

5 MR. CROCKETT: We only go
6 with the ones that are defined, where
7 we actually find flow.

8 COUNCILMAN GREEN: Okay.
9 If you found flow at any point in the
10 year, would they be included in your
11 hydrology map? Yes or no?

12 MR. CROCKETT: I would
13 assume so, yes.

14 COUNCILMAN GREEN: Okay.
15 Thank you.

16 COUNCILMAN GREENLEE: Thank
17 you. And just before I recognize
18 Councilwoman Blackwell, so everyone
19 knows, we will continue this Bill,
20 120431, till 9:00 tomorrow morning.
21 Councilwoman had a question.

22 And we have a few more
23 people who want to testify. And if
24 you could just be prepared to be as
25 brief as you can because, again,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 these people have been much more
3 patient than I would be waiting for
4 their bill. Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL:

6 Thank you very much. One is about
7 the Civic Design Review Committee
8 and the role of this Design Review
9 Committee. I understand that they
10 are saying that at 2:00 today, that
11 all of these community groups are
12 converging on the City Planning
13 Commission to deal with this RCO
14 issue. And I'm concerned about these
15 registered community organizations.
16 And, again if you have, let's say a
17 Spruce Hill or Powelton Village on
18 one side and a community group that
19 overlaps that may be a new startup,
20 how they gain parity and membership
21 on the board. Who makes that
22 decision for an obviously big group?

23 And the fact that I
24 understand that -- I will say it all,
25 and then you all can straighten it

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 out -- I understand that under this
3 new plan where people go to L&I to
4 get approval, they have to go before
5 the Design Review Committee. But
6 they have to have for L&I
7 architectural plans which maybe they
8 wouldn't have if they just came to
9 Councilmen. Groups come to us about
10 what they want to do. We don't
11 require -- I don't require --
12 necessarily require architectural
13 plans, as our job is to navigate
14 between the community and the group
15 as to what communities accept and
16 what will work in those
17 neighborhoods.

18 So I don't know how that
19 fits in with L&I, them having to have
20 architectural plans or more technical
21 information that we would not require
22 and also where Council fits in. I
23 don't want to vote myself out of a
24 vote. I am not interested in giving
25 a Design Review Committee a decision

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 over what happens in my District
3 when I know -- I have been here 30
4 years -- I know what works in my
5 District.

6 So all this is about three
7 questions in one that I am happy to
8 hear from today or tomorrow,
9 whichever way you consider it best.

10

11 MR. GREENBERGER: Mr.
12 Chairman, what would you like?

13 CHAIRMAN GREENLEE:
14 Councilwoman, I know it's your Bill.
15 This other bill is coming up tomorrow
16 so you'll be here. If that's all
17 right, maybe you could prepare an
18 answer.

19 COUNCILWOMAN BLACKWELL:
20 That's fine.

21 CHAIRMAN GREENLEE: And
22 this may not be the issues you are
23 raising. I'm not sure it's something
24 we will be moving tomorrow anyway.
25 So we might have a little more time

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 to discuss it.

3 CHAIRWOMAN BLACKWELL:

4 That's fine.

5 CHAIRMAN GREENLEE: Thank
6 you. Thank you very much. Are there
7 any other questions for these
8 witnesses? We'll see you tomorrow.
9 Thank you.

10 I have about five other
11 people that want to testify, a little
12 more than that. So, again, please,
13 if you are still here, please be
14 brief. Anne Fadullon, Cheryl Gaston
15 and Craig Schelter, why don't you all
16 come up together? If there are other
17 people that want to testify on this
18 bill, if you can please see
19 Ms. Marconi if you haven't given your
20 name over to the side.

21 If you can identify
22 yourself for the record and proceed,
23 please.

24 MS. FADULLON: Okay. My
25 name is Anne Fadullon, and I am the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 vice president of the Building
3 Industry Association which represents
4 the region's residential home
5 builders, residential contractors and
6 suppliers. We want to thank Chairman
7 Bill Greenlee and all the other
8 members of City Council for allowing
9 us to speak today on Bill No. 120431.

10 Although the BIA strongly
11 favors implementation of the new
12 zoning code as approved in the
13 original Bill No. 110845 and letting
14 the one-year reporting requirement on
15 the status of implementation of a new
16 code and how it's working direct any
17 changes to the code, we do support
18 the cleanup amendment as proposed in
19 Bill No. 120431.

20 Specifically we agree with
21 the amendment in the administration
22 of a section on visibility which
23 maintains the same standards but
24 makes all but one of the
25 prerequisites, maintaining an

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 entrance at grade, a function of
3 receiving a building permit, rather
4 than a function of obtaining a zoning
5 permit.

6 The BIA agrees these
7 prerequisites are more appropriate at
8 the building permit stage than at the
9 zoning permit stage. Again, I would
10 like to reiterate that other than
11 these cleanup amendments, the BIA
12 strongly urges City Council to give
13 the new zoning code as adopted in
14 Bill No. 118045 an opportunity to be
15 implemented as is and to have real
16 world applicable evidence gathered
17 over an adequate implementation
18 period prior to making any
19 substantial changes to the code.

20 While the Building Industry
21 Association code may not be perfect,
22 we have the utmost respect for the
23 unprecedented public process and
24 diversity of input which went into
25 the drafting of the new code.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 We want to respect this
3 process from considering any
4 amendments to the code. As always,
5 the Building Industry Association
6 looks forward to continuing a
7 fruitful and meaningful dialogue with
8 City Council regarding issues related
9 to the residential building industry
10 in Philadelphia. Thank you for your
11 consideration and let's move on
12 because I know you have a lot of
13 business.

14 COUNCILMAN GREENLEE: Thank
15 you. Ms. Gaston.

16 MS. GASTON: Good morning,
17 Councilman Greenlee and other members
18 of the Committee. My name is Cheryl
19 Gaston and I represent a Bar
20 Association Draft Committee group
21 that has been involved with the
22 review of and eventual amendments to
23 the final bill that passed that is
24 now the new zoning code.

25 We received the amendments,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 the Bill 120431. And we agreed with
3 the Committee that a lot of these
4 so-called clean up amendments are not
5 clean up or technical amendments.
6 They are substantive in some
7 instances and we support the
8 Committee's plan to defer acting on
9 those amendments except for the --
10 the Civil Design Review amendment
11 that will reduce the review time from
12 270 days to 150 days, the provision
13 that says that the Mayor can appoint
14 more than one Civic Design Review
15 Committee and also the rules with
16 respect to the relief of the maximum
17 parking measurement piece.

18 Other than that --

19 COUNCILMAN GREENLEE: But
20 none of those have to be considered
21 by tomorrow, right?

22 MS. GASTON: No, not those
23 we are concerned about.

24 COUNCILMAN GREENLEE: Thank
25 you. Mr. Schelter.

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2 MR. SCHELTER: Good

3 morning, Mr. Chairman. My name is
4 Craig Schelter and I'm here as the
5 executive director of the Development
6 Workshop. I would like to say
7 parenthetically that after I testify
8 for the workshop, I'm also here
9 representing a private industry on
10 the north Delaware who has made me
11 aware and the Councilmen aware of a
12 particular concern on the table as
13 well.

14 These comments I'm making
15 now are the Development Workshop. We
16 had a letter which we sent to all
17 members of Council, I believe, last
18 Friday that outlined five particular
19 concerns. Those concerns were
20 basically addressed in the bill that
21 was introduced by Councilman Henon
22 and Councilman Green, 120484. We did
23 not know whether that bill would go
24 or whether their amendments would be
25 added to this bill. But we are in

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 complete support of the amendments
3 that are put forth this morning, the
4 14 which have been offered. We have
5 gone over them quickly. Of course,
6 we would like to see the detailed
7 writing of it but they are basically
8 okay.

9 None of our concerns are in
10 any way trying to delay the FEMA
11 aspects here. That's not something
12 we think we want to say anything
13 about. It's important that those
14 things move.

15 I think the biggest
16 concerns that we have had have been
17 with the pending ordinance doctrine
18 which amendment would keep the
19 situation as it is today. We don't
20 think to have an ordinance be a
21 pending ordinance simply because a
22 hearing has been scheduled and not
23 having had a hearing of the Rules
24 Committee is appropriate. We think
25 that's something that Council has

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 done over the years and we think
3 that's good policy.

4 With regard to the
5 questions about subdivisions, we
6 think that's good policy with regard
7 to not impacting when an owner
8 divides a property into two parcels
9 providing they have street frontage.
10 That's good policy. The questions
11 that we do have are specifically
12 related to stream buffers.

13 And that is one where we
14 think that is frankly a huge policy
15 issue and one which comments I made
16 to the Planning Commission when they
17 considered this bill on May 29th
18 because as Councilman Green suggested
19 here this morning, there are many
20 more criteria now: One, that are
21 added to the bill and then, number
22 two, the fact that after the code was
23 passed, I approached the Water
24 Department asking for what was their
25 schedule for doing a hydrology map

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and doing it by regulation. And I
3 was told: Well, that's done already.
4 We have sent it to the Planning
5 Commission. And I said, Well, you
6 have to do this by regulation.

7 And the conversation did
8 not go beyond that. I was surprised
9 to hear this morning that here is the
10 hydrology map. But I don't know that
11 it's ever been adopted by regulation
12 or how the additional criteria affect
13 development and now the two whole
14 rivers.

15 So that's one that, again,
16 other than going with the amendment
17 that Councilman Henon put forth with
18 regard to the stream buffers, I think
19 that's a very important piece to do.

20 One of the things that I
21 recall is when we first commented --
22 when the workshop first commented on
23 the first phase of the zoning code,
24 we said: What you are taking on is
25 something tremendously complicated.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 And you really ought to have a year's
3 transition between when it's approved
4 and when it goes into effect.

5 And I think there has been
6 incredibly diligent work on the part
7 of the Planning Commission, Planning
8 Commission staff, in terms of trying
9 to move all this forward. But a
10 42-page amendment where there are at
11 least 15 policy issues is a very
12 difficult one. And I applaud your,
13 you know, raising all the questions
14 here today. They reflect a lot of
15 the questions that we had previously
16 raised.

17 And with that, I will stop
18 and respond to any questions you
19 might have.

20 COUNCILMAN GREENLEE: Thank
21 you. Councilman Kenney.

22 COUNCILMAN KENNEY: Thank
23 you, Mr. Chairman. The pending
24 ordinance doctrine, would you explain
25 to me what your interpretation of the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 pending ordinance is. For
3 background, I think it was developed
4 by Bennett Levin when he was the
5 Commissioner on the first term of Ed
6 Rendell. So I don't know of its
7 applicability recently. So could you
8 tell me what you think it is and when
9 you think it's employed.

10 MR. SCHELTER: Okay. I
11 will start out by saying I'm not a
12 lawyer. But my understanding is that
13 if a bill is introduced in Council,
14 and if it has had a hearing by the
15 Rules Committee and it is reported
16 out of Committee with a positive
17 recommendation but not voted on
18 beyond that, that L&I interprets that
19 as a pending ordinance and any
20 application that comes in from that
21 time forward will be considered as if
22 that ordinance passed.

23 COUNCILMAN KENNEY: And you
24 believe that's in place today?

25 MR. SHELTER: I do believe

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 it's in place today. Yes, sir.

3 COUNCILMAN KENNEY: And can
4 you give me an instance when it was
5 used? At the beginning of this
6 administration last term, I tried to
7 do the same thing with two poor -- a
8 vegetable guy and a crab guy -- that
9 we unintentionally drew out of the
10 boundaries of the no vending areas of
11 the stadiums and were out of work for
12 three months because they wouldn't
13 apply the impending ordinance
14 doctrine, even though Council
15 President introduced it. And we were
16 out for the summer.

17 Those guys were out of work
18 for July, August and most of
19 September. So can you give me an
20 instance when it's employed 'cause I
21 would be interested in why they
22 couldn't employ it for these two.

23 COUNCILMAN GREENLEE: I
24 think the issue was, Councilman, it
25 hadn't been approved by Committee

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 yet.

3 MR. SCHELTER: I think the
4 pending ordinance now is it has to be
5 approved by Committee once it's
6 introduced.

7 COUNCILMAN KENNEY: What
8 was it before?

9 MR. SHELTER: I've always
10 thought it had to have a hearing by
11 the Rules Committee.

12 COUNCILMAN KENNEY: Are you
13 in favor of that or opposed to that?

14 MR. SHELTER: No. I am in
15 favor of it. What I am not in favor
16 of is to have the pending ordinance
17 doctrine be that a bill gets
18 introduced and a hearing gets
19 scheduled and doesn't even get a
20 hearing before the Rules Committee.

21 COUNCILMAN GREENLEE: And
22 has that been utilized, to your
23 knowledge?

24 MR. SCHELTER: To my
25 knowledge, it has been utilized. In

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 this administration, I can't give you
3 an example. I have not had a
4 specific case --

5 COUNCILMAN GREENLEE: Let
6 me interrupt because I think when you
7 are saying: Has it been enacted,
8 it's never been, I don't think, just
9 if a bill was introduced. It always
10 had to do with having a hearing and
11 being approved by the Committee,
12 usually the Rules Committee.

13 COUNCILMAN KENNEY: And you
14 are in favor of that?

15 MR. SCHELTER: Absolutely.

16 COUNCILMAN KENNEY: Even
17 when it's against development?

18 MR. SCHELTER: Yes, even
19 when it's against development,
20 because what this forum affords is an
21 opportunity for everybody to put
22 their case before Council. And if
23 they decide in their wisdom, they
24 don't want to go with it, they don't
25 want to go with it or if they do,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 they do. But it's clear to everyone.

3 COUNCILMAN KENNEY: Thank
4 you.

5 COUNCILMAN GREENLEE: Thank
6 you. Any other questions? Thank you
7 all very much.

8 MR. SCHELTER: Can I --

9 COUNCILMAN GREENLEE: Now
10 you have a different hat on. Get up
11 and move around. While you are
12 getting ready, if the next witnesses
13 could get ready. Sarah Thorpe,
14 Madeline Shikomba if they could be
15 ready to go, I would appreciate it.

16 Thank you, Mr. Schelter,
17 with your other hat on.

18 MR. SCHELTER: Put my other
19 hat on. Good morning, Mr. Chairman,
20 and members of the Rules Committee.
21 I am here today representing the
22 owners of Orthodox Street Properties,
23 LLC, formerly known as Thackray Crane
24 Rental, at 2071 Byberry Road, a
25 company that owns 3100 and 3150

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Orthodox Street, a 15.8 acre parcel
3 in the Bridesburg section of
4 Philadelphia, on the Delaware River
5 waterfront just north of the Betsy
6 Ross Bridge.

7 This testimony is not
8 inconsistent with anything I have
9 said earlier on behalf of the
10 Development Workshop. But it is
11 separate and apart.

12 Let me start out by saying
13 that this is one of those situations
14 where things are never static in the
15 City of Philadelphia. A development
16 can pop up. And why I am here today
17 was to simply make Council aware of
18 the kind of complexity that come up.

19 The first thing that these
20 owners did is they went to see
21 Councilman Henon and talked to him
22 about what an approach might be going
23 forward. And the idea here was that
24 I would come to make City Council
25 aware of the concern that this owner

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 has about the stream buffers' portion
3 of the ordinance today.

4 This is also a site that we
5 are requiring rezoning, a site where
6 we are already talking to the
7 Commerce Department and PIDC where
8 they would sell a piece of land. The
9 reason for this having to take place
10 is this land, a portion of this land,
11 was condemned by the City of
12 Philadelphia to move the improvements
13 to Delaware Avenue in that area.

14 The owners of the property
15 and their tenant have a very
16 successful recycling effort. It's an
17 international company, Kuusakoski,
18 which are over 100 locations
19 worldwide with over 3,000 employees.

20 And essentially, they are
21 the company that fills the ships that
22 bring finished paper and Swedish
23 bywood into the Port of Philadelphia.
24 They go back with the recycled
25 electronics part from their

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 operation.

3 So that we -- we simply
4 want to make you aware today of this
5 potential and the fact that when you
6 make these zoning amendment changes,
7 we also have a moving target and
8 there is a remapping to go on on this
9 particular area. There is an anomaly
10 of a site that is owned by PIDC but
11 which is zoned for residential use
12 right now.

13 Those complications get
14 more dramatic if, in fact, the stream
15 buffer provision as requested by the
16 administration were to go forward.
17 So, again, we support the amendment
18 that Councilman Henon has suggested
19 in that regard.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you, Mr. Schelter, and thank
22 you, Mr. Schelter. Councilman Henon.

23 COUNCILMAN HENON: Thank
24 you, Mr. Chairman. Mr. Schelter,
25 what is the significance of you

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 coming in and informing the
3 Committee, the Rules Committee here
4 today, in regards to this business?

5 As you duly noted for the
6 record, it is a growing business. I
7 was pleased to take a tour in its
8 location. I know they picked a
9 location carefully and they chose
10 Philadelphia. It's their only United
11 States location here and green
12 recycling and creating jobs. And
13 there's an opportunity here to
14 expand, I think after over a \$10
15 million investment and creating local
16 jobs, to double that as we move
17 forward.

18 So what's the significance
19 of your testimony here today?

20 MR. SCHELTER: I think the
21 significance is that the River for
22 industrial use is not just dead.
23 There are companies out there that
24 find this as a very good location.
25 As the Councilman said, their

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 operation here is a template here for
3 other locations which I understand
4 they will be starting in other cities
5 around the country. They have been
6 working with the Water Department on
7 a storm water management plan that
8 will be state-of-the-art for this
9 kind of use.

10 But what we did not want to
11 do is have Council act on the stream
12 buffers and then come back in
13 September or November and say, Well,
14 we want to change them. And they
15 said, My God, why didn't you make us
16 aware of this early on when we
17 considered the bill last spring? And
18 that's why we are bringing it up.

19 I realize it's not a firm
20 deal yet. It has a number of steps
21 to go. It's one where I have talked
22 to PIDC. I have talked to Alan
23 Greenberger. I have talked to the
24 Commerce Department. So they are all
25 aware of it. And we now go to work

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and see if we can't make this work.

3 COUNCILMAN HENON: So some
4 of our actions here today or in the
5 future could possibly be an obstacle
6 for them, you are saying?

7 MR. SCHELTER: Yes. The
8 obstacle would be -- and I believe
9 that Councilman Green mentioned it
10 this morning -- if you were to
11 approve the stream buffer changes as
12 is recorded here, you would be in a
13 situation potentially -- and I'm
14 trying to find the exact language
15 here -- where if this were to go
16 forward -- I will read the short
17 paragraph: "Notwithstanding the
18 provisions of the subsection above,
19 the following additional activities
20 or uses may be permitted within the
21 stream buffers of the Delaware and
22 the Schuylkill."

23 That's good they are
24 allowing additional uses, including
25 industrial, but it says: "If the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Commission determines that they are
3 compatible with any public parks and
4 open space or recreational trails
5 located in the stream buffer and
6 allows sufficient clearance for safe
7 recreational use, maintenance and
8 repair thereof."

9 Here we have two problems.
10 One is this is not publicly-owned
11 land, so the idea of a public trail
12 is something if it's really important
13 to the City, you would have to
14 acquire.

15 And secondly, that certain
16 industrial uses are totally
17 inconsistent with the idea of -- I'm
18 trying to imagine someone pushing a
19 baby carriage along a trail or riding
20 a bicycle and having forklifts going
21 around loading trucks or barges or
22 whatever. That to me is an
23 inconsistent standard and I don't
24 know what the resolution of it is.
25 But I know that language does not

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 work for large sections of the
3 Delaware. I don't think it works for
4 certain sections of the Schuylkill
5 either.

6 And the fact that the City
7 below the Fairmount Dam on the
8 Schuylkill, it's all entitled. We
9 don't get any drinking water down
10 there. I don't understand why that
11 would be included on the north
12 Delaware, similar concerns about the
13 area essentially below the PennyPack
14 Creek.

15 And those are the kinds of
16 things that we are not totally expert
17 in. But we thought as part of the
18 establishment of the hydrology map by
19 the Water Department, there would be
20 an opportunity to discuss this at a
21 hearing and make the input and have
22 the kind of review and then appeal,
23 if necessary, as the Planning
24 Commission is having today.

25 They have a hearing at 3:00

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 for all the regulations of the
3 Planning Commission. I mean, this is
4 complicated stuff. And I will be the
5 first to say every one of these
6 clauses, I had to read it five times
7 before I could begin to understand
8 it. And it's moved within a very,
9 very short time frame.

10 COUNCILMAN GREENLEE: And
11 it's not at all technical, right?

12 (Laughter.)

13 MR. SCHELTER: No, sir.
14 This is not technical. This is
15 policy. And I think this is policy
16 at the highest level and needs to be
17 discussed as such.

18 COUNCILMAN GREENLEE: And
19 we probably should have our hearing
20 on this and not have everybody else
21 sitting around. Would that be a fair
22 statement, Mr. Schelter?

23 MR. SCHELTER: Yes. That
24 would be a fair statement.

25 COUNCILMAN GREENLEE: Thank

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 you. Councilman Kenney.

3 COUNCILMAN KENNEY: Mr.
4 Chairman, I apologize, but you know
5 how it is this time of year. Over
6 the last 20 years, we have had this
7 kind of hearing where it's a long day
8 a couple of long days.

9 Can you explain to me the
10 background or maybe Mr. Greenberger,
11 can explain to me: Are we required
12 to do the stream buffer? Are we
13 being required by the EPA or is there
14 some pressure coming from another
15 government for us to develop this?
16 'Cause we have never had one before.

17 MR. GREENBERGER: Well, as
18 Ms. Gladstein pointed out, you have
19 had them on two, on the north
20 Delaware overlay and on the central
21 Delaware overlay. And they were
22 imposed as an interim measure until
23 the central Delaware overlay could be
24 drafted. A bill was introduced but,
25 in fact, Councilman Squilla has

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 decided to hold the hearing in the
3 fall because of some of these same
4 concerns in that central Delaware
5 section.

6 COUNCILMAN KENNEY: Is this
7 a policy direction the administration
8 is going or is this something that's
9 being required by some --

10 MR. GREENBERGER: It's not
11 being required by some outside
12 authority, if that's what your
13 question is, no.

14 COUNCILMAN KENNEY: So what
15 do we do? Mr. Schelter made the
16 issue of privately held property.

17 MR. GREENBERGER: Setbacks
18 are a normal part of the zoning.
19 They exist --

20 MR. KENNEY: I know. But
21 isn't that -- aren't you taking
22 someone's property by imposing a
23 buffer that they can't utilize if
24 it's their property?

25 MR. GREENBERGER: Setbacks

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 are a normal part of zoning. They
3 exist all over the city. They are
4 perfectly legal. It's not a taking
5 of property. This is an attempt to
6 create good environmental policy.

7 However, to his point,
8 there is -- the amendments that we
9 propose would, in fact, allow the use
10 that he's talking about to happen. I
11 talked to you about this yesterday.

12 MR. SCHELTER: Yes, you
13 did.

14 MR. GREENBERGER: And the
15 fact is that to do it on the property
16 that's being discussed, he needs a
17 zoning change. That's the problem,
18 not the buffer.

19 COUNCILMAN KENNEY: Is the
20 priority the buffer or is the
21 priority employment?

22 MR. GREENBERGER: They are
23 not mutually exclusive.

24 COUNCILMAN KENNEY: In this
25 particular case, it might be.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. GREENBERGER: I don't
3 think they are.

4 MR. KENNEY: The example of
5 putting a recreational trail through
6 a property --

7 MR. GREENBERGER: We can't
8 put a recreational trail through a
9 property without having acquired the
10 rights to that. So all we are doing
11 right now is asking for a buffer or a
12 setback where the setback can be
13 done. Where it can't be done, where
14 there is industrial use that involves
15 access to the water, it wouldn't be
16 there. That's the exception that's
17 being made along with several other
18 uses which we propose as exceptions.

19 COUNCILMAN KENNEY: Well,
20 then, why not get the setback you
21 need to use the land? Why do you
22 oppose the setback as an overall
23 policy up and down both rivers?

24 MR. GREENBERGER: We think
25 it's good policy. We don't think it

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 gets in the way of businesses and
3 employment except for the ones that
4 we have mentioned.

5 COUNCILMAN KENNEY: Well,
6 again, I will not debate it with you.
7 But I will say that if I am looking
8 to do something of an industrial
9 nature on the waterfront. And I look
10 at the requirements and there is a
11 50-foot setback, I might go to
12 another river, as opposed to bringing
13 my work here. So, I mean, there are
14 certain areas of the Delaware that
15 are perfect for trails and recreation
16 and bike riding and the like. And
17 there are certain parts of the river
18 that have traditionally been
19 industrial.

20 MR. GREENBERGER: My
21 suggestion is go -- you know,
22 yesterday the Crescent opened in the
23 lower Schuylkill. Go take a look.
24 There is industrial uses behind it.
25 It's considerably bigger setback or

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 easement than 50 feet, in the order
3 of 120 to 150 feet. But 50 foot is a
4 very small thing against very large
5 parcels of land that creates an asset
6 where it can be used and where it
7 can't be because of industrial uses
8 that need access to the river. Those
9 would be exempted from the setback.

10 COUNCILMAN KENNEY: And you
11 don't believe that the setback would
12 be less of an inducement to starting
13 an industrial operation on the river?

14 MR. GREENBERGER: For some
15 industrial uses where there is need
16 for access to the water, yes. It
17 could be, and those should be
18 exempted. But I think for many of
19 them, no. It would not be an
20 inconvenience.

21 COUNCILMAN KENNEY: Because
22 the history of the river is one of
23 industrial commercial use.

24 MR. GREENBERGER: Sure.
25 And particularly things that needed

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 water access because they were having
3 ship-to-land issues.

4 COUNCILMAN KENNEY: Again,
5 I'm not going to debate the whole
6 policy thing with you. But I think
7 anything that inhibits the potential
8 for employment which is -- our
9 biggest problem are not trails and
10 bike paths. Our biggest problem is
11 people working.

12 MR. GREENBERGER: I totally
13 agree.

14 MR. KENNEY: Thank you.

15 MR. SCHELTER: Can I add an
16 additional comment, Councilman? That
17 is one of the things that, I guess,
18 in my experience over the last 34
19 years: If you had a complex project
20 to get through and it didn't meet the
21 code, you would go to the zoning
22 board and you could get a variance.
23 You could make your case. As long as
24 there was no detriment to adjacent
25 property, you could get the variance

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Maybe that was ignoring a
3 more policy-oriented code. I think
4 the way the new code has been
5 written -- I think that was stated by
6 the Zoning Code Commission when they
7 approved it, the City wanted to cut
8 down the number of cases going to the
9 zoning board and make it much more
10 difficult for anybody to get a
11 variance or to get a special
12 exception than it was before.

13 That's policy and
14 developers accept that. But to the
15 extent that you have to send somebody
16 to the board who is coming in as an
17 outside investor, that uncertainty
18 creates a problem. I think there is
19 also a problem in terms of what the
20 permit procedures are in the same
21 section where it talks about the
22 Commission acting and then Council
23 having to act within 45 days on a
24 bill to go contrary to what the
25 Planning Commission recommended.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 It's sort of a reverse onus
3 to me that just as a for instance,
4 the 45-day timetable if this happened
5 in June and Council is not back in
6 session till September, you would
7 have a time problem. But just the
8 idea this is something where Council
9 is under a 45-day time gun. If there
10 are policy issues.

11 There are other things on
12 Council's agenda and it may take
13 longer. So that's another concern
14 which I don't have the answer here
15 for. That's why we have focused on
16 what the expanded policy was, not on
17 that detail yet. I think that's one
18 we need to talk further with the
19 Planning Commission and Commerce and
20 Councilmembers in terms of what works
21 there.

22 And, again, Council Henon's
23 amendment suggest that we first look
24 at the hydrology map approved by
25 regulation before we move forward on

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 any of that aspect of 14504.

3 COUNCILMAN GREENLEE: Thank
4 you. Councilman Green.

5 COUNCILMAN GREEN: Thank
6 you. I think the main point here is
7 the administration amendments do not
8 do what we have testified to. They
9 can only approve the uses that are
10 being discussed if the Commission
11 determines that they are compatible
12 with public parks, open space,
13 recreational trails and allow
14 significant clearance for the
15 recreational use, maintenance and
16 repair thereof.

17 And so I think we can work
18 on that language so they are not
19 inconsistent internally. But clearly
20 as written and presented to Council,
21 they did not accomplish what has just
22 been testified by the administration.

23 So I think the other big
24 thing that just happened here is in
25 response to Councilman Kenney's

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 question, perhaps the policy of the
3 administration with respect to the
4 hydrology map came through, and the
5 response by the Commissioner -- I'm
6 sorry -- yes -- was that it is not a
7 taking to have a setback.

8 What that means is that all
9 of the land along the Delaware, all
10 the land along the Schuylkill, all of
11 the land that is privately held that
12 people can put or may have plans to
13 put to productive use can be
14 preserved for recreational trails or
15 other use without compensating the
16 owner if the status quo remains over
17 the summer and the Water Department
18 gets to promote a hydrology map by
19 regulation. There will be no
20 compensation for anybody to pursue
21 this policy of the administration.
22 That's what we just heard. Thank
23 you, Mr. Chairman.

24 COUNCILMAN GREENLEE: Any
25 other questions?

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 (No response.)

3 COUNCILMAN GREENLEE:

4 Seeing none, thank you. Ms. Thorpe
5 and Ms. Shikomba? And please, again,
6 I know this is a recording, but,
7 please, do your best to be brief. We
8 have two other bills with many
9 witnesses scheduled.

10 MS. THORPE: Thank you, Mr.
11 Chairman. Sarah Thorpe. I'm the
12 director of Planning of the Delaware
13 River Waterfront Corporation. We are
14 a nonprofit, 501(c)3 organization
15 that's responsible for 6 miles of the
16 central Delaware waterfront between
17 Oregon and Allegheny Avenue. We
18 completed recently a two-year
19 process, a very complicated master
20 plan for this area. I am here to
21 testify about stream buffers, the
22 stream buffer section of the code.

23 Not only is the stream
24 buffer -- in fact, the stream buffer
25 is not really to set aside land for

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 recreational. It's a lot of
3 environmental benefit that the City
4 is getting from these stream buffers.

5 The issue of acquisition of
6 property is a very separate issue
7 than a stream buffer. A stream
8 buffer is a setback of a building to
9 provide for environmental benefit.
10 It may in the future if property is
11 acquired by the City that may in the
12 future be available for recreational
13 use. But the environmental benefit
14 of doing a stream buffer on the
15 City's watershed cannot be
16 understated.

17 This is something that
18 other cities do around the country.
19 We have had an industrial waterfront,
20 yes, for 250, 300 years. It's very
21 important for the City.

22 And, in fact, the central
23 Delaware Master Planning process
24 identifies that commerce, economic
25 development, jobs, taxes is very

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 important to the City. However, that
3 needs to be balanced with the
4 environmental benefit of flood
5 protection, of introducing wetlands
6 where appropriate, also allowing for
7 storm water management and storm
8 water flow and, you know, that storm
9 water to off flow from the
10 development site into this buffer.

11 It creates health of the
12 river. It creates air quality
13 benefits. And there are many other
14 benefits besides just the
15 recreational trail benefits which we
16 need to separate because that is an
17 acquisition that the City or other
18 nonprofit would have to do.

19 That's all the testimony
20 that I have. I also -- if Matt Rubin
21 isn't on the agenda, I would like to
22 defer the rest of my time to him.

23 COUNCILMAN GREENLEE: Well,
24 you can't quite do it that way, but
25 he is on the agenda. Okay. Ms.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Shikomba is next. But before you do,
3 Councilman Green just has a quick
4 statement.

5 COUNCILMAN GREEN: Thank
6 you, Mr. Chairman. I have a 12:30
7 lunch which has been several months
8 old which I have to keep so I
9 apologize for leaving. But I do need
10 to state for the record that a memo
11 has been provided to the Clerk that
12 notes my recusal from action on Bill
13 120417 as a consequence of the
14 involvement of my law firm Duane
15 Morris representing some people who
16 have an interest with that Bill.

17 COUNCILMAN GREENLEE:
18 Thank you, Councilman. Ms. Shikomba.
19 Please identify yourself and proceed.

20 MS. SHIKOMBA: My name is a
21 Madeline Shikomba. I was here to
22 testify with Ms. Tiffany Green. But
23 due to a family matter, she's not
24 here today. But I understand that
25 the hearing will be continued until

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 tomorrow.

3 COUNCILMAN GREENLEE: Yes.

4 MS. SHIKOMBA: So I will
5 just be short. I will hold the rest
6 of my comments for tomorrow, if you
7 don't mind.

8 COUNCILMAN GREENLEE: Okay.
9 And we may not be dealing with
10 everything tomorrow. We are only
11 gong to deal what we absolutely have
12 to timewise. Okay. But go ahead.

13 MS. SHIKOMBA: But, anyway,
14 I'm sure that zoning is being pushed
15 forward too fast and too rapidly. I
16 know the Zoning Commission,
17 Philadelphia City Planning
18 Commission, will tell you they had
19 meetings with the community. These
20 meetings were so restricted and so
21 guided that we felt we were
22 participating in rewriting the zoning
23 code. But in actuality we were not.

24 Many of the things that
25 appeared in the zoning code, the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 community had no input in, didn't

3 know it was going to be in there. I

4 attended many of these meetings. One

5 of the things I discovered is this by

6 right policy. According to the by

7 right policy, a developer, if he

8 removed all the variances in his

9 proposal, he could get an

10 over-the-counter permit to build what

11 he wants in the neighborhood.

12 That's not right. That

13 gives no input to the community at

14 all. This by right policy is an

15 affront to the neighborhood because

16 they don't have no input. On many

17 issues, the community has no input.

18 We are recommending that be

19 held off until the community, like

20 the developers who had input in this

21 document from the beginning, that the

22 community be given the opportunity

23 they too can have more input and not

24 be restricted by the Philadelphia

25 Planning Commission, as they have in

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 the past.

3 Also according to our R10,
4 people can now be -- single family
5 homes can now be turned into duplexes
6 and triplexes for the purpose of
7 condominiums. And this has a heavy
8 impact on the community. All these
9 things we were unaware of until
10 recently.

11 We also know that we do not
12 appreciate the fact of people being
13 allowed to build three-story houses
14 in traditionally two-story
15 neighborhoods. They said, we will
16 have a setback. Have you seen what
17 the setback looked like? It looked
18 like a barn on top of a house when
19 you were about a block away. It
20 doesn't look right.

21 No. You may not see it
22 when you are in front of the house.
23 But if you are walking towards that
24 block, you will see it and you wonder
25 what this structure is on top of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 this -- in the middle of this block.

3 We are opposed to having
4 three-story buildings in a
5 traditional two-story neighborhood.
6 And we are asking you to please
7 consider this. I will not put on
8 anymore on this. As I said Ms.
9 Tiffany Green and I were supposed to
10 be together on these problems here.
11 And I would defer to her tomorrow.

12 COUNCILMAN GREENLEE: Thank
13 you. Matt Rubin. Is there anyone
14 else here that wants to testify on
15 this Bill?

16 (No response.)

17 CHAIRMAN GREENLEE: None.
18 Okay.

19 MR. RUBIN: Hello. My name
20 is Matt Rubin. I'm Chair of the
21 Central Delaware Advocacy Group, and
22 I'm also president of the Northern
23 Liberties Neighbors Association. I
24 think I'm going to try testifying as
25 a citizen because the hats are too

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 confusing.

3 Thank you for this
4 opportunity. I will be as brief as
5 possible. And I won't give you a
6 speech. I will just respond to
7 issues that I have heard come up just
8 now.

9 I really think it's
10 important to suggest a corrective to
11 the tone here. A couple of the
12 initial testifiers were saying about
13 the issue that a lot of these
14 amendments are not just technical.
15 That may not be true.

16 I feel compelled to point
17 out is what they are saying is: We
18 don't want you to move forward on
19 these amendments now because they are
20 too complicated, except for the ones
21 we like. And they have been very
22 clear about what those are.

23 So the issue here is not
24 about how complicated it is or
25 whether it's technical or not. The

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 issue here is whether or not it's

3 good policy. And more importantly,

4 what happens on August 22nd when the

5 new zoning code goes into effect?

6 The concern here is if certain

7 provisions are not in place on August

8 22nd, then there are fleets of zoning

9 attorneys in this City who are more

10 than happy to rush in and pull zoning

11 permits, even if there is no

12 financing in place and no project on

13 offer to lock in what, in their view,

14 would be the least restrictive

15 requirements for their clients who

16 hired them to do this. Death by a

17 thousand permits is the urgent issue

18 that is a risk for August 22nd.

19 Specifically, the stream

20 buffer language. I believe

21 Mr. Schelter has given you the wrong

22 impression which is that the language

23 in there is not saying you can't have

24 industrial in there if there is a

25 buffer. The language is about

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 impacting public spaces and parks and
3 recreational trails. The trail comes
4 afterwards.

5 No one is required -- as
6 Mr. Schelter himself said, no one is
7 going to be required as a private
8 landowner to pay for and build a
9 trail. They are simply the
10 requirements of a setback which is no
11 different than the setback I have to
12 have on the edge of a property line
13 for whether I can put a window on the
14 side of my house. Setbacks are
15 uncontroversial, everyday, mundane,
16 incredibly well-established zoning
17 law in Philly and across the United
18 States.

19 So the point of a stream
20 buffer is to protect the waterway.
21 If an industrial use goes in, then
22 there is not going to be a
23 recreational trail on that parcel and
24 there is not going to be a problem
25 with the impact. Already in the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 central Delaware, there are parts of
3 the so-called Delaware River
4 recreational trail that are on the
5 sidewalk of Delaware Avenue because
6 it's not feasible to put the trail at
7 the waterline. This is common sense.

8 So I think there is in my
9 personal opinion a willful misreading
10 of the language on the part of some
11 in order to give you an impression
12 that there is a contradiction or a
13 problem with having a stream buffer
14 and that it would threaten
15 development. And respectfully,
16 that's simply not the case.

17 We also know what
18 Philadelphia waterfronts look like
19 when there is no stream buffer or
20 parking cap because we can go to the
21 Walmart shopping center and we can go
22 to the gated residential communities
23 that cut off water access.

24 And with all due respect to
25 what I thought was Councilman

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Kenney's insightful comment, if it
3 truly is economically irrational and
4 therefore beyond imagination that any
5 private interest would exceed 125
6 percent of building area for parking,
7 then why are industry representatives
8 up here testifying that they want to
9 lift that cap? If it's inconceivable
10 and irrational to go over the cap,
11 they would not be sitting here asking
12 you to lift the cap. So I would
13 respectfully suggest that the parking
14 cap is equally important to preserve
15 our street frontages and to preserve
16 the intentions of our development.

17 So I would just finally end
18 by saying that it is imperative this
19 Council does nothing to take away the
20 crucial minimal guarantee of the
21 stream buffer and that it does not
22 inadvertently allow zoning attorneys
23 across the city to rush in on August
24 23rd and exploit gaps in the zoning
25 code in order to pull permits and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 then bide their time to try to flip
3 properties or and then get financing
4 afterwards to get building permits
5 for building projects that are
6 clearly against the intention of the
7 Central Delaware Master Plan and the
8 new zoning code. Thank you.

9 COUNCILMAN GREENLEE:
10 Anyone else here to testify on this
11 Bill?

12 (No response.)

13 COUNCILMAN GREENLEE:
14 Seeing none, Ms. Marconi, if we can
15 move to Bill No. -- and just for the
16 record again: Bill No. 120431 will
17 be held until tomorrow, Wednesday,
18 June 13, 2012 at 9 a.m.

19 Bill No. 120417, please.

20 CLERK: "An Ordinance
21 amending Title 14 of The Philadelphia
22 Code, entitled "Zoning and Planning,"
23 to expand the boundaries of the I-95
24 Acquisition Corridor, under certain
25 terms and conditions."

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2 COUNCILMAN GREENLEE: Thank
3 you. Mr. Kramer. And the next
4 witness will be Mary Benussi, if she
5 is still here from Tacony Civic.
6 She's right there. Okay. Mr.
7 Kramer. Go ahead.

8 MR. KRAMER: Good
9 afternoon, Councilman Greenlee,
10 members of the Rules Committee. I am
11 William Kramer, division director of
12 the Development Planning Division of
13 the Philadelphia City Planning
14 Commission. I am here today to
15 testify on Bill No. 120417 which was
16 introduced by Councilmember Henon May
17 17, 2012. Bill No. amends the
18 Philadelphia Zoning Code by expanding
19 the boundaries of the I-95
20 Acquisition Corridor which was
21 created by the passage of Bill 1678.
22 That legislation permitted the
23 relocation of certain structures and
24 devices in connection with the
25 PennDOT project to widen portions of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 I-95 that passed through the City.

3 Bill No. 120417 will expand
4 the current boundary from Allegheny
5 Avenue northwards to Rhawn Street.
6 The boundaries as introduced in Bill
7 1678 included this area, however were
8 amended out of that bill. This
9 special district was established to
10 preserve those premises that are
11 located within the I-95 Condemnation
12 Corridor and minimize loss of jobs in
13 the revenues generated from the
14 premises, including but not limited
15 to real estate use and occupancy wage
16 and net profit taxes. The purpose of
17 the Corridor is to encourage and aid
18 in the continuation of business or
19 other uses with minimal dislocation
20 or interruption.

21 The Philadelphia City
22 Planning Commission considered Bill
23 No. 120417 at their meeting May 29,
24 2012. After consideration, the
25 Commission recommended nonopposition

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2 to Bill No. 120417 in accord with its
3 previous position on Bill No. 1678.

4 This concludes my testimony. If you
5 have any questions, I will be happy
6 to try to answer them for you.

7 COUNCILMAN GREENLEE: All
8 right. Thank you. Ms. Benussi, why
9 don't you go and then if we have
10 questions for you. I know you have
11 been waiting a long time. Thank you.

12 MS. BENUSSI: Good
13 afternoon to the Rules Committee.
14 This testimony is being given on
15 behalf of the Tacony Civic
16 Association, a nonprofit organization
17 which has served our community since
18 1982. Council Bill 120417 seeks to
19 allow any billboard condemned due to
20 the ongoing Interstate 95 Improvement
21 project to legally relocate within
22 350 feet of its former location
23 without regard to setbacks or any
24 regulations of the respective Zoning
25 District.

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2 The area impacted is
3 identified as the I-95 Acquisition
4 Corridor and extends north of
5 Allegheny Avenue to Rhawn Street,
6 including the neighborhoods of Port
7 Richmond, Bridesburg, Wissinoming,
8 Tacony and Holmesburg.

9 A meeting was held with
10 representatives of the billboard
11 industry, Scenic Philadelphia and the
12 Board of Directors of the Holmesburg
13 and the Tacony Civic Associations.
14 After much dialogue and debate, it
15 was decided that the Tacony Civic
16 Association must oppose the bill in
17 its current form because it became
18 evident that all of the affected
19 communities were not brought into the
20 conversation.

21 We propose that a meeting
22 be held with representatives of all
23 the five affected communities so that
24 we can better understand the
25 following: Exactly which properties

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and billboards in all neighborhoods
3 will be impacted by this Acquisition
4 Corridor, the potential for
5 additional condemnation already
6 scheduled along the Corridor, the
7 existing legality of billboards the
8 industry would like to relocate, how
9 long this legislation will apply to
10 the Acquisition Corridor.

11 It is impossible to
12 understand the potential impact of
13 this Bill without the input of our
14 neighboring communities to the south.
15 It appears the impact on our
16 community would be minimal, the
17 removal of the six billboards and the
18 relocation of four.

19 However, the better
20 solution may be to obtain zoning
21 variances for those four locations in
22 Tacony and Holmesburg than to create
23 legislation which has the potential
24 to create somewhat of a free-for-all
25 along the Acquisition Corridor and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 may negatively impact the aesthetics
3 of our neighboring communities more
4 than ours. Once each neighborhood
5 can weigh the pros and cons of this
6 Bill, we believe we can collectively
7 decide whether to amend or continue
8 to oppose this Bill. Thank you, Mary
9 Benussi, President of the Tacony
10 Civic.

11 COUNCILMAN GREENLEE: Okay.
12 Thank you. Any questions for either
13 witness?

14 (No response.)

15 COUNCILMAN GREENLEE:
16 Seeing none, thank you both for your
17 testimony. The next witnesses will
18 be representatives from Scenic
19 Philadelphia. Okay. Identify
20 yourself and please proceed.

21 MS. TRACY: Good afternoon,
22 Mr. Chairman. My name is Mary Tracy
23 and I am the executive director --
24 and members of the Rules Committee.
25 I am the executive director of Scenic

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Philadelphia.

3 I would like to thank the
4 Committee members for the opportunity
5 to testify today. Scenic
6 Philadelphia is a citywide
7 organization dedicated to improving
8 the visual, environmental and quality
9 of life in Philadelphia. We work
10 with over 80 organizations and have
11 over 4,000 residents across the City
12 who are interested in creating more
13 attractive neighborhoods that will
14 spur economic growth, attract new
15 developments, jobs, residents and
16 businesses.

17 The economic vitality of
18 the City and its neighborhoods is
19 closely linked to visual impression.
20 I have a packet here that I would
21 like to pass up to the Committee.
22 And on the top of the packet is a
23 report called "Beyond Aesthetic, How
24 Billboards Affect Economic
25 Prosperity." It looks at the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 influence of billboards on real
3 estate. And it found a statistically
4 significant correlation between real
5 estate value as measured by sales
6 price and proximity to billboards.

7 The study found that
8 property located within 500 feet of a
9 billboard sold for \$30,825 less
10 according to a survey of the real
11 estate sales in the summer of 2011 in
12 Philadelphia. The author also found
13 that there is a correlation between
14 billboard density and home value and
15 that a proliferation of billboards
16 negatively impacts homes' values.
17 For each additional billboard in a
18 census tract, there is a \$947
19 decrease in home value.

20 Billboards tend to be
21 located along commercial corridors,
22 yet the analysis showed it was not
23 the presence of a commercial corridor
24 which had the negative impact on home
25 values. It is the billboard itself

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that has a depressing effect on the
3 whole of the census tract.

4 The study also looked at
5 sign codes of 20 cities and found
6 that those with strict codes had
7 lower vacancy rates, higher median
8 income and lower poverty rates.

9 Over the past 40 years, the
10 Philadelphia City Council has been a
11 partner to neighborhoods dealing with
12 the onslaught of outdoor advertising
13 and taking bold action to support and
14 protect its neighborhoods and
15 homeowners.

16 In 1991, the Council found
17 that the excessive number of
18 commercial outdoor advertising signs
19 contribute to visual clutter and
20 detract from aesthetic beauty. They
21 passed stricter controls, but among
22 other things --

23 COUNCILMAN GREENLEE: Ms.
24 Tracy, if I could just interrupt.
25 Could you address the Bill because we

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 are all aware of the history here --

3 MS. TRACY: But I think
4 it's important to standard --

5 COUNCILMAN GREENLEE: The
6 Board understands --

7 MS. TRACY: Okay.

8 COUNCILMAN GREENLEE: If
9 you could just address the Bill,
10 please.

11 MS. TRACY: Okay. Well, I
12 just wanted to go over the intention
13 of the Bill in 2004 that passed
14 licensed fees that increased them.
15 Because I know how interested Council
16 is in raising money and how much
17 revenue do the billboards really
18 generate. I think that's been part
19 of the core motivation behind even
20 those restrictions --

21 COUNCILMAN GREENLEE: All
22 right. If you can --

23 MS. TRACY: -- and that we
24 found in 2009 that those license fees
25 were \$218,000. And in 2011 they were

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 \$142,000. So the City has lowered
3 through the settlement agreement from
4 \$650 a sign fee to \$50 a sign fee.
5 So we have lost money on these sign
6 fees.

7 The tax revenues which now
8 are 70 percent of their transactions
9 went from 2009 at \$2,832,000 down in
10 2011 to \$1,885,000. The reason I am
11 bringing this up is because we have
12 in the City of Philadelphia -- I
13 think we have -- where did I put
14 that -- close to 18, 1900 billboards.
15 When you look at what the revenues
16 average per billboard are in those
17 years, we are looking at 2011,
18 approximately \$1151 we get from
19 revenue --

20 COUNCILWOMAN REYNOLDS
21 BROWN: Point of information. Where
22 are you reading that from? I don't
23 see it in your testimony.

24 MS. TRACY: This is in
25 my -- I can give you the facts. I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 have a letter from the Revenue
3 Commissioner with those numbers, and
4 I meant to put it in the packet this
5 morning and I left that pile there.
6 So I will give you all these numbers,
7 anything that you need I will back
8 this up with my -- I just forgot that
9 particular packet.

10 COUNCILWOMAN REYNOLDS

11 BROWN: And you received these
12 numbers from what City agency?

13 MS. TRACY: From the
14 Revenue Department. Mr. Richards, I
15 think is his name.

16 COUNCILWOMAN REYNOLDS

17 BROWN: Thank you, Ms. Tracy.

18 MS. TRACY: So the
19 settlement agreement -- in addition
20 to lowering this \$650 a sign, the
21 settlement agreement legalized many
22 of the signs that were without
23 permits and that were illegal. I'm
24 not sure how many people in the --
25 well, the Committee would know this.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 But there was a report that federal
3 highways demanded the City and
4 PennDOT create because we really
5 didn't know how many billboards we
6 had.

7 And they found that there
8 were 469 billboard structures along
9 our federal and primary highways.
10 There were no permits found for 51 of
11 these structures; 68 did not even
12 have dowels. And of the over 350
13 permits found, 44 were inconsistent
14 with the information on the permit;
15 14 were a different size; 16 had more
16 signs in the structure that the
17 permit allowed; 3 were a different
18 map; 7 had expired; and 4 of the
19 billboards had had their permit
20 revoked.

21 So some of these signs had
22 been cited by the Department of
23 Licensing Inspections and they were
24 in the process of being litigated
25 when the settlement agreement came in

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and stopped everything. They
3 legitimized their signs. And we have
4 really left millions of dollars on
5 the table in fines and penalties
6 because of our decision not to bring
7 the situation into Philadelphia in
8 compliance.

9 So the point of the
10 economic studies are saying we are
11 not bringing in that much money from
12 these. We are actually losing value
13 and property value and eventually tax
14 residents. We know that people want
15 to live in a beautiful place, that
16 attractive communities attract people
17 and business.

18 And so to the extent that
19 we are spending over \$2 billion on
20 the I-95 Corridor taxpayer money, we
21 believe that we should do everything
22 we can to help maintain the
23 attractive quality and improve it
24 along this Corridor.

25 COUNCILMAN HENON: Point of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 information, Mr. Chairman.

3 COUNCILMAN GREENLEE:
4 Councilman Henon.

5 COUNCILMAN HENON: Ms.
6 Tracy, may I ask you a few questions?
7 I appreciate your coming in here as
8 you have been for years and your
9 quest for doing away with advertising
10 in the City of Philadelphia, although
11 I'm a little concerned with the
12 handouts that you had, that you had
13 distributed to the Rules Committee
14 here. Are any of these billboards in
15 question of the legislation that I
16 proposed?

17 MS. TRACY: Which handout
18 are you looking at? I think the
19 handout you are looking at are
20 actually going to be Stephanie
21 Kindt's testimony and she will
22 explain --

23 COUNCILMAN HENON: But my
24 question is: Are any of these --
25 they don't look like they are in my

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 District, first of all.

3 MS. TRACY: Well, they
4 are --

5 COUNCILMAN HENON: They are
6 not the billboards that are in
7 question that are going to be
8 relocated --

9 MS. TRACY: We will get to
10 that.

11 CHAIRMAN GREENLEE: Well,
12 not get to it. Get to it now. We
13 are dealing with this Bill, Ms.
14 Tracy.

15 MS. TRACY: Well, we are
16 dealing with this Bill --

17 CHAIRMAN GREENLEE: We are
18 dealing with this Bill, and there are
19 people who have been waiting here and
20 they are not --

21 MS. TRACY: I have been
22 waiting here myself since 10:00 --

23 COUNCILMAN GREENLEE: Then
24 you know what it's like to sit there.
25 So please address this bill, the area

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that we are talking about in the Bill
3 before us, please. Thank you.

4 MS. TRACY: Okay. So also
5 in your packet is a list. So it
6 would be the I-95 Condemnation
7 Corridor. Do you see that?

8 COUNCILMAN GREENLEE: Yeah.

9 MS. TRACY: So these are
10 the size that PennDOT has declared
11 will be condemned during the process
12 of this. And in a recent
13 conversation I had this week with one
14 of the people that are -- Elaine
15 Auerbach -- and she told me that
16 there are more signs that will
17 probably be condemned because they
18 have not finished the design of the
19 entire project. They are quite sure
20 that they would be. They are in
21 different stages and different
22 places.

23 So this particular bill is
24 of great concern to the community
25 because they don't really know what

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 signs will be going on down the line.

3 And I think our greatest
4 concern is that some of these
5 billboards are not legal. And that
6 is not laid out in this Bill.

7 We also think that the
8 protection that currently exists
9 thanks to the Council's 1991 law so
10 you can't put a billboard next to
11 somebody's house. This particular
12 Bill allows the placement of
13 billboards right next to somebody's
14 house, right near a playground.

15 COUNCILMAN HENON: Point of
16 information again, Mr. Chairman.

17 COUNCILMAN GREENLEE:
18 Councilman Henon.

19 COUNCILMAN HENON: The Bill
20 specifically deals with six
21 billboards that are in question. Two
22 are going away which should make you
23 happy and four are being relocated in
24 a nonresidential area and one is
25 moving 50 feet on the same premises.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 So there are agreements in my
3 understanding with the private sector
4 dealing with these relocations.

5 And by the way, the
6 pictures that you, you know, gave to
7 the Committee and said they were in
8 District -- they are not -- the
9 billboards in question, they are not
10 in my District, and by the way last
11 year, as you recall, the first
12 Councilmanic District has approved a
13 similar piece of legislation because
14 of highway expansion, because of
15 I-95.

16 So, you know, this is not
17 unprecedented. This is not anything
18 that's new. This simply is dealing
19 with PennDOT's condemnation process
20 which does not specifically deal with
21 just the billboard industry. It
22 deals with, you know, businesses and
23 residential.

24 MS. TRACY: Well,
25 Councilman, I certainly appreciate

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 and thank you for your explanation.

3 I will have to look at those photos

4 because Ms. Kindt's testimony is

5 quite different than mine. And I

6 would be glad to see the photos.

7 COUNCILMAN HENON: Well,

8 you are submitting them for material

9 evidence.

10 MS. TRACY: Well, we will

11 address that, too. I just can't -- I

12 don't really know what your point

13 is --

14 COUNCILMAN GREENLEE: Hold

15 on one second. I think he brought up

16 a point. Ms. Kindt, are these

17 photographs that you put in in the

18 area in question?

19 MS. KINDT: Yes. Those are

20 two photos that are demonstrative of

21 a nonconformity. They are not in the

22 District.

23 COUNCILMAN GREENLEE: They

24 are not in the District. Okay.

25 Thank you. Ms. Tracy, please go

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 ahead.

3 MS. TRACY: The District
4 actually spreads over to Rhawn
5 Street, from Allegheny to Rhawn. So
6 right now the only signs that have
7 been condemned are the six that you
8 speak of. That is totally correct.
9 But my conversation with PennDOT has
10 told us that there will be more
11 signs, that they haven't even figured
12 out some of the others. And this
13 particular bill covers it all. If we
14 wanted to just limit this Bill to
15 those four signs that were relocated,
16 I think we could all go along with
17 that.

18 But the real concern is
19 that there are a lot of neighborhoods
20 that have no idea what's going to
21 happen down the line. This is a long
22 project.

23 Several of these areas have
24 just started in the design phase,
25 and we know there are some where we

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 would have eleven or twelve signs
3 removed, depending on where PennDOT
4 tends, you know, to move.

5 And we also think -- and
6 second of all, the existing bill has
7 had some problems already and she
8 will speak to that. So we really are
9 asking, Councilman Henon -- I know
10 that we have tried to meet with you
11 several times. I know you have been
12 busy. But there are some amendments
13 that could make this bill workable,
14 better for the community, better for
15 you. And I think it would work with
16 the industry as well.

17 But I think we really need
18 to move carefully because it's a
19 great opportunity that we have to
20 clear some of the clutter, remove
21 some of the illegal signs and not
22 allow them to be rebuilt when they
23 really have not been properly permit
24 licensed. Some of them violate the
25 Highway Beautification Act and the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 State and federal laws protecting
3 neighborhoods from billboards.

4 So with that, I will close
5 and I will turn it over because I
6 know you are in a hurry. But I think
7 this is an important issue. I think
8 we have a long history here in the
9 City trying to improve the visual
10 environment. And I would really
11 appreciate it if this Council would
12 take its time, this Rules Committee,
13 and do this right. Thank you.

14 COUNCILMAN GREENLEE: Ms.
15 Kindt.

16 MS. KINDT: Hello. My name
17 is Stephanie Kindt. I'm counsel for
18 Scenic Philadelphia. And I will be
19 brief. But just really quickly, the
20 history of this Bill -- and
21 Councilman Henon, it would be
22 fantastic if the Bill actually
23 addressed the six billboards but it
24 does not. There is no identification
25 of any specific billboard in the bill

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 whatsoever.

3 It's all structures,
4 outdoor advertising from Allegheny to
5 Rhawn. So right now, PennDOT doesn't
6 even have the grids identified yet so
7 the signs can't be identified yet
8 which will be impacted. So there is
9 no way to know how many billboards
10 this Bill actually covers.

11 In addition, there is some
12 technical problems with the Bill that
13 may make it not in compliance with
14 the Federal Highway Beautification
15 Act as well as our State law on
16 outdoor advertising which on its face
17 could make this Bill invalid.

18 You can't expand City
19 Council or a City of the first class
20 if it doesn't have the authority to
21 go beyond the minimum standards that
22 are set at the federal level as well
23 as the State level. You cannot have
24 a billboard next to a residence. You
25 cannot by legislation make that into

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 a legal use and be in compliance with
3 the Federal Highway Beautification
4 Act. The little clause that was
5 added on the floor last year of the
6 original bill creates an invalid
7 situation with the federal highways
8 as well as the State law.

9 There is a case before the
10 Zoning Board of Adjustment tomorrow.
11 This is going to go up through the
12 courts. It doesn't stand on its
13 face. City Council doesn't have that
14 authority.

15 In addition, there is
16 language in the bill that talks about
17 any taking, any taking by PennDOT
18 guarantees them the right to rebuild.
19 PennDOT under Pennsylvania law can
20 take a sign because it's illegal.
21 The language of this Bill will allow
22 a taking to then qualify a sign owner
23 to reapply for a permit as a matter
24 of right.

25 There is no process

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 delineated with L&I in terms of
3 what's needed to be submitted. A
4 valid permit, pictures, photos. They
5 are applying as of right. They are
6 putting three signs on one
7 application. The bill is not well
8 written, and it's going to hurt
9 communities. And communities are
10 against this all along.

11 This is the key gateway of
12 our City, access to our riverfront.
13 This is hurting the development of
14 that area.

15 In conclusion, the history
16 of this Bill is a little interesting
17 as well. The drafter of the original
18 legislation was Steen Outdoor
19 Advertising. The only structures
20 this bill covers are billboards.

21 The original drafter was
22 attorneys or associates working for
23 Steen and it was as a result of three
24 weeks prior to the initial bill,
25 there was a case in the Commonwealth

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Court where Stein was determined that
3 their lease upon condemnation was
4 invalidated.

5 Three weeks later, there
6 was a bill proposed by City Council
7 drafted by Steen that's this
8 legislation. It's not a good idea.
9 I understand the billboard industry
10 is really powerful and they make many
11 donations to Councilman. I know,
12 Councilman Henon, you have received
13 multiple donations.

14 COUNCILMAN GREENLEE:
15 Really, that was not in order,
16 really.

17 MS. KINDT: It's a matter
18 of record.

19 CHAIRMAN GREENLEE: 'Cause
20 you are insinuating something that is
21 not --

22 MS. KINDT: I know. It's
23 unfortunate.

24 COUNCILMAN GREENLEE: You
25 are insinuating something that --

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MS. KINDT: I know it's a
3 huge lobby and a huge influence.

4 COUNCILMAN GREENLEE: You
5 are insinuating something here that
6 you don't have any proof of.

7 MS. KINDT: I apologize.

8 COUNCILMAN GREENLEE: You
9 should. Thank you. All right. If
10 you can wait there. Councilman
11 Reynolds Brown has a question. But
12 the stenographer has been working
13 hard. She needs a break.
14 Five-minute break for everybody,
15 please. Thank you.

16 (Recess.)

17 COUNCILMAN GREENLEE: It
18 has been a long day. As I said, it's
19 hard to hear if other people are
20 talking. Councilwoman Reynolds
21 Brown.

22 COUNCILWOMAN REYNOLDS

23 BROWN: Ladies, strictly to the
24 measure in question, have you spoken
25 with the community? You say the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 community will not be supportive.

3 Have you spoken to community leaders?

4 Have you spoken to neighborhood
5 residents? Do you have a record of
6 those you have spoken with?

7 MS. KINDT: Yes. Actually,
8 I think Mary Benussi is the president
9 of Tacony Civic, and she asked me to
10 come and speak to their board.

11 COUNCILWOMAN REYNOLDS

12 BROWN: Why isn't she here?

13 MS. KINDT: She was here.
14 She was the first one to present.

15 COUNCILWOMAN REYNOLDS

16 BROWN: Very well. Secondly, most of
17 your testimony focused on residential
18 communities. That is well taken.
19 Where are you with public out space,
20 outside advertising in nonresidential
21 communities?

22 MS. KINDT: Well,
23 Councilwoman, I think, you know,
24 there is a place for billboards but
25 that's every place. I think that.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILWOMAN REYNOLDS

3 BROWN: Please focus --

4 MS. KINDT: But I'm
5 answering your questions. I'm saying
6 that, you know, when you live in a
7 neighborhood. I did. I lived in a
8 neighborhood with a billboard right
9 across the street from my house.

10 COUNCILWOMAN REYNOLDS

11 BROWN: As residential.

12 MS. KINDT: As residential,
13 but it was also commercial. So I
14 think we have to look at, you know,
15 the way our City has been built, you
16 have industry next to residential.
17 You have people living in the
18 neighborhoods. You have that
19 neighborhood along the riverwards
20 that was a neighborhood torn apart by
21 I-95. And they took, you know,
22 people's homes. As a result,
23 billboards started to spread out as
24 well. So that's what I'm really
25 opposed to.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 I am opposed to having
3 billboards towering over homes,
4 schools, parks, playgrounds. I am
5 opposed to billboards being 110 feet
6 high, as some of them are, when our
7 law says no higher than 25 feet with
8 20-foot structure.

9 COUNCILWOMAN REYNOLDS

10 BROWN: Where are you with billboards
11 in entertainment districts?

12 MS. KINDT: I can, you
13 know, as long as the impact is not
14 going to be, you know, an intrusion
15 on people's quality of life and a
16 traffic distraction. I think we have
17 to look at the whole picture, though.
18 I don't think we can just say
19 billboards go anywhere everywhere.

20 And frankly,
21 Councilwoman -- frankly,
22 Councilwoman -- over the last two
23 decades, in our City that's where it
24 is. I have seen billboards over
25 graveyards, billboards next to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 schools, billboards towering over
3 playgrounds, baseball fields. These
4 are inappropriate areas --

5 COUNCILWOMAN REYNOLDS

6 BROWN: Mr. Councilmember has
7 indicated that all of what you said
8 does not apply to this particular
9 bill.

10 MS. KINDT: Well, I think
11 there is some confusion about this
12 particular bill because the bill --
13 actually, there are -- there are some
14 pictures here of some of the
15 billboards from the back of the
16 projected billboard license revenue,
17 that sheet in here.

18 There is a double-sided
19 photo of some of the billboards in
20 Tacony. And the two in the back page
21 certainly are condemned. And they
22 are right in the backyard of people's
23 homes.

24 And this bill as it stands
25 would allow them to be rebuilt in the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 back of somebody else's home.

3 COUNCILWOMAN REYNOLDS

4 BROWN: Thank you for your testimony,
5 ladies.

6 COUNCILMAN GREENLEE: Thank
7 you. Any other questions?

8 (No response.)

9 COUNCILMAN GREENLEE:
10 Seeing none, thank you. Next
11 witnesses will be George Kroculick
12 from Duane Morris and Alan Kessler
13 from Duane Morris, both here. And
14 after them, if the following
15 witnesses could be ready: Terry
16 Steen, Charles Fertonado, Barbara
17 Bridge and Amy Hillier so we can keep
18 moving so maybe they could be up
19 front there. And you folks in
20 Eastwick, we are eventually getting
21 there. Mr. Kessler.

22 MR. KESSLER: Good morning,
23 Mr. Chairman. I guess it's good
24 afternoon. Wow. Thank you very much
25 for extending to us the opportunity,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Mr. Kroculick and I from Duane

3 Morris, to talk to you a little bit.

4 We intend -- and I know you have

5 heard this before -- we intend to be

6 brief.

7 COUNCILMAN GREENLEE:

8 Unfortunately, you are an attorney.

9 (Laughter.)

10 MR. KESSLER: Some of my

11 best friends. In any event, Mr.

12 Chairman, it is important to just

13 delve briefly into the background of

14 not just this Bill but Bill 100678

15 passed by Council unanimously last

16 year and signed by the Mayor.

17 And, Mr. Chairman, this is

18 the classic case -- and we have said

19 this a number of times -- of minding

20 your own business and being put in an

21 extraordinarily difficult position

22 through no fault or no doing of our

23 own.

24 As you know, this was a

25 PennDOT notice that we received that

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 because of the I-95 widening, there
3 would be a taking of the property,
4 outdoor signage unless they could be
5 moved. These are legal boards.
6 These are boards that are permitted
7 as pre-existing nonconforming
8 structures.

9 And probably a year and a
10 half, two years ago, maybe longer
11 than that, we received a call from
12 the then Governor and the Governor's
13 office saying we have a little bit of
14 an issue here because of the number
15 of boards. In a situation like this,
16 this could end up costing the
17 Commonwealth 7 or 8 million or more.

18 And because we don't have a
19 spare 7 or 8 million dollars or more
20 sitting around, one way or the other
21 this is going to come from the City.
22 See what you can do to work something
23 out with the City.

24 And that's precisely what
25 we did. Contrary to, unfortunately,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 a lot of misinformation here,
3 contrary to what you have heard, this
4 has nothing to do with a situation
5 involving one of the outdoor
6 companies, Steen.

7 This was a united effort by
8 the industry, three members of the
9 industry, to attempt to address, as I
10 said, a situation that they didn't
11 cause. It was legislation initially
12 that was introduced by then
13 Councilman DiCicco for the entire 95
14 Corridor.

15 Now, I don't know precisely
16 why then Councilman Krajewski didn't
17 necessarily want to deal with this in
18 her district, but she didn't.

19 On the other hand,
20 interestingly enough, ultimately she
21 voted for the bill which exempted her
22 district at the time. As I said,
23 there was unanimous support by this
24 Council. It was signed by the Mayor
25 and went into law last January.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 So Councilman Henon,
3 Councilman Krajewski's successor,
4 introduces this legislation. It
5 doesn't do -- it doesn't create
6 anything new. It doesn't do anything
7 that's tricky. It simply preserves
8 to some degree exactly what existed
9 before; in other words, preserves the
10 status quo with the exception of the
11 signs that unfortunately will be lost
12 in this.

13 So contrary to what you
14 have heard, the distance between
15 residential is either greater or at
16 the very least the same as would
17 exist now. This whole argument over
18 six signs or maybe it's more or maybe
19 it's less; I think we would agree
20 that depending upon what PennDOT
21 ultimately does; and unfortunately we
22 don't control that. It could be more
23 signs. But it's existing signs.
24 It's not something new.

25 And we are not trying to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 put up -- and this legislation

3 doesn't authorize -- a single

4 additional sign. There is the issue

5 of income to the City, and I'm not

6 going to get into that whole thing

7 about how much the industry

8 generates, how much these signs

9 generate. It's income. It's jobs.

10 It's resources. It means instead of

11 having to go back before an already

12 overworked Zoning Board of Adjustment

13 every time one of these signs comes

14 up; that we do it in a far more

15 efficient manner.

16 And I just want to close

17 before I turn it over to my partner

18 that, you know, we do admire the

19 tenacity of the Advocacy Group and

20 its commitment to their cause and

21 their beliefs. We really do. But in

22 this instance, it's presented

23 somewhat misleading and clearly

24 erroneous information.

25 Now, I tend to go for it on

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 a pick-and-choose your battles. And
3 unfortunately, this instance more
4 than any, it's disappointing because
5 it shows that they will oppose the
6 industry for no good reason simply
7 for the basis of opposing. So I
8 thank you very much for letting me
9 give this brief introduction,
10 particularly in terms of the history
11 of the larger Bill. If you wouldn't
12 mind -- and we will do this
13 briefly -- I will turn it over to Mr.
14 Kroculick.

15 COUNCILMAN GREENLEE: You
16 keep promising that. Go ahead.

17 MR. KROCULICK: I also
18 promise to be brief. I'm George
19 Kroculick. I'm Alan's partner at
20 Duane Morris. I will just say just
21 taking up on the misleading
22 commentary, I just took a look at
23 what was handed out to you by SCRUB
24 or I think they are calling
25 themselves Scenic Philadelphia today.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 These billboards are not even part of
3 the I-95 project. The boards on the
4 other study that they gave you I
5 don't think are part of the I-95
6 project. But I recognize that report
7 wasn't done necessarily for the I-95
8 project.

9 We handed up to you this
10 packet of information today. And I
11 would like to go through it, with
12 your permission. And I will try to
13 do that very briefly.

14 You will see on the cover a
15 couple of examples of billboards that
16 our clients have done. The one on
17 the top, of course, is for the
18 firefighters who were killed fighting
19 the fire relatively recently. We
20 have another one for the Marines on
21 there for you to take a look at.

22 COUNCILMAN GREENLEE: Are
23 you talking about the same area?

24 MR. KROCULICK: Fair point.
25 I want to be fair now.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILMAN GREENLEE: I

3 think the fallen heroes is one.

4 MR. KROCULICK: I put the

5 Bill itself there under Tab 2. So

6 you can see. One of the things I

7 will point out is the very

8 restrictive nature of the bill.

9 Again, the industry -- owners of
10 structures do not control whether
11 they are condemned. They cannot
12 control where they can move. But
13 once they are condemned, again, it's
14 very restrictive as to how far away
15 they can be moved. But it's not the
16 billboard industry that can say,
17 We'll just move wherever we want.
18 It's very confined.

19 I also saw SCRUB waving
20 around some pictures before. That
21 was an earlier PennDOT presentation
22 that they made to the Planning
23 Commission. Most of those billboards
24 are not even involved in the I-95
25 project in terms of being impacted.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Finally, I went through and

3 I gave you in each of the following

4 tabs copies of what PennDOT had given

5 to us showing where their

6 construction was so we could

7 determine and work with them whether

8 or not any of the boards were

9 impacted. So most -- other than

10 these six boards which I'm about to

11 get to at the very end, we don't

12 believe at this moment that any other

13 boards will be impacted between

14 Allegheny and Rhawn.

15 Having said that, we

16 acknowledge that two of the sections

17 remain to be designed. And that's

18 probably ten years hence.

19 But looking at the concept

20 plans that PennDOT has provided and

21 anyone can look at on their website,

22 all of those billboards for us are on

23 the east side of where work is being

24 done. So unless they are moving to

25 Tacony Street, for example, none of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 those billboards could be impacted.
3 So most of them can't be impacted.

4 Finally under tab 6, we
5 show you the current location of the
6 boards that we are aware of and
7 assure that will be impacted. We are
8 showing you that we are going to lose
9 a third of the boards, two out of
10 six. We are showing you where they
11 will be relocated.

12 You can look on that aerial
13 and determine the kind of properties
14 we're on. If you look at the very
15 top -- I'm color blind and I'm not
16 sure -- what color that is, salmon?
17 I don't know. Something. That's the
18 closest residential. We are not
19 anywhere near residential on any of
20 these boards.

21 I would also just like to
22 highlight the fact that the original
23 bill: PennDOT played a very big role
24 in drafting that bill. Those of you
25 who were here at the time may recall

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that the bill was introduced.
3 PennDOT got involved. It was
4 rewritten, reintroduced, revised and
5 then deliberated upon for quite
6 sometime before it was passed. So
7 PennDOT played a big role in this, as
8 Alan said at the Governor's
9 insistence.

10 So this was a joint effort
11 by the City and I see Andy Ross at
12 least was here. I know he
13 participated in the drafting of that
14 document. And I think that, again,
15 as Alan said, this is a win-win for
16 the City, for PennDOT. Thank you
17 very much.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 MR. KESSLER: Any
21 questions, Mr. Chairman?

22 COUNCILMAN GREENLEE:
23 Councilwoman Reynolds Brown.

24 COUNCILWOMAN REYNOLDS

25 BROWN: Is this project unique in its

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 scope? Is this a first that you can
3 think of, given your work in this
4 area?

5 MR. KROCULICK: Is the
6 project unique? I mean, the widening
7 of a highway is not unique. But the
8 Bill in the way it is crafted might
9 be, in that -- and I would have said
10 this if I had time, more time before.
11 But you give me the opening.

12 I'm not even sure this is a
13 zoning bill, to tell you the truth.
14 This seems to be more of a damages
15 Bill. It seeks on the one hand to
16 preserve income and tax revenue for
17 the City, as well as -- really just
18 fairness. We were this far away from
19 the highway before, we will be the
20 same distance away from the highway
21 afterwards. I hope that answers your
22 question.

23 COUNCILWOMAN REYNOLDS

24 BROWN: Yes, it does. Thank you very
25 much.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILMAN GREENLEE: Thank
3 you, Councilwoman. I guess what
4 makes it a zoning Bill, it does amend
5 the code of zoning and planning. So
6 I guess that does make it a zoning
7 code.

8 MR. KESSLER: Well, it's in
9 zoning. You got me on that one.

10 COUNCILMAN GREENLEE:
11 Thank you. I always like to get
12 trick -- get a lawyer. It just makes
13 me feel good.

14 (Laughter.)

15 COUNCILMAN GREENLEE: Any
16 other questions? Councilman Henon.

17 COUNCILMAN HENON: Just for
18 the record again, the City's Planning
19 Commission, at then Councilman
20 DiCicco's plan and legislation from
21 last year; is that correct?

22 MR. KESSLER: That is
23 correct.

24 COUNCILMAN GREENLEE: No
25 other questions? Thank you both.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. KESSLER: Mr. Chairman,
3 if I can, the next three witnesses
4 have declined. We agree to just rest
5 on our testimony.

6 COUNCILMAN GREENLEE: Thank
7 you very much. Is there anyone else
8 here that wishes to testify? Okay.
9 Please approach and give your name
10 for the record and proceed.

11 MS. HILLIER: Good
12 afternoon. My name is Amy Hillier.
13 I'm assistant professor at the
14 University of Pennsylvania. I'm a
15 mom of two boys who are growing up in
16 this fine City. And I think I came
17 more to speak for the moms and the
18 researchers.

19 I just wanted to share some
20 of the research that I have done. My
21 specific objection is to this idea of
22 special districts. We have been --
23 this is probably the third or fourth
24 time I have come to testify against
25 exempting large areas from our

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 already weak signage regulations.

3 And I come and speak as someone who
4 studies public health and is just so
5 very proud of the public health
6 advancements that the City has made
7 that's put us on the map as a leader
8 in thinking about tobacco control and
9 access to healthful foods, \$25
10 million from the CDC.

11 And I have a big concern
12 that we haven't thought about the
13 fact that we cannot regulate the
14 content of any billboards for lawful
15 products. That means you could
16 have -- not that it's going to
17 happen -- but we could have Pepsi
18 signs down 95 and there is nothing we
19 can do about it. And it will make a
20 mockery of all the work that the
21 Health Department is doing to try to
22 protect us.

23 Just a couple of quick
24 facts. We have already -- already
25 without having a special, a new

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 special district that exempts more
3 areas from our already weak signs.

4 We already have significant
5 clustering of unhealthy ads around
6 places where kids spend time. And
7 that is more likely to happen in
8 African-American neighborhoods.

9 We already fail to enforce
10 our existing signs in neighborhoods
11 in particular. That's particularly
12 true with the sugary beverage
13 industry and the tobacco industry is
14 running right over us. We aren't
15 enforcing our weak legislation.

16 At present because the City
17 has already made settlements with the
18 tobacco industry, there is already
19 190 billboards that are within 660
20 feet of schools. That is not --

21 COUNCILMAN GREENLEE: Could
22 you speak just on this Bill? We are
23 really dealing with --

24 MS. HILLIER: I'm objecting
25 to the special district. This is a

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 special district. Five and a half
3 miles along 95. It is not
4 legislation about four billboards.
5 It's about creating another special
6 district.

7 And I object to the
8 Councilman DiCicco's legislation. I
9 think Joan Krajewski showed a lot of
10 courage in not letting her district
11 be part of it and I'm really sorry
12 that she's not here to advocate for
13 her neighborhood in this regard.

14 I am really concerned that
15 this special district that we are
16 going to have so many of these
17 special districts that I'm going to
18 have to find a Councilperson who will
19 create a special district to inform
20 the legislation. And maybe I need to
21 speak with Councilwoman Blackwell
22 because I'm in her district.

23 I do not want my kids going
24 to a public school and there are 190
25 public schools that is next to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 outdoor legislation. If it's going
3 to happen, I want a settlement that's
4 got multiple zeros that is going to
5 the School District of Philadelphia
6 that's really going to do something.
7 Put our kids before we put the right
8 of property owners of legislation.
9 There is just too little money to be
10 settling for junking our areas where
11 our kids -- and repeated exposure to
12 unhealthful ads affects kids'
13 behavior.

14 And I am happy to have all
15 the billboards I-95 from Allegheny to
16 Rhawn -- I have it all on my
17 computer. If any Councilperson wants
18 to see that before you vote, I'm
19 happy to show you that. Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you. Anyone else here to testify on
22 this bill?

23 (No response.)

24 COUNCILMAN GREENLEE:
25 Seeing none, I promised we'd get to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 use eventually, right? Ms. Marconi,
3 could you please read Bill No.
4 120418.

5 CLERK: Bill No. 120418:
6 "An Ordinance to amend the
7 Philadelphia Zoning Maps by changing
8 the zoning designations of certain
9 areas of land located within an area
10 bounded by 84th Street, Lindbergh
11 Boulevard and Mario Lanza Boulevard."

12 COUNCILMAN GREENLEE: Thank
13 you. Mr. Kramer or anybody from the
14 Commerce Department if they are here
15 if they could come, too, please. Mr.
16 Kramer, please.

17 MR. KRAMER: Good
18 afternoon, Councilman Greenlee,
19 members of the Rules Committee. I'm
20 William Kramer, Division Director of
21 the Development and Planning Division
22 and the Philadelphia City Planning
23 Commission.

24 COUNCILMAN GREENLEE: Hold
25 on one second, please, okay. Because

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 it is hard to hear. Thank you. Mr.
3 Kramer.

4 MR. KRAMER: I am here
5 today to testify on Bill No. 120418
6 which amends the Philadelphia zoning
7 maps by rezoning a 35-acre parcel
8 from R9A residential, a single family
9 residential classification, to R12
10 multifamily residential.

11 The parcel is located in
12 the Eastwick neighborhood, bordering
13 the John Heinz National Wildlife
14 Center, more specifically into the
15 City of 86th Street and Lindbergh
16 Boulevard.

17 This land is undeveloped,
18 was originally platted to be single
19 family residences in the 1960s.
20 Korman Properties proposes to build
21 722 rental housing units and 361
22 duplex-style buildings on this land.
23 This level of development represents
24 a density of 20 units per acre, less
25 than what is permitted under the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 existing zoning designation.

3 The Philadelphia City
4 Planning Commission considered Bill
5 No. 120418 at their meeting May 29,
6 2012. After consideration, the
7 Commission recommended approval of
8 Bill No. 120418. This concludes my
9 testimony. If you have any
10 questions, I will be happy to answer
11 them.

12 COUNCILMAN GREENLEE: Thank
13 you. Mr. Bumb, please.

14 MR. BUMB: Thank you, Mr.
15 Chairman and members of the Rules
16 Committee. My name is Duane Bumb.
17 I'm the Senior Deputy Director of
18 Commerce. I'm here to testify in
19 support of Bill 120418, rezoning this
20 35-acre site from R9A to R12. It
21 will permit the development of 722
22 market rental units creating housing
23 for up to 1,000 new residents.

24 Changing the zoning will
25 result in a \$1 million development

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that will create as many as 373
3 construction jobs and create housing
4 for up to 1,000 residents.

5 Both construction workers
6 and residents will generate
7 much-needed tax revenues to the City
8 and will infuse additional money into
9 the local economy, primarily
10 benefitting businesses in and near
11 the Commercial Corridor and the
12 Eastwick neighborhood.

13 These businesses, in turn,
14 may be able to hire more people and
15 pay more taxes to the City for
16 increased revenues and profits. This
17 area has been zoned residential for
18 many years and it has always been the
19 intent to be developed for housing.

20 Although housing could have
21 been developed here decades ago, the
22 need for housing units has never been
23 greater. In 2011, the percentage of
24 available rental units in
25 Philadelphia was less than 5 percent.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 In fact, a report that was just
3 issued earlier this month from an
4 apartments research report by Marcus
5 & Millichap, indicated the vacancy
6 rate has fallen in the City to 3.6
7 percent.

8 The new homes to be
9 developed will provide housing to
10 workers needed by employers in the
11 City, especially those growing
12 employment centers nearby at the Navy
13 Yard already with 8,000 jobs and
14 Philadelphia International Airport
15 with 20,000 jobs and growing.

16 Thank you for the
17 opportunity to testify in favor of
18 the Bill. Happy to answer any
19 question.

20 CHAIRMAN GREENLEE: Thank
21 you both. Mr. Kramer, if I could
22 just ask. The amount of units that
23 are being proposed here, is that less
24 or more what could be under the code
25 or is it about the same?

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. KRAMER: The proposed
3 unit numbers are less than what would
4 be permitted under the specific R11
5 district. I haven't done the math to
6 know specifically what it would be.
7 You could, in fact, put more units if
8 that's what you so desire.

9 COUNCILMAN GREENLEE: All
10 right. I got you. Any questions of
11 the Committee?

12 (No response.)

13 COUNCILMAN GREENLEE:
14 Hearing none, thanks. If you could
15 both, particularly Mr. Kramer, hang
16 around because my guess is there
17 might be other questions.

18 Okay. For everybody's
19 information, here's how we are going
20 to try to handle this. We are going
21 to try to hear from Mr. Kelsen for
22 the developer so he can put on what
23 is going to be proposed here. And
24 then we will start hearing from the
25 community.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 So, again, Mr. Kelsen, we
3 have been here a long time. If you
4 could be as brief as possible.

5 MR. KELSEN: I will be as
6 brief as I can.

7 CHAIRMAN GREENLEE: Okay.
8 I appreciate that. And then we will
9 start hearing from residents in the
10 community. Thank you very much.

11 MR. KELSEN: Mr. Chairman,
12 what I will do is hand out my
13 testimony.

14 COUNCILMAN GREENLEE:
15 That's good. Thank you. Please
16 speak into the microphone.

17 MR. KELSEN: Mr. Chairman,
18 members of the Committee. My name is
19 Peter Kelsen and I am here on behalf
20 of the development entity, the joint
21 venture, and specifically Korman
22 Corporation. I am here to testify in
23 support of Bill No. 120418.

24 With me is Mr. John Korman
25 representing the Korman organization.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 We have other representatives of the
3 organization in the audience. I also
4 have Lee Huang from Econsult who
5 prepared the economic and fiscal
6 impact analysis that is being handed
7 out to you as part of the exhibit
8 package.

9 We also have
10 representatives of WRT, our
11 architectural firm, as well as Tom
12 Friese and Debra Ferraro from
13 Pennoni, civil engineers who have
14 also prepared traffic impact studies
15 for this proposal; and, in fact,
16 their testimony had been provided to
17 the Streets Committee a couple of
18 weeks ago.

19 The development plan we are
20 presenting today in conjunction with
21 our request to rezone the property is
22 almost unprecedented in terms of the
23 number of new, high quality
24 residential dwelling units proposed.
25 It represents a major component of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 the Eastwick Urban Renewal Plan which
3 contemplates high density residential
4 development for this parcel.

5 Mr. Kramer indicated this
6 parcel is currently R9A residential
7 and we are asking it to be remapped
8 as R12. And I will describe that in
9 a few more moments.

10 The proposal before you
11 today offers a sensitive and modern
12 land use treatment which is
13 complementary to and respectful of
14 the neighboring property, including
15 the existing residential community in
16 Eastwick and the John Heinz Wildlife
17 Refuge, our neighbor to the west.

18 The development -- and
19 Econsult will give you these details
20 in a few moments, with an estimated
21 \$102 million in development costs
22 will provide significant economic
23 benefits to the City, both upfront to
24 the tune of about \$138 million and
25 over the long term.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 It will provide an
3 estimated 590 jobs during the four
4 phases of construction, 373 of which
5 will be in the construction trades
6 directly.

7 It will add approximately
8 1,000 new residents and support job
9 creation, as Mr. Bumb testified, at
10 the airport, naval business center
11 and stadium complexes, as well as
12 other businesses. It is intended and
13 it will attract new residents to move
14 to the City of Philadelphia from
15 outside. It will support existing
16 and new retail opportunities within
17 the community that currently are
18 underserved and need to get better.
19 So 1,000 more people will enhance the
20 retail.

21 Now, the development plan,
22 as you can see some illustrations of
23 in front of you as well as in the
24 booklets, encompasses 35 acres. It
25 is located south of 86th Street and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 it's east of Lindbergh Boulevard.

3 It is adjacent to and is
4 part of a mixed use community which
5 consists of single family homes,
6 townhomes, apartment complexes and
7 retail centers, all of which were
8 constructed pursuant to the Urban
9 Renewal Plan and by the Korman
10 organization over many years.

11 The proposed rezoning of
12 the site from R9A residential to R12
13 residential allows development of the
14 site as Mr. Kramer indicated for 722
15 market rate apartment units.

16 Remapping is an important first step
17 in advancing this proposal, but it is
18 nonetheless a preliminary step in the
19 approval process containing many
20 additional steps and approvals. I
21 think that's going to be important
22 when you hear from some of the
23 concerns of the community.

24 This is remapping. We will
25 work together with the City and the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 community on the environmental and on
3 the flooding and storm water issues
4 that will proceed.

5 The development would
6 proceed in four phases with
7 approximately 180 units in each
8 phase. There will be a total of 51
9 two-story buildings with construction
10 proposed to begin assuming approval
11 is issued by Council, this June.

12 We will start in June of
13 2013, with a completion date
14 anticipated to be by 2018. That
15 would be the fourth phase.

16 There are defined
17 redevelopment time frames for start
18 and completion. This project is
19 subject to the Redevelopment
20 Authority approval and is subject to
21 a term sheet of the Redevelopment
22 Authority which I have given you a
23 copy of.

24 Let me tell you a little
25 bit about the unit mix. Again, these

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 are market rate units. They will
3 consist of 361 one-bedroom, one-bath
4 units containing about 780 square
5 feet; 361 two-bedroom, two-bath units
6 containing approximately 900 square
7 feet. They are very generous units.

8 The rental rates range
9 between \$1150 per month to \$1450 per
10 month. The plan also contemplates
11 the creation of accessory parking
12 spaces on site of approximately 1,043
13 spaces. Access to and from the
14 development is configured to minimize
15 traffic impact to the existing
16 community. We have heard concerns
17 from the community that they were
18 afraid of the traffic flow entering
19 the community from the development
20 site. We listened. We heard, and
21 the plans now reflect the traffic
22 will enter and exit the property via
23 Lindbergh Boulevard. But only
24 emergency vehicles will be able to
25 access the site via emergency drives

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 created along 86th Street, the upper
3 corner of the plan. That's where the
4 plan connects to the existing
5 residential community.

6 Importantly and
7 significantly, our plan of
8 development has been carefully
9 designed to reflect the environmental
10 and locational sensitivities of the
11 site, while providing a new community
12 offering an excellent living
13 environment for both existing and new
14 residents.

15 Significant landscaping
16 buffering the new trees will be
17 placed along the property lines.
18 This will provide visual and
19 aesthetic separation from adjacent
20 land uses.

21 It should also be noted
22 that significant portions of the site
23 will remain permanently open and
24 undeveloped under this plan. As you
25 can see by the renderings, only about

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 20 percent of the site will be
3 occupied by buildings. It's a much
4 lower density than would have been
5 allowed under the current R9A.

6 As part of Korman's
7 commitment to work with our neighbors
8 and to partner with our neighbors, we
9 have offered to work together with
10 representatives of the Heinz Wildlife
11 Refuge and to consult with Heinz in
12 the planting of native species as an
13 integral part of our landscaping plan
14 and also to create landscape and
15 visual buffers and barriers along our
16 sites Lindbergh Boulevard frontage.

17 We have also pledged to
18 work together with representatives of
19 the Refuge in an effort to create a
20 pedestrian path that would link the
21 Wildlife Refuge Heinz to SEPTA's
22 Essington commuter rail station.

23 Now, the development plan
24 produces levels of density, heights
25 and coverage ratios that are well

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 below those currently available under
3 the present zoning classification of
4 R9A.

5 Mr. Chairman, you asked a
6 question of Mr. Kramer. I'm going to
7 answer that, if I could. In fact,
8 this plan calls for levels of
9 density, height and coverage that are
10 significantly less than those
11 contained in what we would propose to
12 do under R12.

13 The existing R9A
14 classification would permit the
15 construction of approximately 850
16 three-story residences with a gross
17 floor area or development area of 240
18 percent of the site for the 35 acres.
19 Since it requires homes to be
20 constructed on individual lots of the
21 1440 square feet each, they are
22 permitted to build three-story homes.
23 Under the new zoning code, you can go
24 up to 38 feet plus decks to 42 feet.

25 That means if this were to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 be built in accordance with the
3 current code, the current R9A
4 classification, you would have 850
5 separate lots, 850 separate water
6 systems, driveways and gas and
7 electric lines in much less
8 environmental treatment to the site.

9 R12 allows a gross floor
10 area of 70 percent of the lot. And
11 while the FAR of this site has been
12 reduced to no more than 56 percent of
13 the lot area, approximately half of
14 what we could build, under R12 we
15 could build in excess of 1 million
16 square feet of structure. We
17 proposed 600,000 square feet.

18 As I mentioned earlier, our
19 development is a two-story
20 development. R12 has no height
21 restriction. We are maintaining no
22 higher than two stories. And, in
23 fact, we will be lower than many of
24 the single family homes that surround
25 us.

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2 In an effort to partner in
3 the community and with the City of
4 Philadelphia, it should be noted that
5 prior to the issuance of construction
6 approvals, there will be and there is
7 a requirement that there will be full
8 compliance with the Philadelphia
9 Water Department and Pennsylvania
10 Department of Environmental
11 Protection mandates regarding storm
12 water flood management for this
13 development. Most of the community
14 was built well before the current
15 storm water management controls were
16 enacted. The storm water management
17 system that we will be required to
18 construct as part of this approval
19 will be state-of-the-art and much
20 more effective than the facilities
21 existing in the immediate vicinity of
22 this property.

23 Our storm water management
24 plan proposal which will be reviewed
25 and has to be approved by the City

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Water Department includes measures
3 related to runoff, retention as well
4 as water quality. Other than
5 existing street inlets, there are
6 virtually no other measures for storm
7 water management currently in place
8 in this immediate area. That's why
9 there has been a lot of concern about
10 flooding.

11 The change in the zoning
12 designation of the property does not
13 the change the fact, as I said
14 earlier, that many additional steps
15 must take place before construction
16 can be initiated. We have estimated
17 the earliest we would begin
18 construction, as I said earlier,
19 would be about a year from now.

20 Let me give you a partial
21 list, a partial list, of the numerous
22 reviews and approvals we must obtain
23 prior to putting a shovel in the
24 ground. The Planning Commission must
25 review our development plan. The

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Philadelphia Redevelopment Authority
3 Advisory Board of Design must approve
4 the design and layout of this
5 development. The Philadelphia Water
6 Department must approve all existing
7 resources and site analysis concept
8 storm water management plan. That's
9 a prerequisite to getting a zoning
10 permit.

11 Approval of technical
12 hydrology plan submissions by the
13 Water Department is a prerequisite to
14 moving forward in terms of
15 construction. We will need to enter
16 into an operation and maintenance
17 agreement that is recorded with the
18 Philadelphia Water Department in
19 order to get our building permits.

20 We will need to get the
21 approval of the plan by the
22 Pennsylvania Department of
23 Environmental Protection. The plan
24 must be approved by the Army Corps of
25 Engineers. Streets Department must

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 review our driveways, curb cuts,
3 circulation and further revisions to
4 the street system. And then a zoning
5 permit must be issued and reviewed
6 and building plans reviewed by the
7 Department of License and
8 Inspections.

9 During that time period,
10 effective and diligent engineering
11 and environmental efforts and studies
12 will be made in concert with the
13 community and with the City in order
14 to assure that this property will be
15 better in terms of flood and storm
16 water management.

17 The Water Department will
18 require that this development comply
19 with four components of their storm
20 water regulations. These are the
21 nonstructural site design
22 requirement, the water quality
23 requirement, the channel protection
24 requirement and flood control
25 requirements. Nonstructural site

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 design requirement requires a
3 developer to meet and exceed storm
4 water management requirements while
5 protecting existing features of the
6 surrounding community.

7 The water quality provision
8 require the provision of methods of
9 on-site infiltration and retention so
10 that the water that is dispersed into
11 the systems and into the soil is
12 proper and does not contain
13 contaminants.

14 Channel protection
15 provisions require the detention of
16 storm water runoff on site. And
17 finally, the flood control
18 requirements prescribe the level of
19 flood protection needed to ensure
20 that adjacent properties in the
21 localized setting is protected.

22 In support of the proposed
23 plan, Korman has engaged Pennoni
24 Associates to do its environmental
25 engineering, as well as the traffic

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 impact analysis I have described.
3 Copies of the traffic report have
4 been previously provided to Council,
5 the Streets Committee. But I do have
6 additional copies and representatives
7 of Pennoni are also here today to
8 answer any questions.

9 Korman had engaged Econsult
10 to perform an economic impact
11 analysis. I have provided you with
12 copies of that. If it would save
13 time, I am prepared to give an
14 outline. Mr. Huang is here today.
15 We can offer his testimony.

16 But if you would allow me
17 the opportunity to maybe in three
18 minutes give you the salient points,
19 we could save some time.

20 COUNCILMAN GREENLEE:
21 Always open to save time. Go ahead.

22 MR. KELSEN: Okay. The
23 upfront economic impact of this \$102
24 million development, which also
25 includes a -- 590 construction jobs

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 will generate an upfront economic
3 impact to the City of Philadelphia of
4 \$138 million during the construction
5 period. The upfront fiscal impact
6 only during the construction period
7 will be \$1.5 million.

8 The ongoing economic impact
9 upon occupancy will be \$4 million a
10 year and the ongoing fiscal impact
11 initially will be \$621,000. This
12 property is currently nongenerating
13 of any ratables. It's RD8 property.
14 After the tax abatement expires, we
15 will generate annual real estate
16 taxes at the current value and the
17 current millage rate. That may
18 change, may increase, of \$2,621,000
19 every year when the development is in
20 full service and post completion.

21 As I indicated earlier, the
22 proposal must be approved by the
23 Redevelopment Authority and the term
24 sheet is before you. If you have any
25 questions with regard to the economic

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 impact analysis, we can provide that.

3 I will also point out there
4 will be additional economic benefits
5 coming to the City of Philadelphia
6 and the community because the 1,000
7 new residents created lots of buying
8 opportunities for retail, lots of
9 sales tax revenue and wage tax
10 revenue for folks coming into the
11 City of Philadelphia that do not live
12 here currently.

13 The legislation before you,
14 members of the Committee, also
15 includes an economic opportunity
16 plan. And I should indicate that the
17 legislation has been requested to be
18 amended to reference that economic
19 opportunity plan. We did that at the
20 Streets Committee. I would like to
21 also do that here.

22 Let me give you the ranges
23 and what the plan sets forth. By the
24 way, the plan you have in your packet
25 has been signed by the developer as

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 well as countersigned by the City of
3 Philadelphia, so it is fully in
4 effect should this move forward.

5 The participation goals for
6 MBE are 25 to 30 percent, WBE 15 to
7 20 percent and disabled SEEs are 2 to
8 4 percent. Additionally, Eastwick
9 has agreed to use best and good faith
10 efforts to employ minority persons
11 and females in its workforce of
12 apprentices and journeymen as
13 follows. You have seen -- I have
14 offered that before and other
15 development that is part of this
16 legislation as well: 50 percent of
17 all hours worked by all apprentices
18 will be devoted to minority
19 apprentices and 7 percent to female
20 apprentices. Journeyman and
21 journeywomen, 32 percent of all hours
22 worked by all journeymen and women by
23 minorities and 7 percent by female
24 journeymen. As I have indicated, a
25 copy of that executed EOP plan is

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 part of your documents and we would
3 ask again that this be included in
4 the legislation. I would also ask
5 for a suspension of rules.

6 That concludes my
7 testimony, members of the Committee.
8 We are happy to answer any questions
9 you may have. And as I said, we have
10 representatives of Pennoni and
11 Econsult available if you would like.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 MR. KELSEN: Excuse me, Mr.
15 Chairman. I'm told that the Law
16 Department has requested that there
17 be a map amendment. I would hand --
18 I believe you have it but let me hand
19 that up as well. It does not change
20 the title. It is more of a fine
21 screening -- I won't say
22 hypertechnical amendment this time.

23 COUNCILMAN GREENLEE: Don't
24 even use the word technical.

25 MR. KELSEN: I won't.

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2 Thank you.

3 COUNCILMAN GREENLEE: Let
4 me just ask a quick question. What
5 contacts have there been in meeting
6 with the community?

7 MR. KELSEN: Mr. Chairman,
8 there have been a number of direct
9 community meetings between myself,
10 Mr. Chapman, Mr. Korman --

11 (Community members held up
12 signs.)

13 COUNCILMAN GREENLEE: Whoa,
14 whoa, whoa. We are doing well so
15 far. Everyone has the right to give
16 their opinion. Please, Mr. Kelsen.

17 MR. KELSEN: We have had a
18 number of direct meetings. Most
19 recently there was a larger meeting
20 held at the Wellness Center, at which
21 time we presented. I would say to
22 you that it is the intention and goal
23 of the developer to continue to
24 partner and to work with the
25 community representatives in an

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 effort to create a Community Benefits
3 Agreement. We would hope that
4 Community Benefits Agreement could be
5 placed into a final form. We are
6 committed to do it, to deal with
7 issues regarding construction,
8 traffic, storm water management, et
9 cetera.

10 There is a desperate need
11 for this legislation to pass because
12 we need to assure ourselves and our
13 partners that we are able to move
14 forward. But I would say to the
15 Committee and to members of Council
16 that our commitment to the community
17 has been demonstrated previously.
18 And I would hope that within 60 days
19 of the date of final passage that
20 document could be delivered through
21 the Councilman's office through this
22 Council and become part of our
23 efforts to do the right thing and
24 continue to do the right thing for
25 the community.

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2 COUNCILMAN GREENLEE: And a
3 concern -- I know Councilwoman
4 Reynolds Brown has a question. But
5 the concern about flooding, I know,
6 which is a big issue down there in
7 that area which you alluded to. Have
8 you had much discussion on that yet?

9 (Negative response.)

10 MR. KELSEN: We have heard
11 repeatedly from representatives of
12 the community.

13 COUNCILMAN GREENLEE: Come
14 on, come on.

15 MR. KELSEN: They are
16 concerned about flooding. They are
17 concerned about storm water
18 management issues. And we are
19 committed, as I indicated in my
20 testimony and I know the Water
21 Department and the City of
22 Philadelphia is committed to
23 minimizing a storm water management
24 under current code and alleviating
25 flooding conditions that exist. We

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 actually think it will get better.

3 But that would be subject
4 to the Community Benefits Agreement
5 as well.

6 COUNCILMAN GREENLEE: Thank
7 you. Councilwoman Reynolds Brown.

8 COUNCILWOMAN REYNOLDS

9 BROWN: Good morning, gentlemen.

10 COUNCILMAN GREENLEE: It's
11 afternoon, unfortunately.

12 COUNCILWOMAN REYNOLDS

13 BROWN: Good afternoon. Community
14 input is vital. Do you have a record
15 of those meetings that have been had
16 over the last many months as a part
17 of your due diligence?

18 MR. KELSEN: I could
19 provide that. I don't have it
20 immediately but within a few --
21 within a few moments I could give you
22 that.

23 (Negative response.)

24 COUNCILMAN GREENLEE:

25 Please. Come on.

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2 COUNCILWOMAN REYNOLDS

3 BROWN: That becomes useful as we
4 look to ensure that there's been a
5 fair opportunity for folks to have a
6 say in the process.

7 MR. KELSEN: If you give me
8 a few minutes, we will provide them
9 to you.

10 COUNCILWOMAN REYNOLDS

11 BROWN: Sure. Are there multiple
12 community or neighborhood
13 organizations that will be impacted
14 or is there just the one?

15 MR. KELSEN: I believe,
16 although I will probably be told I'm
17 wrong, that the primary community
18 organization was a group called the
19 Committee of Ten. I believe that's
20 been recast. They have a different
21 name right now. But those are the
22 immediate residents of the community,
23 we believe, Councilwoman.

24 COUNCILWOMAN REYNOLDS

25 BROWN: Okay. I was struck by the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 composition of the units wherein, if
3 my memory serves me correctly, you
4 have stated 361 one-bedroom units,
5 and 361 two-bedroom units. As a part
6 of your due diligence leading up to
7 the actual configuration of your
8 proposal, for lack of a better word,
9 there was a survey done to get a
10 sense of what the current
11 demographics are of that community?
12 Which -- well, let me not
13 editorialize. I will have you answer
14 that.

15 MR. KELSEN: Yes,
16 Councilwoman. In fact, at the
17 benefit of the fact that the Korman
18 organization owns and operates two
19 apartment complexes in the immediate
20 vicinity, one literally right up
21 against us, the Chalet and the Mews
22 and International City. Those units
23 that I have described are, in fact,
24 existing in those types of
25 configurations at the International

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 City as well as the Chalet.

3 We know that there is a
4 demand because their occupancy levels
5 at the existing facilities are in the
6 high nineties. And therefore, we
7 have done our demographic studies and
8 believe that the unit sizes and
9 configurations will be highly
10 marketable and attractive to the
11 demographics of the folks that we are
12 going to market it to.

13 COUNCILWOMAN REYNOLDS

14 BROWN: Okay. So that's one
15 particular type of world, the one you
16 just described. What is the scope of
17 the -- of the units or family
18 dwellings where you have two and
19 three bedrooms in the world we are
20 talking about here?

21 MR. KELSEN: Well, we
22 believe that the size of the two- and
23 three-bedroom units which are
24 approximately 900 square feet are
25 sufficient for individuals with

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 children. What we believe will
3 happen here: These people will move
4 in either as single parent households
5 that have children or they will be
6 starter -- parents with one child and
7 two bedrooms and they will be a
8 starter unit for folks who will move
9 on as their families get bigger.

10 The one-bedroom units are
11 clearly configured for either a
12 couple or a single individual living
13 and working in the immediate area.

14 COUNCILWOMAN REYNOLDS

15 BROWN: Okay. So then it begs for me
16 the question: What consideration
17 could have been or should have been
18 or might have been given towards
19 families who live in that community
20 who would also like to have the
21 opportunity for all of what you're
22 offering which is amazing: new
23 construction, construction that's
24 environmentally responsible, et
25 cetera, et cetera, et cetera.

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2 MR. KELSEN: Well, I think,
3 Councilwoman, in order to
4 accommodate, we would go into a
5 townhouse or single family-type
6 model, and unfortunately and frankly,
7 the economic market for single-family
8 home construction, as you well know,
9 is nonexistent. In fact, this site
10 has remained dormant for decades,
11 and, as you know, it is zoned for
12 attached single family.

13 That market unfortunately
14 is not there. It's not there
15 anywhere in the world that we live in
16 right now. But we believe that these
17 units will afford ample opportunity
18 for folks with families to live
19 there, enjoy the benefits and
20 hopefully, you know, decide to buy a
21 larger home in the City of
22 Philadelphia and stay in the City of
23 Philadelphia.

24 (Negative response.)

25 COUNCILMAN GREENLEE:

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Please, please, please.

3 COUNCILWOMAN REYNOLDS

4 BROWN: I appreciate that response.
5 And so it drives me back to my
6 initial question. That kind of
7 information is so useful in sharing
8 with those who may ultimately be
9 impacted. So I will look forward to
10 seeing -- how long have you been
11 working on this initiative, the last
12 six months, twelve months?

13 MR. KELSEN: Well, this
14 initiative was actually begun in the
15 beginning of the year. In terms of
16 outreach to the community,
17 approximately six months ago.

18 (Audience reacted
19 negatively.)

20 COUNCILWOMAN REYNOLDS

21 BROWN: Okay. So that series of
22 questions is always around the MBE,
23 WBE participation. What is -- and we
24 know it but it's helpful to put it on
25 the record -- your organization's

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 track record when it comes to
3 compliance with MBE, WBE goals?

4 MR. KELSEN: I think you
5 will find that the reputation and the
6 operating history of the Korman Group
7 is excellent with regard to diversity
8 in terms of employment. I would also
9 point out, Councilwoman, that when
10 you look at the EOP plan I have
11 submitted, it calls for third-party
12 monitoring and regular reporting and
13 updates through the third-party
14 monitors. So this is not an offer
15 that is without teeth, if you will.
16 There are significant protocols in
17 place that make sure that what we say
18 we do, which we will do we do.

19 COUNCILWOMAN REYNOLDS
20 BROWN: I'm aware of your record, but
21 it's helpful to put that on the
22 record. Who is the third party
23 monitor? And when it comes to
24 minority apprentices, has there been
25 some consideration given to ensuring

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 that young people and unemployed
3 people from the community have access
4 or opportunity to the apprentice
5 opportunity?

6 MR. KELSEN: Let me answer
7 that first, if I may, Councilwoman.
8 We -- in fact, I was at a Committee
9 meeting at the Wellness Center and a
10 young woman came up and asked that
11 same question. The answer given was:
12 We will have job fairs. We will have
13 outreach to the local community in
14 terms of hiring, both for
15 construction and permanent jobs.

16 We have also indicated that
17 our vendors, our landscapers, our
18 maintenance staff, our third parties,
19 will be instructed that they are
20 instructed to commit to outreach to
21 the community for hiring. We
22 understand that the local hiring
23 initiative is the best for all of us.

24 COUNCILWOMAN REYNOLDS

25 BROWN: Absolutely.

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2 MR. KELSEN: Let me answer

3 your question about third-party

4 monitor, if you will give me one

5 moment. The Oversight Committee will

6 be done through the Office of

7 Economic Opportunity, City Council,

8 community organizations and the

9 building trades. Reporting,

10 Councilwoman, will be required to be

11 done on an annual report to the City

12 of Philadelphia and City Council

13 concerning the performance of the

14 economic opportunity plan within the

15 project. All reports -- these

16 include the quarterlies as well as

17 the annuals -- submitted to the City

18 of Philadelphia will be provided to

19 the Office of Economic Opportunity as

20 well indirectly.

21 COUNCILWOMAN REYNOLDS

22 BROWN: Okay. I thank you for that.

23 You mentioned that there would be

24 outreach efforts, job fairs, et

25 cetera. Your organization will be

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 handling that or you will seek a
3 professional outfit that does that
4 for a living?

5 MR. KELSEN: It will be
6 done both ways. And, in fact, the
7 construction contracts that would be
8 executed, should this project move
9 forward, will have specific
10 requirements in the documentation
11 obligating the contractors to perform
12 the outreach and to obligate
13 themselves to the participation
14 levels as minimums contained in this
15 document.

16 COUNCILWOMAN REYNOLDS
17 BROWN: Okay. My last question.
18 Again, attached to the number
19 testimony of one and two-bedroom
20 units: Has consideration been given
21 to -- I think they call it right of
22 refusal to those families in that
23 community so that they who live there
24 get the first opportunity to say,
25 yes, I want the opportunity or no, I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 don't want the opportunity?

3 MR. KELSEN: If you will
4 give me a moment, I will get you that
5 answer. The answer is, yes. We
6 would enter into a list and there
7 would be a preferential list given to
8 the local residents. And I have been
9 reminded by Mr. Korman: We have
10 already received one email, little
11 bit ambitious and a little bit
12 optimistic perhaps of someone in the
13 community asking for an opportunity
14 to come into the new building.

15 COUNCILWOMAN REYNOLDS
16 BROWN: Finally, during the building
17 of that stadium, that the structure
18 and the content and the composition
19 of the Community Benefits Agreement
20 has long-lasting implications if done
21 wrong. Is that going to happen
22 before the first shovel is thrown or
23 what juncture in this process will
24 everyone see a hard document of a
25 Community Benefits Agreement?

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2 MR. KELSEN: Councilwoman,

3 I have said publicly on numerous
4 occasions, we are ready, willing and
5 able to begin entering into that
6 document immediately. But I would
7 tell you that it is my goal and it
8 will be our commitment should this
9 move forward that within 60 days of
10 the date of final passage, we would
11 have a Community Benefits Agreement.
12 And we want to be full partners with
13 the community so we're here and we're
14 ready to begin drafting that document
15 for submission.

16 So the answer is simply is:
17 Absolutely, well, before there is any
18 disturbance of this site in terms of
19 construction, it would be in place.
20 We just need partners to work with on
21 the community side to get that done.

22 COUNCILWOMAN REYNOLDS

23 BROWN: Thank you for your testimony.

24 MR. KELSEN: Thank you so
25 much for your questions.

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2 COUNCILMAN GREENLEE: Thank
3 you, Councilwoman. Councilwoman
4 Tasco.

5 COUNCILWOMAN TASCO: Good
6 afternoon. Having represented an
7 area of somewhat this size of 34
8 acres in the Logan area, my concern
9 is the longevity of the project.
10 Have you all done any analysis of the
11 possibility of -- because I was in a
12 community meeting in Southwest
13 Philadelphia where the neighbors
14 talked about the flooding. And I
15 have friends who live there who have
16 experienced the flooding. Is this
17 area as you have tested being the
18 business company business that you
19 are, have you some certainty that you
20 will not have continued flooding or
21 any other sinking in that area?

22 MR. KELSEN: Councilwoman,
23 we believe that based on the
24 engineering studies that we will be
25 obligated to do, both the civil

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2 engineering in terms of the type of
3 soil and fill, perhaps, that is in
4 there, as well as the hydrology and
5 the Water Department requirements,
6 that A, we will be able to build
7 without allowing the buildings to
8 sink. That would not be in our
9 interest. We will engineer them to
10 make sure there is no subsidence.

11 And number two and probably
12 most importantly, as I said earlier,
13 we will be working very closely with
14 the State, federal and local
15 authorities, Water Department, to
16 make sure that the storm water
17 management is fully code compliant.
18 And, therefore, that will reduce the
19 amount of runoff generated from this
20 site and will ameliorate flooding
21 that occurs in the area.

22 Right now, the site has no
23 storm water management whatsoever.
24 It's 35 acres of land. In fact, if
25 you look at it, if you look at the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 aerals, there are streets actually
3 existing. There is hard surface
4 existing on the site.

5 Unfortunately, the site has
6 been used for short dumping. And,
7 therefore, nothing on the site
8 controls the runoff and the flooding
9 condition. The engineering that we
10 would be obligated to put into place
11 as part of the development approvals
12 would go a tremendous way towards
13 making the situation better.

14 COUNCILWOMAN TASC0: So
15 have you all done any preliminary
16 studies around any of the issues that
17 you say that would be done in the
18 future?

19 MR. KELSEN: Yes. There
20 have been preliminary engineering
21 studies done as part of our due
22 diligence. There have been extensive
23 discussions with the Philadelphia
24 Water Department with regard to not
25 only storm water but existing

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 capacity for sanitary as well as

3 storm sewer. There has been

4 videography or will be ongoing

5 videography of the existing lines

6 that come off the site. So, yes.

7 There has been an extensive amount of

8 review. We didn't go into this cold.

9 And we have invested a lot of effort

10 and resources to make sure that this

11 is a viable project, should it be

12 approved by City Council and the City

13 of Philadelphia.

14 COUNCILWOMAN TASCIO: Now,

15 you will be the owner. The Korman

16 Corporation will be the owners of the

17 property.

18 MR. KELSEN: That is true

19 through a partnership entity called

20 the New Reeslet (ph) Corporation but

21 for all intents and purposes, the

22 Korman organization will be the

23 developer and operator of the site,

24 like they do at the other properties

25 adjacent to us.

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2 COUNCILWOMAN TASC0:

3 Okay. I may have some other
4 questions.

5 MR. KELSEN: I'm not going
6 anywhere. I'll be here.

7 COUNCILMAN GREENLEE: Thank
8 you, Councilwoman. Councilman
9 Kenney.

10 COUNCILMAN KENNEY: Thank
11 you. Is there anyone from Pennoni
12 here?

13 MR. KELSEN: Yes. I do
14 have Pennoni. I will bring him up.
15 I'm going to call up Tom Frieese. You
16 know what, Tom? Maybe Debra can come
17 up as well. I'll bring the traffic
18 expert as well.

19 COUNCILMAN KENNEY: This is
20 more about flooding.

21 COUNCILMAN GREENLEE:
22 Councilman wants to know about
23 flooding.

24 COUNCILMAN KENNEY: I
25 didn't ask the question yet.

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2 COUNCILMAN GREENLEE:

3 Please identify yourself for the
4 record.

5 MR. FRIESE: Thomas Frieze
6 with Pennoni Associates.

7 COUNCILMAN KENNEY: And you
8 are a civil engineer?

9 MR. FRIESE: Yes.

10 COUNCILMAN KENNEY: And I
11 assume you have been studying this
12 site and there is no development
13 there now. So this flooding that's
14 going on out there is not as a result
15 of this development because obviously
16 it doesn't exist. What is your best
17 guess as to the reason why this
18 flooding occurs and what's going on
19 out there and what didn't happen
20 years ago when housing was built that
21 created the flooding situation?

22 MR. FRIESE: Well, the
23 storm water design through most of
24 Philadelphia's history has not
25 included, really, any storm water

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 management. And so the storm water
3 sewers, except generally combined
4 flow, are designed for roughly a
5 two-year storm, between a two-year
6 and a five-year storm. So when you
7 get a storm larger than that, the
8 sewer system was not designed to
9 handle larger storms. And so you get
10 flooding and backing up of sewer
11 systems.

12 And the regulations that
13 the Water Department brought into
14 effect January of 2006 were really
15 not just bringing Philadelphia up to
16 what are generally current standards
17 but really putting it at the
18 forefront of storm water management,
19 to improve the quality of runoff, to
20 reduce the rate of runoff, to reduce
21 the volume of runoff by recharging
22 storm water into the ground.

23 And what we would be
24 proposing here is something which has
25 not been done very much in

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Philadelphia so far is low impact
3 development, LID, which is being used
4 in progressive storm water management
5 areas around the country to try to
6 get the storm water back into the
7 ground, rather than into the sewers,
8 to recreate more of the natural
9 hydrology of the site rather than
10 putting all that water instantly into
11 the sewers, which is what happens in
12 the neighboring properties because
13 that was the design back then.

14 COUNCILMAN KENNEY: Does
15 the current condition of the property
16 exacerbate the problem, has no effect
17 on the problem or has no effect on
18 the problem, currently as the
19 property exists today? Does it
20 contribute to the problem in the
21 neighborhood or does it have no
22 effect?

23 MR. FRIESE: I don't
24 believe it's leading to the flooding
25 in the neighboring properties.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILMAN KENNEY: Parts
3 of the current condition of the
4 property does not make it worse in
5 the neighborhood? It's just kind of
6 a neutral factor?

7 MR. FRIESE: I would
8 expect, yes.

9 COUNCILMAN KENNEY: So the
10 development that you are proposing
11 would not increase that exposure?

12 MR. FRIESE: That's
13 correct.

14 COUNCILMAN KENNEY: That's
15 what your testimony is. It will not
16 increase the exposure of storm water
17 runoff affecting surrounding
18 residents?

19 MR. FRIESE: Yes.

20 COUNCILMAN KENNEY: And
21 would put more of the storm water
22 back into its natural progression as
23 it would in a forest as opposed to --

24 MR. FRIESE: Right. The
25 whole idea is to try to mimic as much

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 as possible the natural runoff
3 conditions.

4
5 COUNCILMAN KENNEY: Will
6 the proposed development in any way
7 improve potentially the conditions?

8 MR. FRIESE: Well, part of
9 what we are doing is going in, as Mr.
10 Kelsen indicated, and videoing the
11 existing source, both the sanitary
12 and the storm. If there is any
13 issues with those as far as the
14 functioning, that will be repaired
15 and replaced, cleaned out. So from
16 that standpoint, there could
17 certainly be an improvement into the
18 flow, not just from our neighborhood
19 but any other neighborhoods that are
20 also --

21 COUNCILMAN KENNEY: So you
22 are saying you would connect, you
23 would improve the connection between
24 the new and the old?

25 MR. FRIESE: The Water

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Department is requiring if we are
3 going to reuse the existing city
4 infrastructure, the Water Department,
5 part of our discussions are that we
6 have to provide them with videos and
7 report showing that those systems are
8 satisfactory.

9 COUNCILMAN KENNEY: But as
10 a result of your design, less water
11 from the site is going into the
12 system in general?

13 MR. FRIESE: We would be
14 mimicking the existing conditions as
15 much as possible, the natural
16 condition.

17 COUNCILMAN KENNEY: Is
18 there anyone from the Water -- when
19 you said "mimicking the existing
20 condition," you meant at the site as
21 it is today?

22 MR. FRIESE: Correct. The
23 goal is for the smaller storms, say
24 the two-year storm which is a couple
25 of inches of rain over a 24-hour

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 period, to have infiltrate into the
3 ground rather than get into the
4 sewers. So for the smaller storms,
5 we would anticipate less runoff in
6 the sewers.

7 COUNCILMAN KENNEY: For the
8 Water Department, we had this issue
9 where parts of the southeastern part
10 of Philadelphia were being inundated
11 and large storms with backwash from
12 the combined sewer system which was
13 not pretty. As a result of that, the
14 City did a major sewer storm waste
15 sewer construction project at the
16 intersection of Snyder Avenue, and, I
17 think, Water Street or Swanson
18 Street, took a number of years to get
19 it done but seems to have mitigated
20 the problem the neighbors were
21 experiencing surrounding living in
22 that neighborhood without the
23 improvement. Is there any type of
24 infrastructure, capital improvements
25 planned similar to address the --

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 besides this development to address
3 the problems that are going on now?

4 MR. CROCKETT: There is an
5 ongoing sewer relief program citywide
6 where we look at --

7 COUNCILMAN GREENLEE: Could
8 you identify yourself for the record?

9 MR. CROCKETT: I'm sorry.
10 My name is Deputy Commissioner Chris
11 Crockett for the Philadelphia Water
12 Department. I am in charge of
13 Planning and Environmental Services
14 teams.

15 COUNCILMAN KENNEY: You're
16 an engineer also, correct?

17 MR. CROCKETT: Yes, I am.
18 The program throughout the City for
19 our storm flood relief program that
20 we have, we look throughout the City
21 at the different flooding issues, and
22 including south Philadelphia. We are
23 not done there. We are still
24 planning improvements.

25 But we have a number of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 projects that we schedule and line up
3 and try to set up for improvement.
4 So, for example, Germantown, Northern
5 Liberty, South Philly, there is a
6 number of projects that are being or
7 smaller projects that are already in
8 progress or being constructed.

9 COUNCILMAN KENNEY: How
10 about southwest in here, in this
11 particular neighborhood?

12 MR. CROCKETT: Southwest
13 Philly. Right now I would have to
14 get back to you on what is being
15 planned for southwest Philadelphia
16 because there has been a number of --

17 COUNCILMAN KENNEY: If you
18 could, one of the things that would
19 help in this situation and obviously
20 the District Councilperson could help
21 and assist to make this happen, is
22 rearranging the priorities of your
23 program so that you are addressing
24 something in that community sooner
25 than later so that as their plans

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 proceed, 2013. So it can go almost
3 in a parallel track so they can do
4 their modern style storm water
5 management and you guys can address
6 the ongoing, terrible problems that
7 people experience in their homes when
8 these sewers back up.

9 MR. CROCKETT: Yeah. I
10 think that makes sense, since their
11 problem seems to be so acute.

12 COUNCILMAN GRAY: Is that
13 doable?

14 MR. CROCKETT: I'm
15 definitely going to have contact --

16 COUNCILMAN KENNEY: While
17 we approve this and this work is
18 going on, if these folks see that
19 their work is going on and they are
20 going to get some relief from the
21 storm water, I think a lot of the
22 problem and animosity can be
23 resolved.

24 COUNCILMAN GREENLEE: And I
25 could just add to that, Commissioner,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 if you could forward to me any
3 information, any plans you already
4 have in this area so we can take a
5 look at it, I would appreciate it.
6 That way we know what's going on
7 right now. Okay. Councilwoman
8 Reynolds Brown.

9 COUNCILWOMAN REYNOLDS

10 BROWN: If I may, you say that if --
11 you used the word "if" -- if we use
12 the existing Water Department design,
13 we will mimic the existing
14 conditions. So what's the answer?
15 You are or you are not.

16 MR. FRIESE: Well, no. I
17 didn't mean to give any indication
18 that we will not comply fully with
19 Water Department criteria. That's
20 certainly not only our goal but it's
21 required of us. We will not get an
22 approved plan if we are not meeting,
23 if not, exceeding the Water
24 Department's criteria.

25 COUNCILMAN KENNEY: Point

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 of information. I think you said if
3 you use the existing infrastructure.
4 Not the storm water management plan
5 but the existing infrastructure of
6 the City. If you do that, you will
7 make whatever improvements you need
8 to make to clean it out, to make it
9 more modern so the connection works?

10 MR. FRIESE: That's
11 correct. And then the infrastructure
12 that's there today, at one point
13 there was some -- there was a whole
14 potable water system that was
15 installed. There is fire hydrants.
16 There is inlets. There is sanitary
17 storm sewers installed. So we would
18 try to use that infrastructure. But
19 we can't use it if it's not adequate
20 capacity.

21 If there is any issues with
22 it, the Water Department will require
23 us to fix or repair it before we can
24 use it. But the infrastructure
25 that's there, the drainage areas from

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 the proposed development all drain --

3 if you look at the colored rendering

4 there towards the center and then

5 down throughout the south end of that

6 into then that vacant ground. And so

7 the runoff from our site is not

8 draining over into the community.

9 It's driving down, going down to

10 Mario Lanza Boulevard and then out

11 into the street.

12 So the runoff from this

13 development is not heading to the

14 west.

15 COUNCILMAN KENNEY: I guess

16 that's gravitational, the way you

17 angle --

18 MR. FRIESE: Well, it's the

19 way the pipes flow. And the pipes

20 are there so I'm not sort of guessing

21 which way the flow is going to go.

22 The infrastructure is there. That's

23 the direction it heads, it's cleaning

24 out and videoing, if necessary and

25 cleaning, if necessary, that existing

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 system is part of what the Kormans
3 have tasked us with.

4 COUNCILWOMAN REYNOLDS

5 BROWN: Have you been a part of the
6 community meetings that have been
7 ongoing as a part of the tour of the
8 Water Department --

9 MR. CROCKETT: I have not
10 been.

11 COUNCILWOMAN REYNOLDS

12 BROWN: Sir, have you had an
13 opportunity to be a part of the
14 community meetings as expressed by
15 the former witness to inform and
16 alert residents about this
17 development here with regards to
18 water and water runoff?

19 MR. FRIESE: I have not
20 been part of those meetings.

21 COUNCILWOMAN REYNOLDS

22 BROWN: Okay. So that's a separate
23 question. I'd be curious to know who
24 has been. To the Water Department,
25 have members of the Water Department

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 ever been in the homes of residents
3 that are impacted by water and floods
4 and rain at any time over the past 1,
5 2, 3, 4, 5, 6 years and seeing what
6 happens down to those residents?

7 MR. CROCKETT: I cannot
8 speak to that.

9 COUNCILWOMAN REYNOLDS

10 BROWN: Is there a Community Affairs
11 Department of the Water Department --

12 MR. CROCKETT: Public
13 Affairs Department.

14 COUNCILMAN JOHNSON: Point
15 of information, Councilwoman. I'm
16 familiar with some of the process.
17 Separate from this individual
18 project, there have been a variety --
19 there have been several hearings,
20 several studies regarding the
21 flooding in the Eastwick area prior
22 to me being elected. So there has
23 been one done on a Congressional
24 level. FEMA has also done a report.

25 And I have also been in

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 contact with Casey's office to do a
3 follow-up and got the history. So
4 there has been several hearings,
5 information sessions. But there has
6 not been an aggressive plan of action
7 on a local level to begin addressing
8 some of those issues that are out
9 there.

10 This is totally separate
11 from this initial project because the
12 flooding has been an issue --

13 COUNCILWOMAN REYNOLDS

14 BROWN: Forever.

15 COUNCILMAN JOHNSON: For a
16 while. So this is more so a point of
17 information totally separate in the
18 context of this project. But I do
19 understand the concept of how this
20 can have an impact on the existing
21 areas.

22 That's one of the main
23 questions was: What is the actual
24 storm water management plan, separate
25 from what's been already going on out

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 there in general? So it's kind of a
3 two-fold in terms of the lack of
4 responsiveness and really an
5 aggressive plan to actually address
6 it from a long-term standpoint.

7 And I think that's what
8 some of the anxiety is and the
9 concern is, totally separate from the
10 actual building. But there has been
11 a lot of outreach from the leadership
12 from government saying: We have done
13 these hearings, these informational
14 sessions.

15 But at least from my fact
16 finding of being new out in the area,
17 there has never been a long-term,
18 aggressive plan saying: Here's how
19 we are going to address it.

20 And that's the reason why I
21 have not called for an actual hearing
22 on it because all the information is
23 already forthcoming, a full-term
24 action plan, so that's a point of
25 information from my point of view.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILWOMAN REYNOLDS

3 BROWN: Thank you for that context.

4 So if we at this level had had
5 hearings, at the City Council level,
6 have had hearings with the Water
7 Department to hear about this --

8 COUNCILMAN JOHNSON: Just
9 for the record, the reason why I
10 didn't initially -- and I stressed
11 this to some neighbors when I was out
12 there to just jump right into a
13 hearing. If you look at the
14 history -- there have been some
15 hearings. There's been a federal
16 hearing. There have been State
17 hearings. On a City level, probably
18 you do it for fact-finding
19 information. But my purpose starting
20 off and not going to just the hearing
21 component, we take what we already
22 have and start looking at: What is
23 the plan of action? There's always
24 been a hearing, but the plan of
25 action to me has always been more

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 important. So I will take it under
3 advisement.

4 COUNCILWOMAN REYNOLDS

5 BROWN: Okay, please. Because what I
6 need to say, it is very disturbing
7 for me for anyone from the Water
8 Department to be here and know that
9 this issue is in front of these
10 citizens because I have been in many
11 homes down there and seeing that
12 families have to go back to their
13 insurance companies two and three
14 times to ask for help to get rid of
15 water storm after storm after storm.

16 (Applause.)

17 COUNCILWOMAN REYNOLDS

18 BROWN: So it is my hope and
19 expectation that the Government
20 Affairs Office or, whoever, Community
21 Affairs Office or whoever it is at
22 the Water Department does what the
23 District Council has made very clear.
24 There needs to be a plan, separate
25 from the project in front of us

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 today.

3 For me, quite frankly, it's
4 a disgrace.

5 (Applause.)

6 COUNCILWOMAN REYNOLDS

7 BROWN: And let me just say that I
8 say that authentically. Because I
9 have seen a witness up close to
10 despair that families go through down
11 there.

12 So when I hear there have
13 been hearings at other levels of
14 government and you are not able to
15 say whether a written documented plan
16 the action, discussions, proposals
17 are in place to assist these
18 citizens, that's very disturbing for
19 me.

20 MR. CROCKETT: Thank you,
21 Councilwoman. But I do want to say
22 that we do have a program Citywide.
23 We do have a way to get community
24 complaints about flooding in. We
25 have been contacted by Councilman's

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 office. We have been involved in
3 past studies and past hearings of
4 flooding down there and it is a very
5 complex issue.

6 COUNCILWOMAN REYNOLDS

7 BROWN: It is.

8 MR. CROCKETT: And we want
9 to make sure that people don't go
10 through that. We see it happen
11 throughout different places in the
12 City. We even have employees who
13 live in this area that do get
14 flooded.

15 COUNCILWOMAN REYNOLDS

16 BROWN: That agonize --

17 MR. CROCKETT: That agonize
18 when it rains, and we do sympathize
19 and we are going to address this
20 moving forward and get a plan
21 together.

22 COUNCILWOMAN REYNOLDS

23 BROWN: And so now with the project
24 in front of us, are we hearing that
25 the Water Department will work

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 closely with the leadership and the
3 both community developers and
4 District Councilmembers to make sure
5 we don't have a déjà vu.

6 MR. CROCKETT: Since this
7 project has required to go through
8 extensive review, we have not seen a
9 formal submission from this
10 development yet. There is a number
11 of serious requirements they have to
12 meet, including State and federal
13 requirements. So they have to go
14 through all those requirements. They
15 will not get a waiver or any
16 exemption from any of those
17 requirements. They will be held to
18 the highest standards for storm water
19 management. There is no free pass
20 when it comes to storm water in
21 Philadelphia.

22 COUNCILWOMAN REYNOLDS
23 BROWN: So finally, you are not in a
24 position to say when a district
25 Councilmember may see or have a plan

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 of action as to how we do things
3 specifically going forward.

4 MR. CROCKETT: We will
5 reach out to them after this and
6 start setting up a process to get
7 that in place.

8 COUNCILWOMAN REYNOLDS
9 BROWN: Thank you very much. And
10 thank you, Mr. Chairman.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilwoman. Councilwoman
13 Tasco.

14 COUNCILWOMAN TASCO: At the
15 end of the day, I think the issue is
16 one of dollars. Because at the end
17 of the day we had hearings. We had
18 congressional hearings. We had State
19 hearings. We had fights in this room
20 with the constituents there as to
21 what was going to be done about the
22 sinking homes and how would people be
23 made whole for the problems that
24 existed there.

25 And at the end of the day

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 it came down to how much would it
3 cost to mitigate the problem? At the
4 end of the day, it cost \$35 million
5 to mitigate the problem. And it was
6 done through the efforts of
7 Congressman Coughlin and Senator
8 Specter who came in, and HUD who came
9 in and provided and said we had to
10 use our own money to provide help to
11 those people.

12 So I think the issue -- I
13 agree with Councilwoman Brown. It
14 disturbs me that you keep saying that
15 you have looked at this citywide.
16 But when you have a real major
17 problem, there is no action that has
18 been taken to really figure out how
19 do you, how do you make the families
20 there whole.

21 And the other thing is,
22 Have you looked back at the developer
23 to see what responsibility they have
24 for --

25 (Applause.)

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILWOMAN TASC0: -- for

3 the -- and I had just come to

4 Philadelphia in 1958 when the whole

5 Eastwick issue was being addressed.

6 So I think that a little more serious

7 discussion and application and

8 investigation might be more helpful

9 than saying that we will look at it.

10 You have been looking at it and it's

11 not long enough.

12 The other thing is you

13 might want to use your leverage on

14 this project to get the money for

15 your people out there in that

16 district.

17 (Applause.)

18 COUNCILMAN JOHNSON: Well,

19 Councilwoman, just a point of

20 information now. Just for a point of

21 information -- and I'll comment

22 after all this is over. But part of

23 this is really trying to have a

24 dialogue, an ongoing dialogue,

25 between community and Korman. And

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 the same thing I see is talking to
3 people personally or talking to
4 people publicly.

5 I'm well aware of what
6 might have happened in the past. And
7 obviously I wasn't there in the past.

8 But I am committed to make
9 sure that I move forward in the level
10 of accountability on both sides as we
11 talk about addressing the needs and
12 the issues of the community from the
13 development side but also addressing
14 the quality of life issues in that
15 area. And so that's what I want to
16 say.

17 COUNCILWOMAN TASC0: Well,
18 I think that the Water Department
19 ought to be able to assess what the
20 problem is and tie some dollar amount
21 to it, what has to be done.

22 (Applause.)

23 COUNCILWOMAN TASC0: Have
24 you all looked at it in that way and
25 evaluated the problem in that manner

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 in terms of what causes the flooding,
3 what you have to do to mitigate it
4 and how much does it cost?

5 MR. CROCKETT:

6 Councilwoman, thank you for that. I
7 think Councilman Johnson pointed to
8 the fact there have been a number of
9 studies and a number of hearings well
10 beyond me and probably even before I
11 was born on the issues of what's
12 happening in flooding in the City in
13 various places.

14 And we would have to go
15 back and reevaluate that information
16 to get a more recent update on that
17 and it's used as a starting point
18 with the Councilmen to start a
19 process for a plan. Because like
20 anything, we need to make sure we
21 have the most up-to-date information.

22 We need to start a process
23 with the Councilmen and the community
24 to make sure we are addressing the
25 flooding because people should not be

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 flooding and we should be helping
3 them as much as possible.

4 COUNCILWOMAN TASC0: Are
5 you going to go back and read the
6 notes of testimony of Council in 1958
7 when that project started?

8 MR. CROCKETT: Every
9 project in the City, there is
10 long-standing testimony that goes
11 back to the fifties. And we'll pull
12 up what we can and we will pull up
13 the most recent information as well
14 as the old information to get a
15 handle on this.

16 COUNCILWOMAN TASC0: I
17 think the notes of Council are pretty
18 sound or available. I might go back
19 and read the notes of testimony on it
20 to see just how, some of the
21 questions raised, were they raised
22 then in terms of the viability of the
23 project and the land? It might be
24 helpful to you.

25 MR. CROCKETT: Excuse me.

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2 Are you talking about with respect to
3 the Korman development or to the --

4 COUNCILWOMAN TASC0: No.

5 I'm talking about the development
6 back in 1958.

7 MR. CROCKETT: The
8 development in 1958. Thank you.

9 COUNCILWOMAN TASC0: Thank
10 you. Let me ask one other question
11 of the gentleman from the Korman.
12 You said you have a -- someone to
13 monitor the DBE, the Affirmative
14 Action Equal Opportunity program?

15 MR. KELSEN: Yes,
16 Councilwoman. The -- and bear with
17 me one second. The EOP plan calls
18 for third party monitoring that
19 include the City of Philadelphia's
20 Office of Economic Opportunity as
21 well as City Council. That's part of
22 the agreement so that there are
23 multiple levels of review and
24 monitoring throughout the process;
25 that quarterly reports as well as

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 annual reports are required to be
3 submitted pursuant to the document we
4 gave Council.

5 COUNCILWOMAN TASCO: Thank
6 you.

7 COUNCILMAN GREENLEE:
8 Thank you, Councilwoman. Any
9 other -- Councilman Johnson. You
10 wanted to say?

11 COUNCILMAN JOHNSON: Yes.
12 Could we have Ed Covington to come up
13 and give testimony from an RDA
14 standpoint and also provide a
15 history. There is a history behind
16 this man as well. Just noted for the
17 record.

18 COUNCILMAN GREENLEE: So
19 you are requesting Mr. Covington. Is
20 he here? Mr. Covington, could you
21 approach, please?

22 And, again, if the Water
23 Department could get us whatever they
24 have now, whatever you have. I think
25 it would be needed. Mr. Covington.

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2 MR. COVINGTON: Good

3 afternoon.

4 COUNCILMAN GREENLEE:

5 Please identify yourself for the

6 record and proceed.

7 MR. COVINGTON: Good

8 afternoon, Chairman Greenlee and

9 members of the Committee. My name is

10 Ed Covington. I'm the executive

11 director of the Philadelphia

12 Redevelopment Authority. I have no

13 planned testimony, but I am happy to

14 answer questions with regard to the

15 matter that's before the Council

16 today.

17 COUNCILMAN JOHNSON: Yes,

18 Mr. Covington, just give a brief

19 history of that particular land just

20 for the record, who owns it currently

21 on a redevelopment agreement,

22 currently where the redevelopment

23 agreement is and the process as well

24 as the means of usage for this land

25 in the past, now and moving forward.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. COVINGTON: Yeah. I

3 don't remember the precise date but

4 let's assume for practical discussion

5 purposes, I believe this is about a

6 fifty-year-old agreement which has

7 basically been about a fifty-year

8 option that the Korman Group has had

9 to develop this site. So this goes

10 back to the early sixties, this

11 original agreement. It's a fairly

12 extensive agreement, has a number of

13 different requirements on both

14 parties' part.

15 And it is very important

16 for the body and the community

17 members to understand that this

18 agreement does not expire till 2015.

19 So that option that they have to

20 develop this parcel does not mature

21 until 2015. So they are within their

22 rights to develop this property.

23 I would also comment that

24 it is within the defined urban

25 renewal plan they can develop it for

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 residential. It is not specifically
3 prescribed as to what form of
4 residential they develop but they
5 have the right to develop it at the
6 price and terms within the existing
7 agreement that dates back to the
8 early sixties.

9 So from the Redevelopment's
10 perspective, we have been asked to
11 consider this development at this
12 context which is within the bounds of
13 the agreement.

14 The Korman Group is also
15 relieving the Redevelopment Authority
16 of certain obligations with respect
17 to the community that would be
18 developed in terms of some existing
19 obligations to provide utilities and
20 so forth which are going to get some
21 relief in this agreement. Those are
22 the pertinent facts with respect to
23 this.

24 So, again, I would
25 reinforce that fact that the Korman

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Group that's the counterpart to that
3 agreement has the option through 2015
4 to develop this property for
5 residential use. That's what the
6 zoning meeting is for, to change the
7 zoning to allow for residential. But
8 from our perspective, we are governed
9 by the urban renewal plan and it is
10 within the plan that is prescribed
11 for the Redevelopment Authority to
12 operate under.

13 COUNCILMAN GREENLEE: No.
14 We can't do it that way. Councilman
15 Johnson.

16 COUNCILMAN JOHNSON: The
17 option to utilize the land for
18 wildlife refuge, preservation, can we
19 use the land for this preservation,
20 the Wildlife Refuge?

21 MR. COVINGTON: We have no
22 option to do that under the agreement
23 that exists today.

24 COUNCILMAN JOHNSON: Why is
25 that?

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. COVINGTON: It's the
3 language of the agreement. Their
4 option persists until 2015 unless
5 they default under that agreement.

6 COUNCILMAN GREENLEE: Thank
7 you. Any other questions? Okay.
8 Thank you, Mr. Covington. Thank you
9 for coming up.

10 I'm going to move on now to
11 other witnesses here. I'm going to
12 call them in the order that I have
13 them on the list here. And I'm going
14 to call them up in three, so we can
15 kind of keep moving. And after the
16 first three, I'm going to call three
17 more so everybody is ready so we
18 move.

19 I have representatives from
20 the Darby Creek Valley, the Sierra
21 Club and the Clean Air Council. Are
22 they here? If they could come up.

23 And what I'm going to ask
24 everybody when they come up -- and
25 I'm assuming there are individuals

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 who may not. But I don't need,
3 obviously, exact addresses. But if
4 you can tell us if you are a resident
5 of the Eastwick area. Obviously,
6 everybody has a right to speak but I
7 want to see how many residents of the
8 area are here. So, please, all
9 three, come up and get started.

10 Darby Creek Association
11 first, if they are here. Please
12 identify yourself for the record and
13 proceed, please.

14 MS. DORRENSON: Thank you,
15 sir. I'm Kate Dorrenson, the Darby
16 Creek Valley Association, and I do
17 not live in Eastwick.

18 The Darby Creek Valley
19 Association whose mission is the
20 protection and enhancement of the
21 Darby Creek Watershed and the
22 community in the watershed. We
23 strongly support the efforts of the
24 Eastwick Friends and Neighbors
25 Coalition. We are in full agreement

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 with the Coalition's opposition to
3 legislation introduced to the
4 Philadelphia City Council on May 17,
5 2012 to change the Philadelphia
6 Zoning Map to 35 acres of land in
7 southwest Philadelphia from the R9A
8 single family to R12 multi-family.

9 The proposed development of
10 the land, proposed for rezoning is
11 substantially located within the area
12 mapped by FEMA as flood plain. It
13 will regularly be flooded and will
14 likely cause existing flood problems
15 in the neighborhood to worsen.

16 The adjacent neighborhood
17 is currently experiencing recurrent
18 and widespread problems in flooding
19 causing economic hardship to
20 residents. Further development of
21 this area will result in more
22 flooding and destruction of personal
23 property, increased air pollution in
24 the neighborhood, increased traffic
25 densities and other quality of life

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 issues, an erosion of land and
3 siltation into the Delaware Estuary
4 and the Delaware River.

5 Heavy siltation will have
6 harmful effects and indirect effects
7 on the Heinz's Wildlife Refuge which
8 is home to over 300 animal species,
9 including rare, threatened and
10 endangered wildlife.

11 The refuge is an urban
12 jewel that must be maintained and
13 treasured by local government as it
14 is by the 135,000 people who visit
15 the refuge annually.

16 Darby Creek Valley
17 Association urges the City of
18 Philadelphia to work with the
19 Eastwick Friends and Neighbors
20 Coalition and the Heinz Refuge to
21 resolve this issue. Before any
22 additional development occurs, we
23 call for an environmental impact
24 assessment to be prepared
25 specifically to determine the effects

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 of development on flooding and
3 wildlife. It is our responsibility
4 as a responsible community to
5 understand the ramifications of our
6 actions and the impact of those
7 actions on others, including our
8 environment and local ecology. Thank
9 you.

10 COUNCILMAN GREENLEE:
11 Whoever would like to go next.
12 Please identify yourself and proceed.

13 MS. MANN: I'm Robin Mann,
14 a volunteer of the Sierra Club. I
15 don't live in the Eastwick
16 neighborhood, but we have members and
17 supporters who do and some of them I
18 have spoken with.

19 The Sierra Club is the
20 nation's oldest and largest grass
21 roots environmental organization with
22 1.4 million members/supporters
23 nationwide working to explore and
24 protect and enjoy wild places of the
25 earth.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Building the resilience of
3 our communities, our wildlife and
4 special places to increase stresses
5 opposed by climate disruption is a
6 focus of much of our work. We also
7 have a National Environmental Justice
8 Program working directly with a
9 number of U.S. communities
10 confronting disproportionate
11 environmental burdens.

12 Others will testify to the
13 immediate concerns posed by this
14 proposed rezoning on the face of it.
15 I wanted to focus going forward. We
16 need to look at this proposed
17 rezoning of the 35 acres of Eastwick
18 Green Space and companion bill to
19 hand over the remaining 93 acres to
20 the Airport, not just for the 2012
21 lands but in light of the anticipated
22 future conditions and in particular
23 the increased storm intensity, higher
24 precipitation and sea level rise
25 scientists are predicting for the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 region as a result of climate
3 disruption.

4 For example, recent
5 modeling anticipates precipitation in
6 the Delaware Estuary will increase by
7 7 to 9 percent. In this light, the
8 Korman proposal to increase the
9 zoning density on an area that is
10 largely flood plain is without
11 justification.

12 There is other reasons to
13 expect this would place even more
14 people in harm's way when already the
15 Eastwick community is subject to
16 serious flooding. For the Refuge,
17 climate disruption will add to the
18 challenges of maintaining habitat
19 quality. Anticipated increases in
20 heat waves and temperatures as well
21 as storm intensity are widely
22 predicted to add stress on vulnerable
23 species of birds and wildlife. This
24 is all the more reason why the
25 important buffering quality provided

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 by the parcels of land that already
3 provides to the refuge will be even
4 more critical going forward.

5 And finally, while
6 Philadelphia's Green City Clean
7 Waters program arose out of the need
8 to reign in the long-standing water
9 quality degradation resulting from
10 combined sewer overflows, the green
11 infrastructure strategies are
12 oriented all the more appropriately,
13 given the greater weather extremes
14 anticipated from climate disruption,
15 while the Korman plan lead in a
16 fundamentally opposite direction.

17 While it is clear to see
18 that the Korman Corporation would
19 benefit more financially from
20 approval of the zoning change, we
21 urge the Rules Committee to be guided
22 in its decision on Bill No. 120418,
23 not for the financial interests of
24 the Korman Corporation but by the
25 well-aligned, best interests of the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Eastwick community, the Heinz Refuge
3 and all Philadelphians.

4 The Rules Committee should
5 recognize the heavy burdens already
6 borne by the Eastwick residents, the
7 needs of the Refuge and the
8 importance of zoning for the future
9 and vote down the proposal.

10 Beyond that, we urge City
11 Councilmembers to engage in exploring
12 and finding a solution to this
13 property that enables the community
14 and the Refuge to survive and thrive
15 in harmony. The Sierra Club strongly
16 believes that that solution would be
17 full restoration and preservation of
18 this entire 128 acres. Thank you.

19 (Applause.)

20 COUNCILMAN GREENLEE: Okay.
21 Before the next witness, just if the
22 following three people could be ready
23 to come up: Jaclyn Rhoads, Doris
24 McGovern and Gary Stolz, please.

25 MR. ROGERS: My name is

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Nick Rogers. I'm a program

3 coordinator at the Clean Air Council.

4 I work specifically on transportation

5 projects relating to public

6 transportation, bicycling and

7 walkability. The Clean Air Council

8 is a nonprofit environmental and

9 public advocacy organization that

10 seeks to protect everyone's right to

11 breathe clean air. The Council

12 represents close to 8,000 members and

13 is headquartered in Philadelphia.

14 In accordance with its

15 mission, the Council supports

16 preserving open space and protecting

17 the Heinz National Wildlife Refuge

18 from encroachment from developers. I

19 am here today to voice Council's

20 opposition to the ordinance in

21 question which would resume 35 acres

22 adjacent to the Refuge so that the

23 Korman Company could develop

24 apartments and parking lots which

25 will create local pollution and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 negatively impact on the
3 neighborhood's quality of life and
4 disturbance to the National Wildlife
5 Refuge, which is one of the very few
6 remaining functional freshwater
7 tidaled marshes in Pennsylvania and
8 possibly the only one in America in
9 such a large urban area.

10 The Council also opposes
11 the accompanying bill that would
12 authorize the real estate
13 transaction. The growing system of
14 trails throughout Philadelphia is
15 already connecting neighborhoods,
16 helping small businesses to thrive
17 and providing inexpensive ways for
18 residents to enjoy the outdoors and
19 stay healthy.

20 This network of trails with
21 continued support by policymakers and
22 funders has the potential to become a
23 uniquely important resource to
24 stabilizing neighborhoods, connects
25 people to jobs, outdoor recreation,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 shopping destinations, schools and
3 transit.

4 City Council should move
5 cautiously in adopting any policy
6 that would have a negative impact on
7 such an important resource.

8 Council is leading an
9 effort to extend the Cobbs Creek
10 Bikeways to the Refuge and Council is
11 also working to develop a multiuse
12 trail connection from the Eastwick
13 Train Station to the Heinz National
14 Wildlife Refuge. Because of this
15 involvement in the Eastwick
16 neighborhood and the Clean Air
17 Council's work with the Refuge, I
18 feel it's important for me to speak
19 to you on behalf of the Council
20 today.

21 Clean Air Council has a
22 number of concerns with the proposed
23 development. Council believes that
24 the proposed development would put
25 trail projects already well into the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 planning process at risk.
3 Development would be harmful to Heinz
4 Refuge and surrounding habitat that
5 affects it. The proposed development
6 conflicts with the City's already
7 stated goals related to storm water
8 and the environment.

9 In 2007, Campbell Thomas &
10 Company, Architects, completed a
11 feasibility study for improving
12 pedestrian and bicycle access to
13 their refuge for the Clean Air
14 Council. In this study a trail route
15 from the Eastwick Train Station to
16 the Refuge was mapped out. It would
17 be blocked by the proposed Korman
18 development.

19 This proposed trail route
20 would use parts of RDA parcels and
21 paper streets in that area that
22 Korman has proposed to develop to
23 create a crucial trail link to anyone
24 wanting to visit the Refuge without
25 using a car, for handicapped visitors

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and for residents of the existing
3 Eastwick neighborhood.

4 The Delaware Valley
5 Regional Planning Commission, DVRPC,
6 which is the regional metropolitan
7 planning organization and Clean Air
8 Council together were recently
9 awarded the Pola Surveyance Transit
10 in the parks grant to further advance
11 the development of this important
12 connection with a conceptual design
13 study.

14 Developing a trail link
15 from the train station to the Refuge
16 is a priority for the John Heinz
17 Wildlife Refuge and should be for the
18 City as well.

19 As environmental advocates,
20 Clean Air Council is concerned with
21 the effects the proposed development
22 would have on the local community and
23 on the Heinz Refuge. FEMA has
24 designated much of these 35 acres in
25 question as part of the 100-year

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 flood plain, and building on an area
3 that is likely to have flooding
4 problems will result in polluting the
5 local waterways.

6 In addition, a development
7 of project as large as this one, over
8 700 new apartments would undoubtedly
9 disrupt the delicate habitat of the
10 neighboring refuge, a home to
11 wildlife whose protection should be a
12 top priority. 35 acres of open
13 space -- it's not vacant land. It's
14 open space -- now serves as a
15 necessary buffer between developed
16 land and the refuge. The
17 construction itself, the addition of
18 truck traffic to local roads, the
19 accompanying heavy-duty equipment
20 would have negative air quality
21 impacts in the form of diesel
22 particulate matter NOx and dust.

23 The development proposal
24 seems to contradict many of the
25 City's already stated priorities.

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2 The Water Department in Philadelphia
3 has been a leader in dealing with
4 storm water problems in recent years,
5 but adding a development site that
6 includes a parking lot for 1,000 cars
7 and 51 housing units in what is
8 currently open space would only
9 exacerbate current storm water
10 problems.

11 The City recently signed an
12 agreement with EPA to spend \$2
13 billion on green storm water
14 management. But a development this
15 size would be quite the opposite of
16 that.

17 The City has a goal to
18 create 500 acres of green space by
19 2015. This is 35 acres of current
20 green space that the development
21 would take away. Our City is
22 proposing --

23 COUNCILMAN GREENLEE: Sir,
24 can I just interrupt a second?
25 Because I just want to be clear. I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 know you talk about open space. But
3 this is zoned residential. So there
4 could be building.

5 MR. ROGERS: There could be
6 but it's currently open space.

7 COUNCILMAN GREENLEE: Well,
8 it's currently open space but if
9 somebody were to come in and build
10 now, maybe not build what is being
11 proposed and I understand that. But
12 what are you advocating? You are
13 basically advocating keeping this
14 totally open?

15 MR. ROGERS: Yes.

16 COUNCILMAN GREENLEE: But
17 that's not how it's zoned, just so
18 you understand that.

19 MR. ROGERS: Sure. But
20 it's also not zoned for apartments.

21 COUNCILMAN GREENLEE: I
22 agree and I think I just said that.
23 What I am saying is, you keep talking
24 about open space and it is open now.

25 MR. ROGERS: All I'm

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 talking about is the storm water
3 problems that we are having right
4 now. This is storm water protection
5 as it stands now. But to do any
6 building that --

7 COUNCILMAN GREENLEE: I
8 just want to be clear that this is
9 zoned residential right now, a
10 different kind of residential. You
11 might not be able to build this kind
12 of unit. It was testified that
13 actually you could put more units on
14 here in a different configuration. I
15 just want to be clear on that --

16 MR. ROGERS: It's probably
17 unlikely that is zoned residential --

18 COUNCILMAN GREENLEE: Well,
19 it might be. I just want to be clear
20 that this is zoned residential, all
21 right, just so everybody understands
22 that.

23 MR. ROGERS: All right.

24 COUNCILMAN GREENLEE: If
25 you could finish up because we have a

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 lot of witnesses.

3 MR. ROGERS: I'm almost
4 done. Let me find where I was. So
5 the City has the goal of creating 500
6 acres of green space by 2015. This
7 is 35 acres of current green space
8 that could be made into permanent
9 green space that would add to the 500
10 acres. So that would be a solution.

11 COUNCILMAN GREENLEE:
12 But it's not zoned that way just so
13 you are clear. Go ahead.

14 MR. ROGERS: Yes. The City
15 is producing plans like Green 2015,
16 Green City's Clean Waters program
17 and publicly stating the goal to
18 become the greenest city in the
19 country which would be protecting the
20 wildlife refuge, open space and
21 multiuse trail plans, not hurting
22 these things with more development.

23 Further, while sacrificing
24 all of the things that I have just
25 gone over, the City would stand to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 get very little out of this proposed
3 development. It's my understanding
4 that Korman has the right to pay for
5 the 35 acres in question at a price
6 that was fixed in the 1950s and would
7 be able to avoid much of the taxes on
8 the buildings they build, while
9 paying minimal taxes on the land.

10 Effectively the City is
11 losing out on this project by
12 divesting resources towards the new
13 development site and getting almost
14 nothing in return, while at the same
15 time degrading the environment, the
16 refuge and the quality of life in the
17 existing community. We strongly urge
18 City Council not allow the rezoning
19 of these acres and not allow the
20 proposed development to go through.

21 Please take the time to
22 recognize the impact of this proposed
23 development on local pollution,
24 neighborhood quality of life and its
25 impact on the unique Heinz National

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Wildlife Refuge. Thank you for your
3 time.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 (Applause.)

7 COUNCILMAN GREENLEE: Any
8 questions or comments?

9 (No response.)

10 COUNCILMAN GREENLEE:
11 Seeing none, Jaclyn Rhoads, Doris
12 McGovern, Gary Stolz. Good
13 afternoon. Please identify yourself
14 for the record and proceed. And
15 again, if I can ask everybody to be
16 as brief as possible. We still have
17 about 20 other people to testify. So
18 please, proceed. If I can ask people
19 not to be repetitive. You know, if
20 you have -- try to add something else
21 to the discussion, it would be great.
22 If you just want to -- anybody, this
23 goes for anybody -- if they just want
24 to put their name in in either
25 support or opposition, that would be

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 fine, too. We actually were supposed
3 to start another hearing in half an
4 hour. Please, proceed.

5 MS. RHOADS: Good
6 afternoon. My name is Jaclyn Rhoads,
7 and I am here today representing a
8 task force called Our County's
9 Concerned Citizens For Environmental
10 Change. I am also adjunct professor
11 at Drexel University for
12 Environmental Policy.

13 I want to speak to say,
14 obviously, I support the testimony
15 that is presented before you already
16 to oppose the rezoning of this area
17 and also to oppose the development of
18 this area. And as a resident close
19 by, within a five-minute drive of the
20 Eastwick area, I have to drive down
21 84th Street. And I can tell you on
22 so many occasions, I have had to
23 drive through piles of water flooding
24 this roadway, which poses a hazard
25 not only to residents but people

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 driving through this area.

3 I can't imagine having
4 another potential for 500-plus cars
5 coming from a development in terms of
6 a storm. And I'm not talking about
7 your rare storm. I'm talking storms
8 that can occur year out, every year
9 to have that kind of flooding along
10 that roadway.

11 And I will say that it's
12 not the water department's fault that
13 we have flooding. It's development.
14 And we have had development from our
15 predecessors for year end and year
16 out where we have paved over forested
17 areas, where we've filled in
18 wetlands.

19 And that's why we have the
20 problems we have today. And we are
21 not going to stop them.
22 Precipitation is going to increase
23 and we need to do something about it.
24 And that includes turning down bad
25 development proposals that's going to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 increase flooding.

3 And I do understand this
4 area has been zoned for
5 redevelopment. But I'm telling you
6 that there are places that -- we have
7 an opportunity where we have acres
8 upon land that are undeveloped, that
9 are dilapidated where we have housing
10 that's abandoned. Why not clear
11 those areas and transfer those
12 development rights to those areas.

13 That is a great way to
14 reinvigorate disenfranchised
15 communities within the city's
16 boundaries rather than clearing out
17 open space, green space that abuts a
18 beautiful area recognized along
19 eastern seaboard for its wetland
20 habitat.

21 I bring a number of
22 students out to this area as part of
23 the Citizens Task Force through Darby
24 Creek Valley Association, through my
25 classrooms and we see that the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 habitat is improving in this area.

3 Any development that occurs
4 there is going to take away from that
5 improvement we have been seeing, with
6 bald eagles, river otters, and a
7 number of other wildlife and plant
8 populations that we are starting to
9 see come back.

10 Let alone the landfill
11 problems that occur as a result of
12 the flooding that cause water quality
13 problems in the region. So I implore
14 you to think about other ways to use
15 this land. This is not the only
16 option before you. We need to take
17 the time to think about it. TDR is
18 just one of them, rezoning it for
19 something else, using it as
20 mitigation, donating it to the Heinz
21 Refuge.

22 I'm not just here to
23 present the problems but also to
24 present to you some solutions. And I
25 think you have the opportunity to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 take a step back and consider it
3 especially in light of all the
4 problems we have to deal with in the
5 City and again, with your path toward
6 a sustainable and greener future. So
7 I encourage you to think about that.
8 Thank you.

9 (Applause.)

10 MS. McGOVERN: I'm Doris
11 McGovern. I've volunteered at John
12 Heinz Refuge for 31 years. And
13 during the last 24, I have
14 participated in bird counts during
15 seasons which directly involve the
16 Eastwick property. I am a federally
17 licensed bird vendor.

18 I came here today to
19 encourage the practice of restraint
20 and delayed gratification, the stuff
21 we teach our children when they face
22 irreversible decisions, when the urge
23 to act seems overwhelming.

24 I'm thinking of the
25 increased tax base, hundreds of new

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 jobs and looming political victory.

3 When gratification seems unable to be

4 denied, we caution them, Slow down.

5 Consider the ramifications, the

6 unintended consequences. Think about

7 the long term. Once it's done, you

8 can never get it back. That's what

9 we say to our kids.

10 In my 31 years at the

11 Refuge, I have observed changes that

12 occurred on the Refuge there because

13 of irreversible decisions that were

14 made off of Refuge. Yes to Ruby

15 Tuesdays, yes to PNC Bank, yes to the

16 airport parking lots and Embassy

17 Suites equaled no to northern

18 harrier, which has been extricated

19 from Philadelphia, no to American

20 chestrol, no to short-eared owl.

21 Eastwick is the last remaining home

22 of the ring-necked pheasant and a

23 prime migration habitat for American

24 woodcock, a threatened bird.

25 Eastwick has sheltered

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 unexpected birds in winter, including

3 pond warbler and rough legged hawk.

4 Many species that breed at Heinz

5 during summer and those that over

6 winter at Heinz require the

7 additional habitat that buffer zone.

8 The relatively untouched Eastwick

9 acreage provides remaining additional

10 shelter and food that the

11 surrounding -- given that all the

12 neighborhood acreage that's been

13 developed.

14 The birds don't recognize

15 the boundary between the refuge and

16 the RDA. They move back and forth as

17 needed. When the habitat they need

18 is gone, they will also be gone. I

19 ask you to gather knowledge,

20 increase your understanding of the

21 environmental issues being raised

22 today and to form your opinion with a

23 view to the future of Philadelphia's

24 avian and human residents. Thank

25 you.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 (Applause.)

3 COUNCILMAN GREENLEE:

4 Before Mr. Stolz, if the following
5 people can be ready to come up:
6 Adrien Binns, Jon Tresslar and Hank
7 Hox. Mr. Stolz.

8 MR. STOLZ: Thank you,
9 Councilman. I do have information
10 packages for the Council. My name is
11 Gary Stolz. I'm the refuge manager
12 for John Heinz National Wildlife
13 Refuge, United States Fish and
14 Wildlife Service Department of the
15 Interior.

16 John Heinz National
17 Wildlife Refuge was created on June
18 30 of, 30 years ago this month
19 because of the national significance.
20 This is not a vacant lot. This is
21 not a swamp to throw junk in. John
22 Heinz National Wildlife Refuge was
23 established by act, a federal act of
24 Congress to protect, preserve and
25 enhance the largest remaining portion

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 of the largest freshwater tidal marsh

3 here in the State of Pennsylvania.

4 This tidal marsh used to be more than

5 6,000 acres, potentially double that

6 up and down the Delaware and

7 Schuylkill River. By the time the

8 Refuge was established, there was

9 only a 200-acre piece of it left, all

10 of the area we are talking about, not

11 just the 35 acres but the entire 128

12 acres, 130 acres was all tidal marsh

13 at one time.

14 This area has been filled.

15 It's all dredged material, things of

16 that sort, could potentially be

17 restored back to its native habitat.

18 It's an important buffer

19 and has been for the better part of

20 50 years. Nobody has touched it

21 until the last minute here.

22 We found out about this

23 proposal after the proposal was

24 already introduced as a first time

25 and only because we started inquiring

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 about it.

3 We were never privy to
4 information --

5 COUNCILMAN JOHNSON: Point
6 of information.

7 COUNCILMAN GREENLEE:
8 Councilman Johnson.

9 COUNCILMAN JOHNSON: Just
10 for the record, when I met with
11 Korman in the initial stages, I asked
12 them if they had the opportunity to
13 reach out to Heinz Wildlife Refuge
14 and they hadn't at the time, and they
15 followed up after my directions to go
16 reach out to --

17 MR. STOLZ: After this
18 happened. But it was only after your
19 efforts that any effort was made to
20 come in. And we want to work with
21 you.

22 Well, where was everybody
23 at the time that this was being
24 drafted up? We find out there were
25 people surveying streets and said,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 What's going on? We don't know.

3 This is amazing. 300

4 species of federally-protected

5 migratory birds use this Refuge, 80

6 of which have been known to nest

7 here, including the first nesting

8 bald eagles in Philadelphia for the

9 last three years have been on the

10 site for the first time in over 200

11 years. Philadelphia's eagles are

12 nesting on John Heinz National

13 Wildlife Refuge, adjacent to this

14 increasing traffic flow. More than

15 135,000 visitors come to this city

16 because of one of our icons, like the

17 Liberty Bell, like Independence Hall,

18 like Valley Forge, John Heinz

19 National Wildlife Refuge is an area

20 of national significance for all

21 American people.

22 The Eastwick train station

23 on the side of this property provides

24 the opportunity for a trail directly

25 to the Visitor's Center that's used

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 by thousands and thousands of our
3 school children here in Philadelphia
4 for generations to come that may not
5 be able to afford buses. The school
6 budgets get cut back. But have the
7 opportunity to come to the Refuge via
8 mass transit and have an opportunity
9 to improve their lifestyles.

10 Thousands and thousands of
11 local residents use these trails, for
12 walking, for dog walking, for
13 exercise, for physical health
14 concerns coming out of the White
15 House, coming out of the Secretary's
16 Office for children's health
17 initiatives and greening of America,
18 including 500 acres that the Mayor's
19 office has pledged to develop as
20 green space in Philadelphia, over 128
21 acres right here that's not
22 developed, has potential.

23 Endangered species right
24 alongside of this area, the other
25 side of what's extended from

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Lindbergh Boulevard is the frog pond.

3 It's one of only two breeding areas

4 of *Rana utricularia*, the Coastal

5 Plain leopard frog found in the

6 entire State of Pennsylvania. The

7 state-threatened red-bellied turtle

8 is nesting in those ponds right

9 there.

10 Many other rare plants,
11 rare animals. I can give you a whole
12 list of them.

13 COUNCILMAN GREENLEE: I
14 understand.

15 MR. STOLZ: But this area
16 is so important to our children.
17 It's one of the last areas that we
18 can protect. And our concern is
19 wildlife management. We have great
20 neighbors next door. And absolutely
21 nothing personal. These folks have
22 always been great neighbors. But how
23 can we best do the best for the long
24 term good of the most Americans.
25 This is not a local issue. This is a

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 national issue or Congress would not

3 have designated this a federal

4 national wildlife refuge, one of 550

5 national wildlife refuges, 150

6 million acres of land set aside for

7 all Americans to cherish and enjoy.

8 And it's our duty as Americans to be

9 good stewards of the land and buffer

10 it from these areas.

11 COUNCILMAN GREENLEE: I

12 understand. Councilman Kenney had a

13 question.

14 COUNCILMAN KENNEY: Thank

15 you very much. I'm not commenting on

16 the Bill -- and I appreciate your

17 passion. How long have you been at

18 the reserve?

19 MR. STOLZ: I have more

20 than 30 years, 10 years on this site.

21 MR. KENNEY: How long has

22 the Fish and Wildlife, Department of

23 the Interior been looking at that

24 property right next door to them?

25 It's been vacant, dilapidated and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 unused for how long? 50 years?

3 MR. STOLZ: Since I have
4 been there --

5 COUNCILMAN KENNEY: Has
6 anyone tried to buy it or acquire it?

7 MR. STOLZ: For the last
8 ten years, it can be removed with
9 airport redevelopment and changes --

10 COUNCILMAN KENNEY: Excuse
11 me. The United States government has
12 acquired acres and acres and acres of
13 land all over the country in national
14 parks. And I agree with you, this is
15 an extremely important piece of
16 property for national wildlife
17 preserve. Why hasn't the Department
18 of the Interior bought the damn land?
19 I mean, what we are trying to
20 determine what to do with this.
21 Everybody has an opinion. The U.S.
22 Government should have bought it, and
23 it would have been preserved forever.
24 Have you recommended that?

25 MR. STOLZ: I have, sir. I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 have to take my turn. I have been
3 here for ten years, numerous meetings
4 talking about mitigation areas for
5 natural resource damage. And every
6 time I have put this on the top of
7 the list.

8 COUNCILMAN KENNEY: Has
9 anyone gone to Congressman Brady or
10 U.S. Senator Casey? You have asked
11 them to purchase this land --

12 MR. STOLZ: Based on the
13 importance of the area, yes.

14 COUNCILMAN KENNEY: Have
15 they been asked to make arrangements
16 to purchase the land to keep it where
17 you want to keep it?

18 MR. STOLZ: We have
19 approached, yes.

20 COUNCILMAN KENNEY: It
21 doesn't sound like it was a real
22 happy effort. I mean, we wouldn't be
23 sitting here, none of us, talking
24 about it if that had happened ten,
25 fifteen, twenty years ago.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MR. STOLZ: No. It has
3 been a priority for mitigation for
4 airport redevelopment.

5 COUNCILMAN KENNEY: You are
6 the United States government. You
7 have the power to acquire that
8 property. They have had it and no
9 one does that.

10 MR. STOLZ: The budget is
11 not a bottomless pit. I'm sorry.

12 COUNCILMAN KENNEY: The
13 budget is not a bottomless pit. They
14 print money there. We can't print it
15 here. I'm not talking about whether
16 it's a good project or bad project.
17 But if you can't sit and tell me that
18 you looked at that land for all these
19 years and nobody ever made an effort
20 to buy it.

21 MR. STOLZ: It has been a
22 number one priority in every
23 mitigation project that we've --

24 COUNCILMAN KENNEY: I'm
25 just saying, if the RDA is falling

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 down on this, if the City is falling
3 down on this, U.S. government has
4 certainly fallen down on this,
5 especially since you are right next
6 door.

7 MR. STOLZ: There are
8 obligations that other people have
9 development rights to that. What we
10 have proposed on numerous occasions
11 with the Natural Resource Damage
12 Act --

13 COUNCILMAN KENNEY:
14 Please. I don't mind getting up by
15 residents who pay my salary. They
16 can beat me up all they want.
17 They've got a right to. But why
18 would the U.S. government beat me up
19 over something they didn't do
20 anything about.

21 MR. STOLZ: Okay. I'm not
22 beating anybody up. I'm presenting a
23 case to the American people that this
24 area is worth protecting. On most
25 land that's with the National

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Wildlife system has been through
3 local citizens, through local
4 conservation organizations, natural
5 lands trust, many other partner's
6 groups that put things together --

7 COUNCILMAN KENNEY: Our
8 citizens don't have the money that
9 the U.S. Government has. So you guys
10 got a lot more money than the City
11 does and you could have acquired this
12 property and we wouldn't be sitting
13 here talking about it.

14 MR. STOLZ: Actually, you
15 are wrong, sir. Our budgets were cut
16 2.6 percent this year with
17 anticipated cuts of up to 20 percent
18 next year. We do not have more
19 money. Most of the lands that were
20 purchased for national wildlife
21 refuges come from concerned citizens
22 through the Federal Duck Stamp, also
23 funds that are used to buy
24 conservation stamps. Food and
25 migratory bird programs were used to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 buy properties. We have partnerships
3 all over the country. I can discuss
4 this with you --

5 COUNCILMAN GREENLEE: Okay.

6 Thank you all very much.

7 (Applause.)

8 COUNCILMAN GREENLEE: We
9 move to the next three witnesses, we
10 have to do some housekeeping here,
11 there is supposed to be a hearing
12 coming up now, and I will recognize
13 the Chair of the Committee so she can
14 formally continue that hearing. So
15 the Committee on Rules is going to go
16 on a very, very temporary recess.
17 And we are going to go into the
18 Committee on Parks and Recreations.
19 Thank you.

20 COUNCILWOMAN BASS: Thank
21 you. I just want to make a public
22 hearing notice that the Committee on
23 Parks, Recreation and Cultural
24 Affairs which was supposed to be held
25 today, the meeting was supposed to be

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 held today, Tuesday, June 12 at 3
3 p.m. in this room to hear testimony
4 on Bills 120145, 120274, 120433,
5 120435, 120482 and Resolution No.
6 120401, all that will be heard
7 tomorrow, June 13 at 4 p.m. here,
8 again, in Room 400. So we are going
9 to be recessed until Wednesday, June
10 13 at 4 p.m. in Room 400. Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you, Councilwoman. And we will now
13 resume the Committee on Rules. And,
14 again, Adrien Binns, Jon Tresslar,
15 Hank Hox. Please -- and I keep
16 saying it till we get there. Please
17 try to be as brief as possible. If
18 you have written testimony you can
19 submit it for the record. Mr. Binns.

20 MR. BINNS: Good afternoon,
21 City Council. My name is Adrien
22 Binns, and I do not live in the
23 Eastwick community. But I am a
24 co-founder of the nonprofit
25 organization, Pennsylvania Young

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Birders. I am also a volunteer at
3 the Heinz National Wildlife Refuge as
4 well as leading bird watching and
5 wildlife tours and nature tours.

6 The Pennsylvania Young
7 Birders Association provides
8 educational and recreational bird
9 focus programs for kids from 8 to 18
10 from all over the Delaware Valley
11 area.

12 We have a strong
13 partnership with the John Heinz
14 National Wildlife Refuge. The
15 Pennsylvania Young Birders connects
16 to a large number of urban youths at
17 the Refuge where we implement
18 seasonal programs where we implement
19 bird winter counts for kids, the Pete
20 Cyr bald eagle walks and learns and
21 the Cradle of Birding Festival, to
22 name a few.

23 The Refuge has hundreds of
24 species of birds, both common and
25 rare in a variety of different

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 habitats, all in close proximity to
3 urban community. This is a very
4 unique situation, something that we
5 should be very proud of. I'm
6 encouraging everyone to visit and
7 witness this extraordinary outdoor
8 classroom.

9 It's well documented, the
10 bird watching in this country is one
11 of the fastest, if not the fastest
12 growing outdoor pastime. As a
13 wildlife tour leader, I can attest
14 the ecotours brings in long-term,
15 sustainable income. Bird watchers
16 fill restaurants and hotels and this
17 equates to dollars for the City.

18 Developing the Eastwick
19 green space adjacent to the Refuge
20 would have a significant adverse
21 effect on the Refuge. The Refuge is
22 birds and wildlife. There has been a
23 lot of talk today about water
24 problems. In a nutshell, more
25 impervious surface, i.e. houses and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 parking areas equals worsening of the
3 problems.

4 The wildlife have no voice
5 in this. They were here well before
6 we were. And I'm here to speak for
7 them.

8 No more developments.
9 Enough is enough.

10 (Applause.)

11 COUNCILMAN KENNEY: Sir, is
12 this no more development there or
13 anywhere? I just want to make sure.

14 MR. BINNS: I'll take
15 anywhere, but I'll settle with
16 starting right there. I urge you to
17 vote no to the rezoning and
18 development of this green space.
19 Thank you.

20 (Applause.)

21 MR. KENNEY: Mr. Tresslar,
22 please. Please identify yourself.

23 MR. TRESSLAR: Good
24 afternoon, Mr. Chairman. My name is
25 Jon Tresslar. I am a professional

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 engineer and land surveyor. I have
3 been retained by the Coalition to
4 address the flooding issues that are
5 prevalent at this location. And the
6 point of my testimony is to point out
7 some of the concerns that I believe
8 both the applicants Engineer Pennoni
9 and the Philadelphia Water Department
10 as well as the Council themselves
11 should pay particular attention to
12 when considering this proposal.

13 One of the areas I was
14 asked to investigate was the degree
15 of flooding at this location. And we
16 did that by examining the FEMA flood
17 plain studies and then trying to
18 apply some more accurate information
19 to those studies to see what impact
20 that might have on the development.

21 This development is going
22 to be located in a FEMA flood plain
23 area. It is within the fringe area.
24 The development is permitted in the
25 fringe, according to your zoning

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 ordinance. However, you must raise
3 the first floor above the flood
4 elevation. It has to be done either
5 by filling or putting in footings.
6 But whatever is done unless you use
7 pilings, you are going to displace
8 water in the area as a result of
9 doing that.

10 And by displacing water, if
11 you can't convey it away safely you
12 are going to be forcing it into a
13 different area, and that area if not
14 handled properly could be the
15 neighbors.

16 So it is part of my
17 testimony to make sure that this area
18 is, in fact, investigated very
19 thoroughly. I heard earlier that
20 representatives from Pennoni said
21 they would comply with all the storm
22 water management requirement. I'm
23 sure they will attempt to do that.
24 It's required not only by the City
25 but by State mandate.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 And I believe they
3 accurately stated that they will try
4 to replicate existing conditions post
5 development. As to what they are
6 pre-development, again, that is a
7 State mandate. There is two things
8 that have to be said to that.
9 Existing conditions are already
10 flooding conditions. So if they
11 don't go above and beyond existing
12 conditions, you will continue to have
13 flooding in this area.

14 Furthermore, as an
15 engineer, I know that trying to
16 replicate those conditions in a flood
17 plain is extremely difficult. So
18 it's going to take a lot of work, a
19 lot of study to be able to achieve
20 that.

21 And finally, I would like
22 to point out that the flooding we
23 identify with is the 100-year storm.
24 And that is storm that has a chance
25 of occurring once every 100 years or

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 1 percent chance of occurring every
3 year.

4 But it's a significant
5 rainfall, then, of about 8 inches
6 over a 24-hour period. Some of the
7 floods that we have experienced
8 locally are higher intensity storms
9 in a shorter period. They might only
10 be 5 inches of rainfall but if it
11 falls in three hours, it still causes
12 major flooding of the arteries.

13 And the intersection of
14 South 86th Street and Lindembergh
15 Boulevard is mapped within the flood
16 plain and subject to flooding every
17 time we have a major storm.

18 The other problem the
19 engineers are faced is transporting
20 the water away. There was some
21 mention of the City's storm water
22 facilities which the Water Department
23 is addressing.

24 But if you are under a
25 tidal influence and the creeks are

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 high, the water cannot drain away.
3 So all this must be taken into
4 careful account if this project moves
5 forward. Thank you for your time.

6 (Applause.)

7 COUNCILMAN KENNEY: Thank
8 you for your testimony. What is your
9 experience with the Philadelphia
10 Water Department? Have you worked
11 with them before?

12 MR. TRESSLAR: Yes, I have
13 worked with them before.

14 COUNCILMAN KENNEY: And
15 what do you think of them?

16 MR. TRESSLAR: I think they
17 are a very good group of individuals.

18 COUNCILMAN KENNEY: Do you
19 think they are capable of addressing
20 this issue?

21 MR. TRESSLAR: I believe
22 they are capable of addressing this
23 issue and understanding the problems,
24 yes.

25 COUNCILMAN KENNEY: Are

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 they capable of addressing the issue?

3 MR. TRESSLAR: Whether they
4 can solve the problems, I don't know.

5 COUNCILMAN KENNEY: Have
6 you examined the Eastwick folks'
7 homes, those that have been flooded?

8 MR. TRESSLAR: I have not.

9 COUNCILMAN KENNEY: Okay.
10 Have you talked to people about what
11 they experience when they have a
12 flood?

13 MR. TRESSLAR: I have heard
14 testimony today. I have been
15 provided some information, yes.

16 COUNCILMAN KENNEY: Do you
17 believe that the flooding takes place
18 as a result of groundwater
19 infiltration or sewer drainage line
20 backup?

21 MR. TRESSLAR: I have not
22 heard enough to offer a professional
23 opinion on that.

24 MR. KENNEY: Cause a lot of
25 the flooding issues that we deal with

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 the neighborhoods is a result of
3 capacity of the storm drain/sewer to
4 fill to the point where it's forced
5 back into the homes through the
6 existing pipes.

7 MR. TRESSLAR: I know from
8 doing work elsewhere in Philadelphia
9 that that is a problem.

10 COUNCILMAN KENNEY: But not
11 necessarily -- what I am hearing,
12 too, in testimony, is a lot of the
13 flood mitigation issues is as a
14 result of having water go away
15 naturally through the ground as it
16 used to prior to storm drains.

17 MR. TRESSLAR: That is
18 certainly the way that the DEP and
19 it's the ideal way to go. My concern
20 is when you are in a flood plain and
21 if you do have an elevated
22 groundwater condition, you can't get
23 the water down there.

24 COUNCILMAN KENNEY: Thank
25 you. Councilwoman.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILWOMAN REYNOLDS

3 BROWN: I very much appreciate
4 Councilman Kenney's line of
5 questioning. You say that you work
6 with the Water Department. In what
7 way?

8 MR. TRESSLAR: I have
9 submitted plans, not recently. For
10 the past years I have been working
11 for a builder outside of
12 Philadelphia. Prior to that, I had
13 submitted plans to the Water
14 Department and worked with them
15 within the City.

16 COUNCILWOMAN REYNOLDS

17 BROWN: You also indicated that you
18 were -- you were asked to perform
19 this document work product, asked by
20 whom?

21 MR. TRESSLAR: The
22 Coalition of the Eastwick Friends and
23 Neighbors.

24 COUNCILWOMAN REYNOLDS

25 BROWN: Okay. And you said that the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 construction may be or will be
3 located in a FEMA flood plain area.
4 In what way should that inform both
5 neighbors as well as perspective or
6 potential project?

7 MR. TRESSLAR: I'm sorry.
8 I'm not sure I understand your
9 question.

10 COUNCILWOMAN REYNOLDS
11 BROWN: Given that reality, what's
12 the potential impact for neighbors as
13 well as the prospective project?

14 MR. TRESSLAR: The
15 potential impact if proper
16 precautions and controls and design
17 is not implemented is that you will
18 -- you would have increased flooding.
19 If you just went in and placed fill
20 and more obstructions within flood
21 plain area, there would be less
22 avenues for the water to escape and
23 it would also raise the flood levels
24 in the area.

25 If proper precautions are

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 able to be taken, and by that I mean
3 if you can put in sufficiently-sized
4 storm drains to carry the water away;
5 and if you could divert it into areas
6 where you could, in fact, infiltrate
7 it into the ground, then some of the
8 flooding may be mitigated.

9 This all takes extensive --
10 and again, in a flood plain I can't
11 emphasize too much, it takes
12 extensive studies and modeling to
13 ensure this can be accomplished.

14 COUNCILWOMAN REYNOLDS
15 BROWN: Thank you for your very
16 informative testimony -- I repeat --
17 informative testimony. Thank you.

18 MR. TRESSLAR: You're
19 welcome.

20 COUNCILMAN KENNEY: Mr.
21 Hox?

22 MR. HOX: My name is Hank
23 Hox. It am going to start off by
24 reading the first phase. Good
25 morning, Councilmembers. Hank Hox,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 President of the Friends of the
3 Wildlife Refuge. The organization
4 has been providing volunteers,
5 significant financial assistance for
6 over a decade at the John Heinz
7 Wildlife Refuge of which 300 acres is
8 located within the City of Brotherly
9 Love. The Friends joined the
10 Eastwick Action Committee to form the
11 Eastwick Friends and Neighbors
12 Coalition in a unified mission to
13 save the whole area from the
14 possibility of mass flooding, not
15 only Eastwick but residents of our
16 dear neighbors in Tinicum Township
17 who were experiencing the runoff from
18 whatever would be covering on the
19 north side.

20 Mr. Johnson, you were made
21 aware of a couple of these floodings
22 from over the meeting that you had
23 with the Coalition. I stress homes
24 as opposed to houses because these
25 are not merely a piece of property

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 for the living, breathing entity of
3 all the inhabitants that reside
4 within. I believe the Mayor's desire
5 to have more green space and the
6 property could be included in this
7 equation by adding Eastwick to the
8 Refuge.

9 The John Heinz National
10 Wildlife Refuge -- we have already
11 gone over that. As far as the
12 children that come for the education,
13 we have over 8,000 innercity kids
14 that come to the refuge on bus trips
15 and what have you.

16 We also have activities
17 which bring in teachers and adults
18 also. Thank you.

19 (Applause.)

20 CHAIRMAN GREENLEE: Okay.
21 Next three witnesses are Carol
22 Simmons, Fred Stine and Tyrone
23 Beverly. Identify yourself for the
24 record, please.

25 DR. SIMMONS: My name is

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Dr. Carol Simmons and my family lives
3 on 86th Street. And they have been
4 there for over a decade. I had a
5 prepared statement but I'm not going
6 to read that.

7 I want to say that if this
8 development goes through, that my
9 family will be living on a postage
10 stamp. This development of 722
11 apartments will surround my family
12 home. We will be blocked in 100
13 percent. I'm asking that this bill
14 be taken off of the table.

15 (Applause.)

16 DR. SIMMONS: It's not
17 right. It's not correct. We have to
18 do what is right for everyone because
19 we all are connected. What's most
20 amazing to me: The people making
21 these decisions about the Eastwick
22 community, they don't live there and
23 will never live here.

24 (Applause.)

25 DR. SIMMONS: Now, that

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 should be a law where the people who
3 have to live there should have the
4 final say. I will give my time to
5 the next person.

6 COUNCILMAN GREENLEE:

7 Thank you. Mr. Stine?

8 MR. STINE: Yes. Thank you
9 very much. My name is Fred Stine. I
10 work with the Delaware Riverkeeper
11 Network. It's an environmental
12 advocacy organization. We have
13 worked in the City of Philadelphia
14 for years with the Fairmount Park
15 Commission, the Water Department and
16 the Street Department from everything
17 to habitat restoration to
18 environmental educational outreach
19 and storm water management outreach.

20 I want to echo what the
21 other speakers have said today, that
22 this is a flood plain. We should not
23 be putting buildings and people in
24 the flood plain, that this
25 legislation should be pulled.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 I did come with a prepared
3 statement and I won't read that
4 because it would just reiterate what
5 a lot of other groups have said. But
6 I do want to say that this area here
7 is largely an open space with a few
8 paved, old unpaved streets in there.
9 It was mentioned earlier today that
10 this building, 35 acres of townhouses
11 and apartments, or rather apartments
12 is that going to improve the storm
13 water runoff of this open space.

14 I don't know how that could
15 possibly be where this is acting as
16 somewhat of a sponge. It infiltrates
17 some of the storm water. It filters
18 some of that storm water and provides
19 habitat and recreational
20 opportunities. By paving over it and
21 putting rooftops on it is not going
22 improve the storm water management of
23 that area.

24 We heard testimony earlier
25 from the applicant's engineer that

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 this storm water is going to be
3 drained to the South and discharged
4 down on Mario Lanza Boulevard. And I
5 heard from the Eastwick people that
6 that's one of the flooding areas
7 that's a problem.

8 So, you know, the testimony
9 that you're looking at and hearing
10 today will be deciding on is dumping
11 more storm water directly onto the
12 surface streets.

13 I think that the
14 environmental impact studies should
15 be done on this because it will have
16 an impact on federal land. There is
17 storm water studies that should be
18 completed with some infiltration so
19 you can make those decisions.

20 There has been an economic
21 assessment provided by the developer.
22 I don't know whether that looks at
23 what are the costs going to be in
24 associated with having 722 new
25 families. Many of them will have

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 children. What are the impacts on
3 the schools?

4 That's a consideration. We
5 know it's going to be an economic
6 boon for the developer. The City
7 needs to understand the impact.

8 Finally in closing, just
9 addressing the climate change issue
10 and sea level rise. Philadelphia is
11 already putting money into and
12 addressing the impact of climate
13 change according to the Water
14 Department.

15 According to the U.S.
16 Global Climate Change Research
17 program which consists of the United
18 States EPA, NASA, the Department of
19 Defense, the Department of Energy,
20 the Department of Commerce, the
21 Department of Health and Human
22 Services, the Smithsonian Institute,
23 the National Science Foundation and
24 others.

25 Responding to climate

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 change falls into two major

3 categories. Mitigation is one where

4 you fix something that you messed up

5 but indirectly focusing on Korman's

6 desire to build in the flood plain.

7 The second major category is

8 adaptation. According to the Climate

9 Change Research Program, adaptation

10 refers to the changes made to better

11 respond to present or future climate

12 change conditions in order to reduce

13 harm. In other words, you don't put

14 buildings in a flood plain where you

15 have full, where it's fully

16 predictable they are going to flood.

17 That's why they call them flood

18 plains. Thank you.

19 COUNCILMAN GREENLEE: And

20 before Mr. Beverly speaks, the next

21 three I have on my list: Maya van

22 Rossum, Debbie Beer, and Joann

23 Graham. Mr. Beverly, good to see you

24 again. Please proceed.

25 MR. BEVERLY: Yes. Good to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 see you, Chairman Greenlee and
3 Councilmembers. I think we have to
4 talk about when we deal with
5 Eastwick. I have been at Eastwick
6 for 32 years. I'm a homeowner. I
7 think we have to talk about the
8 history. Eastwick has a very
9 valuable history.

10 In dealing with the Korman
11 Corporation from coming down, as they
12 said, about the PNC Bank bringing it
13 down all the way to the church, which
14 was St. Paul's AME, I can remember
15 Korman doing almost the same thing
16 they are doing today. Because they
17 have had a landlock on this area for
18 years.

19 And it was under the Ed
20 Rendell administration that they were
21 given the ten years' extension. Now
22 we are running in the calendar. And
23 I said it to the Korman -- Mr. Korman
24 and his staff -- that it came to
25 Eastwick with a 2012 -- with a 2015

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 runout date.

3 Now, he has the right as a
4 developer to develop. But we have
5 talked to Korman throughout the
6 years -- and I'm not talking about
7 the gentleman Korman that is here
8 today. I talked with his father or
9 whoever it was.

10 And what happened was in
11 the development of our area, the only
12 way we would get anything out of
13 Mr. Korman was that we had to give up
14 something, tie him up on the project
15 to get something in. That's fact.

16 'Cause over the 32 years I
17 have dealt with Korman quite a few
18 times with the shopping center and
19 all. Now, his apartment building, I
20 remember it went under water. He has
21 been under water out there. So let's
22 be clear they know about the existing
23 water problem.

24 However, when you go to
25 build this new development, you

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 have -- you are obviously going to
3 have to make it higher than what the
4 development is in the back.

5 Otherwise, you would put a runoff on
6 yourself so you are going to run the
7 water somewhere.

8 Now, all of this water we
9 have and all this flooding that we
10 have had in our area has never been
11 resolved. Still the same existing
12 sewers and maintenance is still
13 there. Never been resolved. And
14 here we are sitting here today 2012
15 talking about extending something to
16 Korman that he had a chance, if he
17 wanted to do something, he could have
18 done it years ago. We are talking
19 about 2015 the runout. He is worried
20 about this now because 2013, he has
21 to get on the calendar.

22 And I said it to Councilman
23 Kenyatta. One way he had this
24 brought up right now. When we
25 received this information from

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Korman, he made it so close to the
3 line, there has been no dialogue, no
4 information, no investigation of how
5 the land is going to take this.
6 Everybody that testified here today
7 cannot give you a clarity of what's
8 going to happen when we have this
9 water runoff.

10 And anybody that has dealt
11 with us in Eastwick know that most of
12 the families that have went under
13 water -- we have families that have
14 paid \$80,000 to improve their home
15 back to just living condition.

16 How do you do this to the
17 people? We have an obligation. They
18 are Philadelphians live with some
19 decency, dignity and respect. That's
20 our position.

21 (Applause.)

22 MR. BEVERLY: Going several
23 years back, dealing with Councilman
24 Greenlee and dealing with others.
25 It's never about me. It's about the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 love that when I go into a community
3 I have for the people. They have no
4 voice, except that they can get from
5 City Council.

6 We're here to let you know
7 that this existing plan that he has,
8 he never brought it to the community,
9 he never brought it to the community.

10 (Applause.)

11 MR. BEVERLY: Under the
12 Urban Renewal Act -- I'm going to go
13 into the Act -- it was supposed to be
14 that we were going to be a community
15 within a community. We were set
16 aside to be a City out there.

17 But what has happened, the
18 City has now turned on us. We are
19 upset. I'm in one of the sinking
20 holes that you have talked about,
21 Councilwoman Tasco. I have testified
22 here about sinking homes. Now I'm
23 here about water and what's gonna to
24 happen to my neighbors that's living
25 in the area. They cannot exist with

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 this. And Korman knows it.

3 He pushed it through. St.
4 Paul had to move. He put a pile of
5 dirt higher than the church. They
6 moved. I am negotiating here with
7 City Council to get the church on
8 84th and Lindbergh. How much can we
9 take?

10 When is it enough? When
11 does he back off? We are fighting
12 Goliath. We are just David. We are
13 not going to stop. He cannot do this
14 to the people.

15 You are their voice. I'm
16 their voice and they are their own
17 voice. And we must bring this
18 project down. Kenyatta can stop it.
19 I understand what you are all up
20 against. I have been in politics
21 over 40 years. This is his project.
22 He has to be the man to stand up to
23 Korman.

24 (Applause.

25 MR. BEVERLY: He has to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 stand up, not you, not you, not you.
3 Kenyatta has to stand up. We need
4 him. We respect him. He must
5 respect our wishes.

6 (Applause.) Thank you. I
7 thank you.

8 COUNCILMAN GREENLEE: Thank
9 you all. Next Maya van Rossum,
10 Debbie Beer, Joanne Graham if they
11 are still here. Okay. Ms. Beer.

12 MS. BEER: Yes. Hello,
13 City Councilmen and women. Thank you
14 for hearing us today. My name is
15 Debbie Beer, and I serve on the Board
16 of Directors of the Friends of Heinz
17 Refuge nonprofit organization. I am
18 also the secretary of the newly
19 formed Eastwick Friends and Neighbors
20 Coalition that we are all here today.

21 I wanted to put some
22 numbers out for you. Friends of
23 Heinz Refuge encompasses over 500
24 members and supporters, about half of
25 which live in Philadelphia and most

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 of the other half lives very close in
3 Delaware County.

4 Over 250 individuals have
5 attended the hastily-called meetings
6 in just the last five weeks since we
7 have known about this. And we have
8 404 names on our petition. That's 40
9 pages of signatures that I present to
10 you as a very important exhibit in
11 this process.

12 COUNCILMAN GREENLEE: It
13 will be picked up. Thank you. Go
14 ahead. Proceed.

15 MS. BEER: This unification
16 of concerned citizens very similar to
17 what happened in the late 1960s when
18 people came together to save Tinicum
19 Marsh from airport and highway
20 expansion. That dedicated and
21 diverse group of determined people
22 were successful in that endeavor to
23 establish the John Heinz National
24 Wildlife Refuge in 1972, the largest
25 urban refuge in the U.S.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Our group is no different
3 and we will be successful. I ask
4 you, Council men and women, to look
5 forward in your decision-making, not
6 just accept something that occurred
7 decades ago under very different
8 circumstances and lower sea levels.

9 We're here about rezoning.
10 It was alluded to earlier. It can be
11 rezoned to stay as green space which
12 is the only logical conclusion.

13 A gentleman this morning
14 recalled that the City of
15 Philadelphia is never static, always
16 changing. So 50 years ago is not
17 relevant to right now in regards to
18 this parcel. So I ask you on behalf
19 of the Friends of Heinz Refuge and
20 the Eastwick Friends and Neighbors
21 Coalition to categorically vote no to
22 the rezoning and development of the
23 Eastwick parcel.

24 (Applause.)

25 COUNCILMAN GREENLEE: Ms.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Graham.

3 MS. GRAHAM: Good
4 afternoon, Mr. Chair and Committee
5 members. I am Ms. Graham and I have
6 lived at 8402 Lyons Place for 24
7 years. Four years ago in March of
8 2008, I began to experience flooding
9 to my home. I have copies from my
10 insurance company showing \$62,000
11 worth of damage. That does not
12 include \$20,000 I have had to spend
13 to mitigate the problems.

14 Those actions included
15 having someone come into my home, an
16 engineer, run a camera down my
17 drains, explore all the drain
18 underneath my home down to the sewer.
19 Every one was completely clear.

20 On July 14, 2010, I
21 returned home from a long day at
22 work. I left home at 8 in the
23 morning and returned home around 7
24 p.m. When I opened my door I could
25 just smell mold or just the stench of

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 stale water.

3 All of my hardwood floor
4 were cracked and just coming up. And
5 I had to have everything removed, all
6 of the carpeting, walls cut out. I
7 was so devastated by this that I
8 walked on concrete for a year because
9 I refused to make any more repairs in
10 my home until I knew absolutely how
11 to stop it.

12 I had the cracks in my
13 concrete. This is a Korman home, and
14 in my foundation. I have pictures
15 also, the cracks in my concrete I
16 have filled. That didn't help.

17 After a year, I repaired my
18 home. But again, this past August, I
19 had three floods in one month.
20 Korman is talking about building more
21 structures.

22 And someone said earlier
23 they are going to build these
24 structures in a way that they are
25 going to emulate the existing

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 surroundings. Concrete is not a
3 sponge. It cannot absorb water.

4 Water is going to run off
5 and run into my home and other homes
6 in the community. I raised my
7 children here. I planned on retiring
8 in this community. But at this point
9 I feel like I am a slave to my own
10 home.

11 I can't sell it if I wanted
12 to. Would either of you buy it?
13 Probably not. I don't have anyplace
14 else I can call home except this home
15 that I currently live in.

16 As a former administrator
17 for the Philadelphia School District,
18 I set aside tens of thousands of
19 dollars for current education and
20 service projects for students to be
21 able to explore the surrounding
22 watersheds in the community.

23 I was very proud on a
24 number of occasions where I happened
25 to have a day off where I was jogging

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 in Heinz Park, and I would see
3 teachers calling out my name so happy
4 to let me know that they were
5 enjoying funds that I had set aside
6 for them.

7 And I was proud of that,
8 that children were being exposed to
9 this natural wildlife reserve and
10 that this is practically in the
11 backyard.

12 But I'm not happy where I
13 live anymore knowing that if Korman
14 puts up more properties, this is only
15 going to be a much more miserable
16 situation for me. I didn't
17 experience flooding until four years
18 ago. I had been living in my home
19 for 24 years. So the potential for
20 future flooding in this room or in
21 the community who haven't experienced
22 flooding is very great because the
23 properties are shifting. My
24 foundation has cracks in it now that
25 it did not have in 2005 when I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 completely remodeled my home.

3 The cracks in my foundation
4 only recently occurred. So the
5 ground is shifting. The problem in
6 the community is ongoing. And the
7 potential for future problems is
8 exponential. I can't imagine what
9 will occur if Korman puts this
10 property up to the environment, for
11 education for our children, for
12 future generations to come, for
13 people currently living in the
14 community. So I am asking you to
15 please, please not allow this Bill to
16 pass. Thank you.

17 (Applause.)

18 COUNCILMAN GREENLEE: The
19 next three name. I have next on my
20 list I have Tony Crossdale, Terrance
21 Johnson and Gloria Truxon, I think,
22 if I am pronouncing that right. And
23 you are?

24 MS. CAHN: My name is Amy
25 Laura Cahn. Members of City Council,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 I thank you for this opportunity to
3 come before you and testify on this
4 bill. My name is Amy Laura Cahn.

5 I'm an attorney with the Public
6 Interest Law Center of Philadelphia.

7 Since 1979, the Law Center
8 has provided legal and technical
9 expertise and assistance to
10 communities in southeast Pennsylvania
11 that seek to overcome
12 disproportionately distributed of
13 environment impact to assure they
14 have a voice in creating healthy
15 communities.

16 I have been asked to work
17 with the Eastwick Friends and
18 Neighbors, a coalition of Eastwick
19 residents and the Friends of the
20 Heinz National Wildlife Refuge to
21 help insure there is opportunity for
22 a voice in their future.

23 I will skip the part about
24 the history. You know the history.
25 And what you hear it's not ancient

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 history for these residents. What I
3 am going to skip to you is just to
4 outline the community engagement has
5 happened and what has not happened.

6 That the community of
7 Eastwick even knows about this
8 project is an accident. Any recent
9 opportunity they have had to voice
10 their concerns have been on their
11 initiative, not Korman's and not the
12 City's.

13 The City has been on notice
14 of Korman's plan to develop this land
15 for some time. They litigated over
16 this parcel in 2005. And Korman has
17 been an Eastwick developer for
18 decades, has probably built most of
19 the homes and apartment buildings in
20 the area.

21 Yet the original rezoning
22 bill was introduced last year without
23 any notice to the community. In
24 fact, community residents only
25 learned of the proposed development

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 when surveyors suddenly appeared in

3 the neighborhood in April of 2012.

4 The Refuge staff found out in a

5 similarly indirect manner and reached

6 out to Councilman Johnson's office

7 and Mr. Korman in May.

8 Community leaders issued

9 it, not Korman, not the City, and

10 issued it in a series of meetings

11 with Korman representatives between

12 April and May. The first few

13 meetings were informational, first

14 with just a few residents. The

15 second meeting had then and then a

16 slightly larger group.

17 Then on May 22nd the

18 community working with Friends of the

19 Refuge brought together 150 people at

20 Eastwick Mercy Wellness Center,

21 inviting Korman representatives to

22 present the project to the community.

23 Those in attendance

24 vehemently expressed their concerns

25 and you have heard those concerns

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 today: Flooding traffic,
3 environmental impact, concerns for
4 property values, loss of tranquility.

5 Certain is the protection
6 that residents have been thus far
7 excluded from any participation in
8 the rezoning and planning process.
9 The community asked for a straw poll.
10 All but two expressed their
11 opposition to the development.

12 And then once again the
13 community was left in the dark as to
14 their opportunity to be heard. One
15 week following the community meeting,
16 the City Planning Commission would
17 vote on the bill and yet no one from
18 Councilman Johnson's office and no
19 one from Korman said that this was
20 going to happen. So only one
21 resident and myself were present at
22 that open public hearing.

23 Then on June 6, 2012,
24 Eastwick Friends met with Councilman
25 Johnson's chief of staff and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 legislative aid. The Eastwick
3 Friends came away from that meeting
4 with the understanding that the
5 community's only understanding to
6 have a voice in or benefit from this
7 project was to agree to a Community
8 Benefits Agreement before the full
9 Council's vote on this Bill scheduled
10 for the 21st.

11 It's good to hear from
12 Peter Kelsen that they want to extend
13 this, but the community still up
14 against the wall. The community and
15 the Refuge need more time and
16 sufficient information to fully
17 understand the impact of this
18 development on the health of their
19 community. We just do not know
20 enough about how this project will
21 affect the area. No environmental
22 impact studies have been conducted.
23 We don't know about the efficacy of
24 preventing flooding in new homes. We
25 do not know whether the existing plan

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 will exacerbate flooding in the
3 surrounding area. We don't know
4 whether these homes will subsist.

5 Korman simply says they are
6 complying with the Water Department
7 storm water regulations but they have
8 shared no plan. We don't know
9 whether there are any topics that
10 will be on us when Korman breaks
11 grounds. We can speculate but have
12 no data about the impact of the
13 refuge.

14 Even the existing studies
15 on traffic have not yet been shared
16 with the community. Korman has had
17 ample time to develop this project.
18 The community and the Refuge need
19 time to have a voice.

20 Concurrently Korman and the
21 City have had ample time to come to
22 some consensus on this project. And
23 concurrently the City Planning
24 Commission is developing district
25 plans through months' long processes

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 in each district.

3 The City's comprehensive
4 plan and the district planning
5 process prioritize community
6 engagement, planning healthy
7 communities, integration of zoning
8 and planning, long range visioning.

9 For residents of lower
10 southwest, this will not begin until
11 Phase 3 long after the construction
12 of this large parcel is under way.
13 In contrast, residents and Refuge
14 supporters are being asked to come to
15 consensus, negotiate and sign a
16 Community Benefits Agreement in a
17 short period of time. They are
18 advised that this is their only,
19 their one and only shot at having a
20 voice in the process.

21 The original agreement from
22 1961 states that the parcel must be
23 developed in accordance with the
24 redevelopment plan. That plan dates
25 to 1968. No doubt it should be

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 revised and updated, but in a
3 participatory process in accordance
4 with current planning principles, not
5 just to facilitate the needs of one
6 developer.

7 Eastwick Friends is not
8 asking you to right the past wrong.
9 Eastwick Friends is simply seeking
10 sufficient time and opportunity to
11 enable all stakeholders are seated at
12 the table. They are asking for
13 equitable and meaningful
14 participation in and planning for
15 development. I am asking you to have
16 compassion and a keen awareness for
17 the history, and I am asking that you
18 allow the stakeholders of Eastwick,
19 including the Refuge to have what
20 every Philadelphia resident is being
21 afforded, a true and meaningful
22 participation the plans for their own
23 future.

24 We are asking the
25 Councilmen to pull the Bill. In the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 alternative, I ask that this
3 committee vote against its passage.

4 (Applause.)

5 COUNCILMAN GREENLEE: Thank
6 you for your testimony. Tony
7 Crossdale, Terrance Johnson, Gloria
8 Truxon. And we are almost finished.
9 So again, if we could not to be
10 repetitive and give your testimony
11 for or against the Bill, I would
12 appreciate it. Thank you. First,
13 Mr. Crossdale.

14 MR. CROSSDALE:
15 Distinguished Councilmembers. It is
16 a distinct pleasure to be here. I am
17 a longtime attendee, first time
18 talker. I do not live in Eastwick.
19 I live in South Philly but my family
20 was from Eastwick. They were Meadow
21 rats. And they had to leave in the
22 forties and the fifties, my
23 grandfather and his siblings. I
24 might still live in the Meadows to
25 this day if it wasn't for what

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 happened there.

3 I am an environmental
4 educator for environmental
5 consulting. I do environmental
6 education in southwest Philadelphia.
7 I am actually funded through the
8 Philadelphia Water Department who I
9 have an extremely high opinion of and
10 who from my experiences does have a
11 very, very vested interest and cares
12 very deeply about southwest Philly.

13 I am also an environmental
14 consultant. I first went to the
15 Eastwick properly when I was ten
16 years old to see a woodcock display,
17 which is a rare marshland bird. And
18 as far as I know -- and I'm an avid
19 bird watcher -- that's the only place
20 in Philadelphia you can see this
21 bird.

22 And 20 years later I take
23 school groups there to see it when I
24 worked at John Heinz as an intern.
25 My father would also take me there

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 and tell me about how his father
3 caught muskrats there during the
4 Great Depression.

5 So I think Eastwick also
6 holds, that property holds an
7 historical value about how its
8 community has been completely screwed
9 over and their beautiful wildlife
10 area came out of that. It's like a
11 silver lining to that very dark
12 cloud. And I think it's kind of a
13 testament to its people that it
14 should remain there.

15 I also think that Korman
16 can take their -- they can go
17 elsewhere in the City. I see a lot
18 of young Korman employees here. I'm
19 sure they can come up with a lot of
20 good places elsewhere in the City
21 that you can -- this issue is about
22 needing more apartments for people
23 who will temporarily live in
24 Philadelphia.

25 There is many other places

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 in Philly you can do that. You don't
3 need to take green space. I have
4 personally handed the Mayor on two
5 occasions a gold shovel so he can
6 plant a tree on Earth Day and he
7 proclaims that he wants to make the
8 City the greenest by 2015.

9 I hear there's a mandate by
10 the City to have a 30 percent tree
11 canopy cover. You have already 125
12 acres of trees and green space.

13 I was here when City
14 Council said they wanted to tell the
15 industry to cool it till we know more
16 about what's going on up in northern
17 Pennsylvania. And I'm saying put
18 your money where your mouth is. How
19 green is Philly? How green is your
20 commitment and this is your chance to
21 actually show what your commitment is
22 like.

23 And here you go. Here's
24 your opportunity to say: We are
25 really a green city. We are going to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 preserve green spaces and we are
3 going to show that we care about our
4 community. And we might lose a
5 little bit of money although probably
6 not because we really know how things
7 go.

8 So I ask you, please, to
9 oppose this bill. Thank you.

10 (Applause.)

11 COUNCILMAN GREENLEE:
12 Whoever wants to go next.

13 MS. TRUXON: My name is
14 Gloria Truxon, and I had specific
15 notes as well. Some of them were
16 answered, some was confirmed as the
17 meeting I attended May 22, where
18 Mr. John Korman was asked: Would you
19 want this in your neighborhood where
20 you live? He was unable to even
21 respond, which pretty much said no.

22 But what I would like to --
23 I am -- I will wait until you guys
24 are. Sorry.

25 (Applause.)

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MS. TRUXON: Okay. Thank
3 you. I am one of the residents that
4 have been flooded eight times with 4
5 feet or more water and declared a
6 disaster area by FEMA four times. In
7 1999 if you were around, we fought
8 for the City to contribute \$210,000
9 out of 7 million from FEMA and PEMA
10 to buy us out. The City said it
11 won't happen verbally, and it never
12 did. Came up with every reason and
13 not even imaginative, intelligent
14 reasons until the money ran out.

15 At this juncture, my
16 neighbor and I have the same flood
17 insurance. We have averaged 90,000
18 to 100,000 in flood payments in the
19 last four floods: '99 it flooded,
20 2004, 2010 and again in 2011. It is
21 yearly now.

22 The creeks are eroded. The
23 EPA has been studying the soil from
24 the Clearview dump site that has been
25 there since Korman first built. As I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 said to Mr. Korman at the meeting May
3 22nd, his family must have made an
4 agreement with Benjamin Franklin
5 concerning the Eastwick community and
6 how they continue to rape us.

7 The question was brought up
8 about the apartments. My daughter
9 rented an apartment unaware that a
10 large percentage had become Section 8
11 as all the apartments as well as the
12 homes approaching 84th Street when
13 they were not selling.

14 I can tell you that the
15 crime has risen tremendously. I said
16 to my son a few years ago, Well, at
17 least there is no drugs. He said,
18 Mommy, they rent the apartments and
19 sell the drugs out of the apartment.

20 They set up the meeting
21 that this new development would never
22 become Section 8. There is Section 8
23 in every apartment building they own
24 as well as the homes that they could
25 not sell.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 And I think it's insulting
3 that Korman Corporation would bring
4 their paid employees to hold signs
5 that they want this development to
6 happen when they are not getting
7 contaminated hazardous water in their
8 houses.

9 (Applause.)

10 MS. TRUXON: And
11 particularly the people of color
12 should have more pride 'cause you can
13 work at Walmart. Thank you. And I
14 apologize for my emotion.

15 COUNCILMAN GREENLEE: The
16 last group I have here is Pamela
17 Williams, Matthew Stover. I think
18 William Ewing left. And I just have
19 two more, Carolyn Mosley and Keith
20 Russell. So could you all be ready.
21 Mr. Johnson, please.

22 MR. JOHNSON: Good
23 afternoon. My name is Terrence
24 Johnson. I am a resident. I live at
25 8426 Gibbs Place. I'm basically

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 going to be really brief.

3 I want to speak about how
4 the community first found out about
5 this whole thing, I was the one that
6 contacted Kormans. I sat with Thomas
7 Chapman and we discussed, saw the
8 beautiful colored map, talked about
9 everything else, took it back to --
10 at that time we was the Committee of
11 Ten, ten people dealing with the
12 community problem such as crime, you
13 know, whatever else.

14 That turned into something
15 else. The second meeting was with
16 Kormans and a little larger
17 community. I also initiated that
18 meeting. The third meeting I also
19 initiated that.

20 The fourth meeting was when
21 Kenyatta Johnson or the very first
22 meeting, I initiated every meeting
23 there was with Kenyatta Johnson's and
24 Korman.

25 I say that just to say we

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 were not involved in any steps of
3 this. If we didn't find out about
4 this, this thing would have been
5 built and we would have been stuck
6 with flooding, we would have been
7 stuck with everything else.

8 Currently on my block,
9 Gibbs Place, they just had to fill a
10 sinkhole, four City trucks, four City
11 trucks, that had to fill that
12 sinkhole. I mean, it is crazy.

13 The back of my house -- I
14 don't own this property in the back
15 of my fence. It's constantly
16 flooded. Weeping Willow Street has
17 absorbed the water. I mean, all I am
18 asking you guys is to think about
19 this. Let the community at large get
20 involved. Don't just sign off for
21 anything just because you think it's
22 going to make the City a couple of
23 dollars.

24 You will wind up losing
25 residents and a lot more than just

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 money. So with that being said, this
3 bill is -- take it easy.

4 (Applause.)

5 COUNCILMAN GREENLEE:

6 Pamela Williams, is she here? Bill
7 Ewing is not here. Carolyn Moseley.
8 Have you been on the list or did you
9 ask to be on the list? Well, come on
10 up, please.

11 UNIDENTIFIED SPEAKER: Good
12 afternoon. With all due respect to
13 my employees, the Council persons
14 that are represented here, to
15 Mr. Chairman, to those Council
16 persons who did not feel it was
17 important be here: Let me first
18 respectfully say, Mr. Korman and the
19 Korman family, we do appreciate you
20 staying to hear what the residents of
21 the Eastwick community have to say
22 with reference to this bill.

23 But let us also say that we
24 see it as an insult that you have not
25 come to the community to address this

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 issue. I am and my family is, we own
3 a home in the Eastwick area bordered
4 by 86th Street and Gibson Place. If
5 this development is built, it will
6 sit in the direct eye site of every
7 entry and exit of our home.

8 I also represent the
9 Novella Williams: Families
10 Networking For Peace and I have
11 partnered with the Eastwick Friends
12 and Neighbors Coalition to address
13 this very pertinent matter of the
14 Eastwick area.

15 We all do not look the
16 same. We all do not have the same
17 educational level. We all do not
18 have the same employment basis. Some
19 of us are doctors, lawyers. Some of
20 us are preachers. Some of us are
21 teachers. Some of us are just
22 ordinary residents. Some of us are
23 senior citizens.

24 But today I sit because I
25 want to be a voice for the people

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 because what is being done to the
3 residents is unconscionable. I can
4 respectfully submit that our
5 councilman has been contacted and we
6 do at that point address him
7 profoundly and collectively to say:
8 We want him to pull the Bill off of
9 the table to give the community --

10 (Applause.)

11 UNIDENTIFIED SPEAKER: To
12 respectfully give the community the
13 opportunity to sit at the table with
14 Korman. We don't need anybody to
15 represent us at the table. We don't
16 need the Councilmen. We don't need
17 the Redevelopment Authority. We
18 don't need any representative from
19 the Water Department, the Planning
20 Committee, anybody else. We need to
21 ask Eastwick residents and to sit at
22 the table with Korman and discuss
23 what is proposed to our community.
24 This decision was made in 1958 when
25 Leonard Korman, Danny Korman, we call

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 him Pappa Korman made a decision and
3 promised us that he would develop
4 single family homes on that parcel of
5 land which is adjacent to Tinicum, to
6 the Refuge. That's what our
7 expectations were.

8 They come down with a new
9 plan telling us they are going to put
10 722 units, and they are going to make
11 approximately average of 1,000 per
12 unit per month for \$722,000 per month
13 on their new development while the
14 community suffers.

15 Not only that. The
16 acquisition of that land will allow
17 Korman on the land they did not
18 develop and restructure to sell it to
19 U.S. Airways to help implement the
20 revitalization plan for the airport
21 new runway.

22 Now, let's talk about what
23 it is for real. And when we bring
24 this development to the table, let's
25 be honest. Nothing lies better than

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 an Oriental rug than an attorney who
3 represents a development on the back
4 of African-American and minority
5 people.

6 (Applause.)

7 MS. MOSELEY: I'm Carolyn
8 Moseley. I know what has said in
9 this Council chamber -- and I'm going
10 to be just like other people when I
11 leave here today -- but everybody in
12 here knows. They know the history of
13 my mother. They know the history of
14 our family and I am standing on my
15 legacy today because this is wrong.
16 And it should not be done.

17 You have been sleeping in
18 there. You have been talking on your
19 phones. You have been whispering.
20 You have been going out into the
21 hallways cutting deals. You are
22 cutting them on the back of people
23 who are the taxpayers.

24 I can't pay my taxes now
25 they are so doggone high. Don't give

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Korman a ten-year rebate and then I
3 have to pay 2,000 and still take a
4 chance of flooding. It's just not
5 right.

6 So I compassionately ask
7 you as much as I know how to search
8 within your soul. Don't talk about
9 nothing because what's in our soul
10 because we have one person that's
11 watching us and that's God himself.

12 And we are accountable for
13 what we are doing here today. So I
14 want each of you -- if I could be a
15 lobby, I would lobby this Bill down.
16 But I want you to vote no. I want you
17 to pull it off the table.

18 And then when Korman talks
19 about a community, a community --
20 what is it -- a Benefits Agreement --
21 come to the table with the community.
22 Don't ask nobody else. Let us be a
23 part of it. Show us. Put it in
24 writing so we can hold you to it
25 because your track record in the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Eastwick community is done. And you
3 are --

4 (Applause.)

5 UNIDENTIFIED SPEAKER: You
6 are an agency who can walk over you
7 better than we can. So don't pull
8 the strings and don't play games with
9 us. Come to the table honestly and
10 transparently and the Water
11 Department and everybody that
12 represents a taxpayer in this City,
13 we pay your salary. Come to the
14 table and be true about what you are
15 doing to us. And then let's talk
16 about it for what's the best
17 development for this community so all
18 of us will profit and not just the
19 Kormans.

20 They don't go to school
21 with our children. They don't go to
22 church where we go to church. They
23 don't eat where we eat. They don't
24 go to the same shopping center.

25 (Applause.)

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MS. MOSELEY: So we want to
3 be a vital part of this development.
4 Not that we don't want it because we
5 want to have the right to develop.
6 But we want to come to the table and
7 tell them what's good for us, not
8 just what's good for their pockets,
9 what's good for the community. So I
10 petition you vote no on the Bill,
11 vote no on the rezoning because what
12 we opened up a whole can of worms and
13 we want to know who will benefit. If
14 the community doesn't benefit then
15 there is no go.

16 (Applause.)

17 MR. STOVER: Thank you,
18 Councilman. Matthew Stover speaking.
19 I am going to make this very short
20 and simple.

21 All of the property owners'
22 concerns has a finite value. But
23 what has infinitely valuable precious
24 commodity are the endangered species.
25 Eighty have been counted that rely on

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 this land. And on May 31st the
3 Public Record exclusively interviewed
4 me, got in the newspaper that day
5 regarding this matter. And in less
6 than two weeks since then I have
7 counted 27 species that rely on this
8 land in particular. We are talking
9 about the undeveloped land next to
10 the Refuge.

11 We only need one of which
12 to file a lawsuit to protect the
13 land. We have that many more than we
14 need. So I feel confident that I can
15 conclusively establish in a court of
16 law that this development cannot
17 proceed, no development can proceed
18 on this land regardless of how it is
19 zoned because of endangered species.

20 We have more than enough to
21 substantiate such a lawsuit. What we
22 are asking for is simply enough time
23 to discover such matters for
24 discovery. That's all.

25 COUNCILMAN GREENLEE: Thank

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 you. Ms. Moseley.

3 MS. MOSELEY: I'm Karen
4 Moseley. I'm a resident of the
5 Eastwick community. I petition this
6 Committee today to on behalf of the
7 residents of Eastwick, the Eastwick
8 community, we are asking for your
9 support in our fight against social
10 and environmental injustices that
11 have once again been thrust upon our
12 community through proposed
13 redevelopment activities.

14 In the late fifties, the
15 Eastwick community experienced
16 significant transformation resulting
17 from the largest redevelopment
18 activity in our nation's history.
19 Eminent domain forced residents to
20 leave their homes despite their cries
21 for justice that only fell upon the
22 deaf ears of State and local
23 government officials. They only
24 wanted to be treated fairly and have
25 meaningful involvement with respect

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 to the development, implementation
3 and enforcement of laws, regulation
4 and policies governing such
5 activities. The end result: the
6 broken promise of a better community,
7 flooding, increased insurance
8 premiums, and a field of weeds. A
9 social injustice.

10 54 years later, 135 acres
11 of land referenced in the bill before
12 you today remain undeveloped. The
13 original urban renewal plan
14 established in the early sixties
15 between the Redevelopment Authority
16 and the Eastwick community
17 specifically provides that single
18 family houses would be constructed.

19 The phase of the
20 construction took place in the late
21 seventies. In an effort to take
22 these properties to prospective
23 homeowners, Korman Corporation
24 promised the buyers there would be
25 amenities such as a clubhouse,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 swimming pools, among other things.

3 To date, that promise
4 remains unfulfilled. Yet another
5 injustice.

6 In the early seventies, the
7 community had to fight against the
8 City and the Airport against
9 airporter expansion in an effort to
10 preserve the only valuable asset that
11 exists in the community today and
12 that is the John Heinz refuge. The
13 refuge and the surrounding land not
14 only serves as a community amenity
15 but also serves as a natural drainage
16 system that significantly minimizes
17 the flooding potential of the
18 existing residential structures.

19 It further serves as green
20 space and a natural habitat where
21 wildlife and rare species can thrive
22 without the threat of extinction.
23 Had it not been for the options
24 reserved for Korman over the past 50
25 years, perhaps the government could

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 have purchased it. Your approval of
3 Bill No. 120418 would be an
4 environmental injustice.

5 The history of this bill is
6 an injustice in progress.

7 In November of 2011,
8 unknown to the residents of Eastwick,
9 former Council President Anna Verna
10 introduced the bill. During the
11 Planning Commission hearing,
12 Mr. Kelsen who was counsel for Korman
13 openly stated that Council President
14 Verma chose not to force the issue
15 when he was asked if the community
16 had been notified about the proposed
17 development.

18 Once again, social
19 injustice. It was not until April of
20 2012 when residents noticed surveying
21 activities around the proposed site
22 and confronted the workers that we
23 were alerted of what was about to
24 occur without our knowledge or input,
25 let alone our involvement. A social

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 injustice.

3 Eastwick community would
4 have embraced the opportunity to sit
5 down with City officials and Mr.
6 Korman to discuss and reach a
7 mutually agreeable plan of action.

8 However, City government
9 and Korman Corporation both have once
10 again chosen to ignore our voices and
11 deny us the opportunity to
12 participate in yet another
13 transformation of our community
14 without regard for our social,
15 economic and environmental
16 well-being. An injustice.

17 At a meeting on May 22 with
18 150 members of the Eastwick
19 community, Councilman Johnson and
20 representatives from the Korman
21 Corporation, we learned that the bill
22 was reintroduced by Councilman
23 Johnson on May 17, once again
24 disregarding the presence of the
25 community. No mention of upcoming

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 hearings at the City Planning
3 Commission hearing on May 29. An
4 injustice or is it just us?

5 Members from the Korman
6 team described their proposal at a
7 meeting at that meeting, their
8 proposal for the construction of the
9 722 apartment units. They also
10 discussed what contributions they
11 have provided for the community in
12 the distant past, along with all the
13 temporary jobs that will be made
14 available during the construction
15 period in an effort to convince us of
16 their involvement with our community.

17 After members of the
18 community did not respond favorably
19 to this dialogue, Mr. Abby, a
20 representative for Korman referred to
21 this community as you people. You
22 people, a term that starkly
23 associated with social inequality,
24 degradation and cultural differences.

25 Injustice? I will let you

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 be the judge of that. While Korman
3 Corporation may have a stake in
4 Eastwick, we own the farm. We will
5 not tolerate nor accept a mad cow
6 disease mentality that has served as
7 a breeding ground for injustices in
8 this community. Over 400 signatures
9 have been obtained in our two-week
10 period to oppose this bill.

11 While reparation would
12 certainly be in order given the
13 historical records of this injustice
14 suffered by the Eastwick community,
15 we realize that we cannot change
16 history. But we can certainty change
17 the future. The decision of this
18 Committee will certainly be a
19 defining moment for the future of
20 Eastwick.

21 We ask that this Committee
22 prevent further injustices by pulling
23 this bill and allowing the community
24 to have a meaningful involvement with
25 respect to the planning,

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 implementation and development in
3 accordance with the policies that
4 govern these activities.

5 Respectfully submitted, I thank you.

6 And I'd like to introduce
7 the community.

8 (Applause.)

9 COUNCILWOMAN GREENLEE:

10 Thank you for your patience of being
11 here all day. Sir.

12 MR. SPEENA: Thank you, Mr.
13 Chairman. I appreciate your allowing
14 me to speak, members of Council. My
15 name is Jeff Speena. I live in the
16 8600 block of Gibbs Place which is
17 the cul de sac street which is going
18 to about the beginning of the
19 development.

20 We have been there since
21 September of 2001. In the essence of
22 time, I just want to bring up a few
23 salient points that I thought were
24 missed. It's been a long day.

25 I know it's hard to believe

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 anything was missed. But I think a
3 couple of points were missed, one
4 specifically talking about the
5 flooding. I am not going to talk
6 about the FEMA study. But in
7 September of '99, Hurricane Floyd
8 took the area out. The large
9 majority of water came from the
10 Darby Creek, and the Darby Creek had
11 flooded and was attributed to
12 questioned development. Darby
13 Borough was devastated. We all know
14 the history.

15 And the Creek crested over
16 Buist Avenue and came into Lindbergh
17 Boulevard. So I think that point was
18 missed. It's not only a local issue
19 but it's also -- it's coming from
20 other communities' upstream
21 development. That's just the way
22 that is. That is just a fact.

23 There is a lot of things
24 that I do not agree with the current
25 Mayor. There are some things I do

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 agree with. One of the things I do
3 agree with right now for the record
4 is that the Green 2015 is a good
5 idea.

6 130-plus acres is a lot.
7 We could meet that number of 500
8 rather quickly, I think. It would be
9 great ribbon cutting, if that,
10 indeed, was given, not given but if
11 that was part of the Refuge.

12 On that, I want to bring up
13 a point that the discussion that I
14 just heard about the Department of
15 the Interior should have purchased
16 the land. I am under the impression
17 that the land was not for sale. It
18 was under a binding agreement.

19 However, I want to go back
20 to an old saying that I learned a
21 long time ago. "Well, it's not for
22 sale but you can make a offer."
23 Okay. So I'm not disputing the fact
24 that it was not for sale.

25 COUNCILMAN KENNEY: Every

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 parcel of land is for sale. They
3 have the option. But if the federal
4 government approached them with the
5 right price, we would not be sitting
6 here.

7 MR. SPEENA: Nothing has
8 been started as of this date. The
9 flooding goes on. The earthen dam
10 between Darby Creek and the lagoon in
11 the park is still being rebuilt
12 today.

13 Perhaps that saying, Well,
14 make an offer can still stand. If
15 Korman development wants to sell off
16 the land and they have the rights to
17 do that, I know for a fact the U.S.
18 Department of the Interior is always
19 interested in making an offer and
20 giving them the money and buying the
21 land. They are not asking it for
22 free. And that's never been the
23 case.

24 So perhaps it could be a
25 win-win for everybody at this point.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 And, you know, the flooding will
3 continue. And let's not make the
4 problem any worse. And I know that
5 part of the parcel will be given back
6 to the City later on for other
7 development. And that's another
8 issue.

9 Councilman Johnson, you
10 talk about a compromise. That's why
11 you introduced a bill before the
12 Committee. This could be the
13 compromise. Is it for sale? No.
14 Make an offer. You never know.

15 I appreciate the time.

16 COUNCILMAN GREENLEE: Thank
17 you, sir.

18 (Applause.)

19 COUNCILMAN GREENLEE: That
20 concludes our witness list. Just for
21 the record, again, Bill No. 120431,
22 the zoning code bill, will be
23 continued until tomorrow at 9:00.
24 Bill No. 120301, which is the Mt.
25 Airy Bid, which seems like a long

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 time ago that we had the hearing on
3 that has to be by law continued for
4 one more hearing.

5 Let me just take a quick
6 break before we continue. Thank you.

7 (Recess.)

8 COUNCILMAN GREENLEE: Okay.
9 Let me just check one thing I said.
10 120301 will be considered in meeting
11 today, the Mt. Airy Bid for
12 amendments but it will not be moved
13 from there. Thank you.

14 (Recess.)

15 COUNCILMAN GREENLEE: We
16 are still in Committee hearing and
17 Councilman Johnson.

18 COUNCILMAN JOHNSON: I have
19 two amendments.

20 COUNCILMAN GREENLEE: You
21 have two amendments to this bill?

22 COUNCILMAN JOHNSON: Yes.

23 COUNCILMAN GREENLEE: Okay.

24 The amendments will be moved, if
25 that's your desire.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 COUNCILMAN JOHNSON: Yes,
3 sir.

4 COUNCILMAN GREENLEE: Okay.

5 COUNCILMAN JOHNSON: One
6 second.

7 COUNCILMAN GREENLEE: Yes.
8 Hold on a second.

9 COUNCILMAN JOHNSON: In the
10 interest of moving this forward.
11 Now, the final vote -- the final on
12 this particular bill is on the 21st
13 of June. That's at the Committee of
14 the Whole. So I am going to ask for
15 a favorable recommendation, a
16 suspension of the rules, to bring the
17 bill out of Committee.

18 However, what I will charge
19 the Korman group to do to be fair in
20 this process, because I hear my
21 constituents loud and clear, is from
22 this evening forward to engage in a
23 conversation with the Eastwick
24 Neighborhood Action Coalition before
25 the Bill actually comes up in the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 Committee of the Whole for full vote.

3 And then I will make my final
4 decision to either hold the Bill or
5 either bring the Bill out to the
6 actual floor. And so that's my
7 recommendation to so move forward.

8 COUNCILMAN GREENLEE: Hold
9 on. Thank you. Councilwoman Tasco
10 and then Councilman Kenney. Hold on.
11 Hold on. Hold on, please.
12 Councilwoman Tasco.

13 COUNCILWOMAN TASCO: No.

14 COUNCILMAN GREENLEE:
15 Councilman Kenney.

16 COUNCILMAN KENNEY: Mr.
17 Chairman, can I ask a representative
18 of the Law Department to please come
19 to the table? In the interest of
20 transparency, I would like an
21 explanation.

22 MR. GREENLEE: Is there a
23 representative from the Law
24 Department here? Can you please come
25 forward and identify yourself for the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 record and/or the Airport. Anyone
3 here from the Airport?

4 MS. KALB: Sara Kalb. I
5 work for the City Solicitor's Office.
6 My client is the Division of
7 Aviation.

8 COUNCILMAN GREENLEE: And
9 your name.

10 MS. KALB: Sara Kalb,
11 K-A-L-B.

12 COUNCILMAN KENNEY: Mr.
13 Chairman, if I may, I have just
14 learned about a situation relative to
15 other parcels that are in litigation
16 or potentially in litigation that
17 rely on this particular decision that
18 we are making today. And none of
19 this was put on the record.

20 So I need you to go on the
21 record and explain all of the
22 interrelationships between these
23 parcels, the Airport expansion and
24 everything else that's going on
25 because I'm not real comfortable

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 voting on something when I don't know
3 all the facts.

4 MS. KALB: I think it would
5 be useful to have the Kormans here
6 also, since they are party to this
7 negotiation. But let me say that
8 many years ago, the City condemned
9 Parcel C and extended the employee
10 parking lot at the Airport. That
11 parcel was part of property on which
12 the RDA had title and the Kormans
13 held certain development rights.

14 COUNCILMAN KENNEY: For how
15 long had they held those rights?

16 MS. KALB: That was part of
17 the original --

18 COUNCILMAN KENNEY: What
19 Mayor was the Mayor when this deal
20 got done? Well, whoever, I'll Google
21 it.

22 Could you please fill us
23 all in.

24 MS. KALB: I'm trying.

25 COUNCILMAN KENNEY: Thanks.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 MS. KALB: So the City
3 filed a condemnation to acquire title
4 to the property to expand the
5 employee parking lot. We condemned
6 the property. We paid into court
7 about four and a half, five million
8 dollars.

9 The Kormans, New Eastwick
10 sued us, the City and the RTA saying
11 we had not paid just compensation,
12 that is to say paid value for the
13 property. And we went before the
14 Board of View, and the Board of View
15 held that the property was -- we
16 thought that the property was worth
17 what we had already paid into court.
18 The Kormans believed that the best
19 and highest use for the property was
20 somewhere in the neighborhood, would
21 create value of about \$23 million
22 the. The Board of View held that the
23 property was worth about 13 and a
24 half million dollars.

25 Peter, are you here? I

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 just want to make sure I have these
3 numbers straight. So the difference
4 between what we paid and the Board of
5 View was about 9 and a half million
6 dollars. Okay.

7 So did you want to ask me a
8 question?

9 COUNCILMAN KENNEY: So we
10 are going to pay 9 and a half dollars
11 for a parcel that's never been held
12 for 50 years and never developed.

13 MS. KALB: Let me finish
14 wrapping it into what's before you
15 today. So the parties came together
16 to see whether or not we couldn't
17 resolve this piece of litigation.
18 And what the Airport wanted as part
19 of the resolution of this piece of
20 litigation was to acquire the rights
21 to other parcels that were
22 immediately adjacent that would, in
23 fact, take Korman out of the rest of
24 the Eastwick development agreement.

25 COUNCILMAN KENNEY: How

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 many more parcels?

3 MS. KALB: There are two
4 parcels, Parcel B which is about six
5 and a half acres or 6.1 acres. And
6 there is also the bottom portion of
7 that pie that's 73 acres.

8 COUNCILMAN KENNEY: And
9 these are all under similar
10 redevelopment agreements for 50
11 years?

12 MS. KALB: Correct. There
13 are one or two other very tiny
14 parcels that are also still out
15 there.

16 COUNCILMAN KENNEY: Now, is
17 the resolution of the C parcel
18 related to the passage of this
19 legislation?

20 MS. KALB: Yes.

21 COUNCILMAN KENNEY: How?

22 MS. KALB: The settlement
23 agreement that was entered into by
24 the parties requires that all of the
25 development gets resolved and the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 litigation gets dismissed and the
3 Korman folks need to get their piece
4 of the -- their approvals. We need
5 to pay them money and we will then
6 have title to the other parcels of
7 property for about 79 acres at no
8 additional cost.

9 COUNCILMAN KENNEY: So I've
10 been here most of the day, and I had
11 to go use the men's room once, ate
12 lunch once. Up until now, has this
13 ever been put on the record before we
14 vote on this?

15 MS. KALB: I don't know.

16 COUNCILMAN KENNEY: No. I'm
17 talking about today in the course of
18 this long, drawn out hearing, have we
19 ever had that put on the record here?

20 MS. KALB: Well, let me
21 say, Councilman, that tomorrow is the
22 City's opportunity to discuss all of
23 the acquisition of this parcel by the
24 City. And it was the intention of
25 the Airport at that time to

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 explain -- in fact, I believe you
3 already have testimony which details
4 about what, how this all fits
5 together.

6 COUNCILMAN KENNEY: Would
7 you think as an attorney and as an
8 attorney representing the City, would
9 you think it was important for us to
10 hear that before we voted on this?

11 COUNCILWOMAN REYNOLDS
12 BROWN: And point of information.
13 More importantly for me, would it not
14 be important for us to know as
15 members here but equally important
16 for the District Council person to be
17 fully --

18 MS. KALB: The District
19 person has been fully briefed on all
20 of these aspects. We have met with
21 the District Council several times
22 and his staff and he knows all about
23 this.

24 COUNCILWOMAN REYNOLDS

25 BROWN: And so representing the

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 Airport --

3 COUNCILMAN JOHNSON: Just
4 for the record, I'm familiar with the
5 actual arrangement because there is a
6 hearing. We only met once, though.
7 But I'm familiar with the
8 arrangement, yeah.

9 MS. KALB: This is a
10 settlement of litigation which is --

11 COUNCILMAN KENNEY:
12 Settlement of litigation because we
13 are basically paying somebody to get
14 out of the way. It's held a number
15 of parcels for 50 years and never
16 developed them. That's basically
17 what you are telling me?

18 (Applause.)

19 COUNCILMAN KENNEY: And I
20 remember being this angry ten years
21 ago when we did the extension. But I
22 don't remember the specific details
23 or how it got done. I assume I voted
24 for it then, but that was stupid
25 then.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 I don't understand why we
3 are paying people to get out of the
4 way. And to tell you the truth, I
5 don't like the linkage and I don't
6 like not being told about the
7 linkage. I don't know if I am going
8 to be able to help you with this.

9 (Applause.)

10 COUNCILMAN GREENLEE: Just
11 from my understanding, we are talking
12 about tomorrow.

13 MS. KALB: The hearing
14 before the Committee on Public
15 Property on the City's acquisition of
16 property.

17 COUNCILMAN JOHNSON: I will
18 do it this way. I took my time
19 listening to all the sides. And also
20 from a progressive standpoint looking
21 at development of that area and I do
22 think it would be a great project.
23 But there's a couple of things that
24 came up as concerns, separate from
25 Councilman's Kenney's issues and

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 concerns; that making sure that we
3 have the full dialogue and input from
4 members of the community. We only
5 had one major meeting and there was a
6 couple of other small meetings.

7 So I do understand that
8 component. And that's something I
9 did pay attention to. The study from
10 the Water Department should be
11 upfront prior to building.

12 Now, whether this land be
13 held as a Heinz Wildlife Refuge,
14 that's not my position and I will be
15 clear with that. My position is more
16 along the lines of looking at the
17 impact and the increase, the increase
18 of population in that surrounding
19 area. And Councilman Kenney will do
20 a follow-up regarding with that
21 arrangement was, regarding the City
22 and Korman.

23 The law doesn't impact me
24 one way or the other. And that's
25 what I am expressing, more

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 importantly, listening to issues and
3 concerns of my constituents. And so
4 at this particular time, I will ask
5 to table the Bill until we can get
6 further information, the community
7 can be more informed, we can figure
8 out a way to address the issues and
9 concerns as we move forward.

10 COUNCILMAN GREENLEE: Okay.
11 So the Bill will be held to the call
12 of the Chair. Okay. All right.
13 Just officially for the record, Bill
14 No. 120418 is being hold to the call
15 of the Chair. Thank you.

16 (Applause.)

17 COUNCILMAN GREENLEE: Just
18 give us a couple of minutes. We have
19 to finish the public meeting. We
20 have been at this for a while.

21 (Recess.)

22 COUNCILMAN GREENLEE: We
23 are concluding the public hearing.
24 We are now going into the public
25 meeting. And first, Bill No. 120301

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 which is the Mt. Airy Bid, we are
3 going to entertain amendments and
4 then refer that Bill back to
5 Committee because it has to be held
6 for another hearing.

7 Chair recognizes Councilman
8 Kenney.

9 COUNCILMAN KENNEY: Thank
10 you, Mr. Chair. I move that Bill No.
11 120301 be amended accordingly as the
12 amendments that have been circulated.

13 CHAIRWOMAN REYNOLDS BROWN:
14 Second.

15 COUNCILMAN GREENLEE: So
16 moved and seconded. All in favor.
17 (Aye).

18 COUNCILMAN GREENLEE: All
19 opposed?

20 (No response.)

21 COUNCILMAN GREENLEE:
22 Hearing none, Bill No. 120301 has
23 been amended and referred back to the
24 Committee on Rules for a subsequent
25 hearing. So that will be at the call

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 of the Chair.

3 Bill No. 120431 is still
4 held in Committee for tomorrow at 9
5 a.m.

6 Now, Bill No. -- the Chair
7 recognizes Councilman Henon regarding
8 Bill No. 120417.

9 COUNCILMAN HENON: Thank
10 you, Mr. Chairman. I move that Bill
11 No. 120417 move out of Committee with
12 a favorable recommendation with the
13 suspension of the rules as to be
14 permitted for reading at the next
15 Council session.

16 COUNCILMAN GREENLEE: It's
17 been moved and seconded. Before we
18 have a vote, the Chair recognizes
19 Councilman Green.

20 COUNCILMAN GREEN: Thank
21 you, Mr. Chairman. I per the memo
22 given to the Clerk, I recuse myself
23 and abstain from any vote on this
24 matter, as my firm is involved.

25 COUNCILMAN GREENLEE: Thank

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418
2 you. That will be noted for the
3 record. It's been moved and seconded
4 that Bill No. 120417 be reported out
5 of Committee with a favorable
6 recommendation with a Rules
7 suspension. All in favor, please say
8 aye.

9 (Aye.)

10 COUNCILMAN GREENLEE:

11 Opposed.

12 (No response.)

13 COUNCILMAN GREENLEE:

14 Hearing none, that motion carries and
15 the Bill will be reported out
16 favorably with a Rules suspension and
17 the record will reflect that
18 Councilman Green rec used himself.

19 There being no further
20 business before the Committee on
21 Rules today, amazingly so, the
22 Committee stands in recess, again,
23 until tomorrow 9:00 for everybody on
24 the Committee. We have to get
25 started. Thank you.

1 6/12/12 STATED BILL NOS. 120301, 120431, 120417, 120418

2 (Applause.)

3 TIME NOTED: 5:32 P.M.

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