

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 15, 2011
10:15 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 110756 - An Ordinance amending Title 9 of
The Philadelphia Code, entitled "Regulation of
Businesses, Trades and Professions," by adding
a new Chapter, entitled "Agents and Sheriff's
Sales"...

BILL 110662 - An Ordinance amending Title 14
of The Philadelphia Code, entitled "Zoning and
Planning," by amending Chapter 14-1631,
entitled "Lower and Central Germantown Special
District Controls"...

BILL 110672 - An Ordinance repealing an
Ordinance (Bill No. 110185)...

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1
2 COUNCILMAN KENNEY: Good
3 morning, ladies and gentlemen. The Rules
4 Committee is -- excuse me.

5 The Rules Committee is in
6 session with a quorum present -
7 Councilmember DiCicco, Councilmember
8 Miller, Councilman Greenlee, Councilman
9 Goode, Councilmember Reynolds Brown and
10 Councilman Kenney, the Chair.

11 We are hearing testimony and
12 having a public meeting on three bills.
13 The first is Bill No. 110756, which is an
14 ordinance amending Title 9 of The
15 Philadelphia Code, entitled "Regulation
16 of Businesses, Trades and Professions,"
17 by adding a new Chapter, entitled "Agents
18 and Sheriff's Sales," specifying
19 conditions under which any person may
20 assist or act on behalf of another person
21 in connection with the recovery of
22 surplus funds due to the owner upon
23 completion of a Sheriff's sale of such
24 owner's property; all under certain terms
25 and conditions.

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2 The Chair recognizes Sheriff
3 Deeley for testimony.

4 (Witness approached witness
5 table.)

6 COUNCILMAN KENNEY: Good
7 morning, Sheriff. Please pull that
8 microphone close to you.

9 SHERIFF DEELEY: Good morning.

10 COUNCILMAN KENNEY: Thank you.
11 Good morning and identify yourself for
12 the record.

13 SHERIFF DEELEY: Good morning,
14 Mr. Chairman and members of the Rules
15 Committee. My name is Barbara A. Deeley.
16 I am Sheriff of Philadelphia.

17 When I became Sheriff a little
18 over ten months ago, one of the first
19 problems I confronted was the handling of
20 unclaimed and escheatable funds in the
21 custody of the Sheriff's Office. With
22 the assistance of an outside accounting
23 firm and the staff that I reorganized, we
24 began the slow, tedious and laborious
25 process of ascertaining the appropriate

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2 status of these funds.

3 One situation immediately came
4 to my attention. This situation was that
5 finders, expeditors, skip tracers -- as I
6 call them, bounty hunters -- and other
7 similar individuals were preying on
8 unknowing defendants in foreclosure
9 cases. Many of the bounty hunters charge
10 these unknowing defendants fees between
11 35 to 40 percent, contrary to state law
12 which caps fees at 15 percent, with full
13 disclosure to defendants of all monies
14 due to them.

15 I want to thank Councilman
16 Kenney and his staff who I met with this
17 summer when we discussed this matter of
18 unclaimed funds. This bill, which
19 Councilman Kenney and Councilman Greenlee
20 have co-sponsored and which has my total
21 support, will go a long way in stopping
22 these predatory practices.

23 At this time, I must state that
24 the citizens should contact my office if
25 they believe that they are due money from

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2 a Sheriff's sale. My Post Adjudication
3 Unit, which is headed by Sergeant Monte
4 Guess, who is here today, will assist
5 them in getting any monies due to them
6 without charges or fees.

7 Many of you have seen the
8 public service announcement which I
9 recorded in September and which is now
10 playing on public access cable channels.
11 The PSA gives not only the contact
12 numbers of unclaimed funds, but also the
13 information that can be helpful in
14 preventing a foreclosure sale.

15 Thank you, and I am happy to
16 answer any questions at this time.

17 COUNCILMAN KENNEY: Thank you,
18 Sheriff. I want to thank you for your
19 diligence in rooting out this problem and
20 bringing it to our attention so that we
21 could address it in a quick fashion.

22 Any questions for the Sheriff?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing
25 none, thank you very much.

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2 Is there anyone else in the
3 room to testify on this bill?

4 (No response.)

5 COUNCILMAN KENNEY: Seeing
6 none, thank you very much.

7 SHERIFF DEELEY: Thank you.

8 COUNCILMAN KENNEY: We will
9 move now to Bill No. 110662, an ordinance
10 amending Title 14 of The Philadelphia
11 Code, entitled "Zoning and Planning," by
12 amending Chapter 14-1631, entitled "Lower
13 and Central Germantown Special District
14 Controls," to further define the
15 Prohibited Uses.

16 (Witness approached witness
17 table.)

18 COUNCILMAN KENNEY: Please
19 identify yourself for the record and
20 proceed with your testimony.

21 MR. GREGORSKI: Good morning,
22 Councilman Kenney and members of the
23 Rules Committee. I'm Marty Gregorski, a
24 Senior Planner at the Development
25 Division of the Philadelphia City

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2 Planning Commission. I'm here to testify
3 on Bill No. 110662, which was introduced
4 into City Council on October 6th, 2011.

5 Bill No. 110662 amends the
6 Lower and Central Germantown Special
7 District Controls, affecting all
8 commercially zoned properties located in
9 the area bounded by Old Stenton Avenue,
10 Logan Street, Belfield Avenue, Baynton
11 Street, Walnut Lane, Wayne Avenue,
12 Rittenhouse Street, Morris Street and
13 Berkley Street. The District was created
14 in an effort to stop the proliferation of
15 certain uses which, when concentrated in
16 one area, can be undesirable, such as
17 beauty shops, retail sales of cell phones
18 and pagers as a main use and retail sales
19 of variety/general store merchandise.

20 Bill No. 110662 removes the
21 restriction on variety/general store
22 merchandise stores, provided the store
23 exceeds 7,500 square feet.

24 The legislation stems from a
25 controversial decision of L&I whereby a

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2 Dollar Tree store was granted a
3 matter-of-right permit by claiming that
4 the store was actually a grocery
5 store/supermarket. The permit was
6 appealed to the Zoning Board of
7 Adjustment, which has remanded the matter
8 back to L&I for reconsideration with the
9 information presented at the hearing.
10 The passage of Bill No. 110662 would
11 allow the permit in this matter to be
12 issued as a matter of right.

13 The Philadelphia City Planning
14 Commission at its meeting of October
15 18th, 2011 recommended disapproval for
16 Bill No. 110662. The Commission did so
17 because it was felt that the passage of
18 this bill could undermine the zoning and
19 appeals process currently underway. The
20 Zoning Board of Adjustment has heard an
21 appeal of the original L&I approval and
22 has remanded the approved permit back to
23 L&I for reconsideration based on new
24 information that was brought to light at
25 the Zoning Board. L&I is currently

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2 reviewing transcripts of that appeal in
3 preparation for the re-issuance of a
4 decision.

5 This concludes my testimony. I
6 would be happy to answer any questions
7 you may have.

8 COUNCILMAN KENNEY: Are there
9 any questions for Mr. Gregorski?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing
12 none, Yvonne Haskins, please, and
13 Christine Sims, James Foster.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record and
18 proceed with your testimony.

19 Before you start, I'd also like
20 to -- the reason why I'm going in this
21 order is, I want to make sure that the
22 people who are supporting the bill have
23 an opportunity to address the concerns
24 that are raised here that may have not
25 been raised when you first testified. So

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2 I think it makes for a better record that
3 way. So thank you.

4 Please identify yourself for
5 the record and proceed.

6 MS. HASKINS: My name is Yvonne
7 Haskins. Do you want all three?

8 COUNCILMAN KENNEY: No. Please
9 proceed with your testimony and then
10 we'll go each one.

11 MS. HASKINS: I'd like to read
12 a portion of my testimony before making
13 some remarks.

14 As the attorney for seven
15 community and business organizations in
16 the Germantown community, I'm privileged
17 to make this statement on their behalf
18 and on behalf of several thousand
19 petitioners to request that City Council
20 reject this amendment to the Germantown
21 overlay. It's going to allow more
22 variety stores in our commercial
23 district. We already have an abundance
24 of variety stores and discount stores in
25 that district.

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2 On September 28th, 2011, I
3 represented these organizations and
4 residents in an appeal before the Zoning
5 Board of Adjustments against the illegal
6 permit issued for a Dollar Tree to the
7 developer of Chelten Plaza at 301 West
8 Chelten Avenue. Seven other
9 organizations provided support letters at
10 that appeal, including the Germantown
11 Historic Society, Historic Germantown,
12 even West Mt. Airy Neighbors, to name a
13 few. Over 3,000 signatures on petitions
14 were collected and presented to the ZBA.
15 Without any support from our District
16 Councilwoman, we succeeded in convincing
17 the Zoning Board that the facts stated in
18 the developer's permit need to be
19 reevaluated. This resulted in a remand
20 of the case, and that's the first time in
21 history of the Zoning Board that it has
22 remanded a case back to the Department of
23 L&I to consider the facts presented in
24 that case. And before the ink was dry on
25 that Board decision to remand the case,

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2 Councilwoman Miller chose to change the
3 law by proposing this amendment so that
4 the Zoning Board decision would be moot.
5 And I think it's evident by having,
6 quote/unquote, supporters of this
7 amendment who will benefit from this
8 amendment reinforces the case we're
9 making to you today.

10 Her amendment is in line with
11 the expectations of the developer's
12 lawyer, Carl Primavera, who is on record
13 boasting about getting this solution from
14 City Council as a way to get around the
15 overlay. It's in the way of good
16 development.

17 Within 48 hours after the
18 Zoning Board decision was made,
19 Councilwoman Miller sponsored this bill
20 to amend the existing overlay by
21 permitting as-of-right a variety store, a
22 dollar store, another dollar store, that
23 is 7,500 square feet or more. The
24 developer's dollar store just happens to
25 be 10,000 square feet.

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2 This amendment is impermissible
3 spot zoning.

4 And I'll stop reading here just
5 to urge upon you our concern that because
6 this is an amendment being presented to
7 this Council, to this Rules Committee, by
8 a District Councilperson for a change on
9 a matter on a zoning district in her
10 district, I understand that there's a
11 tradition, that there's an informal rule
12 in City Council that no one will vote
13 against her. We've been told by certain
14 City Councilpeople that we're wasting our
15 time coming here speaking to you, and I'm
16 hoping that that's not the truth. I'm
17 hoping that you will hear us today in our
18 plea that you not pass a law that may
19 have illegality to it at the very least.
20 And we're hoping today that as you
21 consider this case, that you will at
22 least consider going to the City Law
23 Department to ask for a legal opinion
24 about its legality.

25 We've asked -- you've heard

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2 from City Planning Commission that they
3 are against this because it goes against
4 the general zoning scheme and the general
5 due process that is in place. Therefore,
6 we're asking that this Rules Committee
7 please not vote this bill -- in favor of
8 this bill, that this Rules Committee
9 listen to the community and listen to the
10 voices that you're hearing here today.

11 COUNCILMAN KENNEY: Thank you
12 for your testimony.

13 Please identify yourself for
14 the record and proceed.

15 MS. SIMMS: My name is Kristin
16 Simms and I am a resident of Germantown.

17 COUNCILMAN KENNEY: Please
18 proceed with your testimony.

19 MS. SIMMS: I have lived in
20 Germantown as an adult for almost ten
21 years, and as a girl, I went to GFS. So
22 I'm very familiar with Germantown's rich
23 history and diversity. And over the
24 years, I have just seen the continual
25 decline and decrease in our economic

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2 corridor due to greed, corruption and
3 apathy, the continuance of variety
4 stores, nail salons and all sorts of junk
5 that is pervasive in our economic
6 corridor.

7 When I heard about Donna Reed
8 Miller's amendment of her own overlay, I
9 and the community was appalled, mostly
10 because these overlays is what we have
11 been using as a weapon to fight against
12 another dollar store in our neighborhood,
13 which we do not need at all. And I just
14 feel that this amendment is mostly for
15 the concessions of a developer and not
16 for the community, and I just wanted to
17 say that on record. And that's basically
18 it. I don't want to say any more than
19 that.

20 COUNCILMAN KENNEY: Thank you
21 for your testimony.

22 Sir, please identify yourself
23 for the record.

24 MR. FOSTER: James Foster.

25 COUNCILMAN KENNEY: Please

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2 proceed.

3 MR. FOSTER: My name is James
4 Foster. I am a lifelong resident of
5 Germantown, having been born here 69
6 years ago. At present, I am the editor
7 of the Germantown Chronicle and Northwest
8 Independent Newspapers, the only
9 newspapers delivered door to door in the
10 entire Northwest. We have made it our
11 business to follow quality of life,
12 public funding issues and the issues
13 surrounding our elected leadership as a
14 primary focus of our newspaper, in
15 addition to general news reporting and an
16 open editorial policy. We print the
17 information the Inquirer won't.

18 I have been following -- I and
19 others in our newspaper have been
20 following the story of the Cheltenham Plaza
21 development since inception. I think
22 it's important to point out to members of
23 Council that the City started six or
24 seven years ago making accommodations to
25 this developer, accommodations that

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2 included tax abatements, special favors
3 in combining properties, all with a
4 promise that the developer would build a
5 proper Fresh Grocer store consistent with
6 the seven others he has been publicly
7 funded to build in Germantown. That
8 quality Fresh Grocer store was never
9 built despite the fact that it's on the
10 City record he was to start construction
11 immediately in 2006.

12 What we're experiencing now is
13 a continuation of the process of doing
14 favors for Mr. Burns of Fresh Grocer.
15 What happened here was, the Fresh Grocer
16 that was promised wasn't built. It was
17 shut down without notice. The community
18 got a bait and switch, and now we're told
19 we'll get a dollar store, which was
20 already prohibited, and a low-quality
21 food store, one that doesn't really
22 qualify for public funds, yet Mr. Burns
23 is expecting \$4 million from the state
24 this month, \$4 million that he never
25 properly applied for, nor did he file

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2 proper documents with the state in order
3 to be able to receive this money.

4 The most recent situation, as
5 has been explained by Ms. Haskins, is
6 that all along this process, Mr. Burns
7 has chosen to take a reckless approach to
8 development, development on the only
9 property left in Germantown in the key
10 central district that was not developed.

11 By the way, the City Planning
12 Commission promised Germantown that that
13 area would be developed as a
14 transit-oriented project by the City Plan
15 presented five years ago. That has been
16 completely dropped as a favor to
17 Mr. Burns, and the third busiest station
18 on the Chestnut Hill West line is now
19 moved further into obscurity and not
20 included in the kind of development
21 Germantown deserves. I don't know why
22 the City has seen fit to allow this
23 situation to run around law and due
24 process, but it's outrageous.

25 Thank you.

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2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 Any questions for these
5 witnesses?

6 Councilman Goode.

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

9 Mr. Foster, you mentioned
10 special considerations with regard to tax
11 abatements and land assembly.

12 MR. FOSTER: Yes.

13 COUNCILMAN GOODE: Can you
14 explain what that means?

15 MR. FOSTER: In 2006, the
16 property in question was one of three
17 parcels that paralleled the Cheltenham
18 Avenue station, and on that land stood a
19 run-down, derelict Shop Rite store.

20 COUNCILMAN GOODE: My question
21 is, was a tax abatement one that was open
22 to everyone?

23 MR. FOSTER: No. The tax
24 abatement was a special arrangement when
25 Mr. Burns wanted to acquire those

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2 properties --

3 COUNCILMAN GOODE: The tax
4 abatement is under what program?

5 MR. FOSTER: It wasn't under a
6 program. It was -- I've qualified this
7 with the attorney from the Law Department
8 who wrote the special considerations.
9 And when Mr. Burns wanted to acquire
10 these properties, two of them belonged to
11 SEPTA, having once been part of the
12 railroad system. The other belonged to
13 the owner of the derelict Shop Rite.

14 COUNCILMAN GOODE: So it was
15 abatement of back taxes?

16 MR. FOSTER: It was abatement
17 of back taxes.

18 COUNCILMAN GOODE: That's not
19 what you said.

20 MS. HASKINS: It was tax
21 forgiveness.

22 MR. FOSTER: I used the wrong
23 language. I'm not an attorney. It was
24 tax forgiveness of 180,000.

25 COUNCILMAN GOODE: That was

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2 really my only question.

3 MR. FOSTER: Okay.

4 COUNCILMAN GOODE: Thank you,
5 Mr. Chairman.

6 MS. HASKINS: It was tax
7 forgiveness that the City never does
8 under any circumstances, as we understand
9 it.

10 COUNCILMAN GOODE: The City
11 does it a lot.

12 COUNCILMAN KENNEY: Councilman
13 Greenlee.

14 COUNCILMAN GREENLEE: Just very
15 quickly. Thank you, Mr. Chairman.

16 I guess anyone can answer this.
17 Just so I'm clear, what is on the site
18 now?

19 MR. FOSTER: What's on the site
20 now is the beginning of reconstruction
21 that was done without a proper permit.
22 The shell of that former Shop Rite store
23 is being retrofitted and a new building
24 is constructed on the far end of the
25 property. Both are under partial

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2 construction.

3 COUNCILMAN GREENLEE: How long
4 has the Shop Rite been vacant?

5 MR. FOSTER: The Shop Rite was
6 closed without notice in February of this
7 year, and that was the first time the
8 community found out that there was an
9 ongoing new project, despite the fact
10 that state law required that to be
11 disclosed and combined in a presentation
12 to the state to get the public money.
13 That was never done.

14 COUNCILMAN GREENLEE: So it
15 hasn't been in use since February of this
16 year; is that what you're saying?

17 MR. FOSTER: That's right.

18 COUNCILMAN GREENLEE: Okay.
19 Thank you.

20 COUNCILMAN KENNEY: Thank you
21 very much.

22 Any other questions?

23 (No response.)

24 COUNCILMAN KENNEY: Thank you.

25 Andrea Gordon, Sandra

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2 Weckesser, Gloria Hicks, please come
3 forward.

4 (Witnesses approached witness
5 table.)

6 COUNCILMAN KENNEY: Whoever
7 wants to start, please identify yourself
8 for the record, bring the microphone
9 close to you and please proceed.

10 MS. GORDON: Hi. My name is
11 Andrea Gordon. I've been a member of
12 Germantown all my life. I was born and
13 raised there. It was a thriving
14 neighborhood at one time, and without
15 notice, we weren't given a quality
16 supermarket and we really don't see fit
17 for the supermarket. It's not quality.
18 We have an upscale neighborhood. We work
19 very hard. We're taxpayers, and we want
20 to see a quality supermarket, Acme,
21 Giant, something quality.

22 I work very hard. I've lived
23 here all my life as a young girl. I
24 mean, very young, maybe nine years old.
25 Now I'm 53. And we own our home. We

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2 love our neighborhood. We've lived in
3 our neighborhood forever, and we thrive
4 to keep it a beautiful neighborhood, and
5 it's growing, and our neighbors are
6 hard-working people who deserve quality
7 food and a supermarket like the people
8 they have in Chestnut Hill. We have to
9 take our revenue and go outside the
10 neighborhood to come down to Trader Joe's
11 or out to Chestnut Hill, and a lot of
12 money is leaving the neighborhood when it
13 should stay within our neighborhood.

14 There is no quality
15 supermarket, and it's unfair that this
16 has happened to us.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 Please, the next person take
21 the microphone, identify yourself for the
22 record and proceed.

23 MS. WECKESSER: Thank you very
24 much for this opportunity. I'm Sandra
25 Weckesser. My husband and I are proud to

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2 be Germantown residents ever since we
3 moved to Philadelphia over 40 years ago.
4 Both of our children were born and raised
5 in Germantown, and my daughter frequently
6 points out that she is a lifelong
7 resident of Germantown.

8 My husband and I are both
9 originally from Ohio, so having family
10 and friends visit us and comment on our
11 many historic sites, the interesting
12 mixture of fieldstone homes and colonial
13 and Philly-style row homes and twins and
14 the fabulous parks all conveniently in
15 our neighborhood is as gratifying to us
16 as it is pleasurable for our guests.

17 Forty years ago when we moved
18 here from New York City, we thought we
19 died and gone to heaven. As a young
20 couple both in graduate school with no
21 car, on a very tight budget, we could
22 walk to our choice of several large,
23 clean, well-stocked grocery stores, dry
24 cleaners, print shops, pharmacies. And
25 when our parents came to visit us, we

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2 could choose from six very different,
3 individually owned restaurants and five
4 major department stores - Rowell's,
5 Allen's, Franklin-Simon, JCPenney and
6 Sears, among others.

7 Now when our family and friends
8 are here, we can visit the historic sites
9 and we can see the beautiful and
10 interesting architecture, but we can't
11 take them shopping or dining in
12 Germantown.

13 I'm now retired from Fox Chase
14 Cancer Center and I run a very small real
15 estate enterprise out of our home. The
16 last young couple to move out of one of
17 our apartments somewhat apologetically
18 told us how nice the homes were, how nice
19 the neighborhood was, how much they love
20 their apartment, how wonderful it was to
21 have the Wissahickon so close, but the
22 commercial area was just awful. To quote
23 them verbatim, there's no place to walk
24 to get an ice cream cone or a drink or
25 have dinner or breakfast out or to shop.

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2 My grown daughter is currently
3 in her own small apartment two blocks
4 from Pulaski and Cheltenham working full
5 time and putting herself through college,
6 and like her parents 40 years ago, she
7 has no car. For her now to go grocery
8 shopping requires a strategic plan that
9 involves several other people.

10 Most of you are no doubt
11 familiar with the decades of Germantown
12 Settlement's mismanagement. Fortunately
13 with that burden behind us now, there
14 appears to be no reason why Germantown
15 cannot once again become a wonderfully
16 varied shopping area both for families
17 and the neighbors and the many people who
18 would shop on their way to and from work
19 given the excellent public transportation
20 hub at Cheltenham and Pulaski. But we need
21 your help. We need the help of our
22 elected and appointed officials,
23 especially those involved in zoning and
24 planning and legislating the laws related
25 to business and development.

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2 I understand that our Council,
3 our City Council, has a long-held
4 tradition in this assembly, a tradition
5 of supporting the proposals of your
6 fellow representatives. I am sure that
7 that tradition was no doubt founded to
8 serve some very good purpose and that it
9 likely does so from time to time.
10 However, in this instance, that tradition
11 will serve only to violate two even
12 longer-held traditions, traditions also
13 founded by a Philadelphia-based
14 legislative body meeting just a few
15 blocks to the east of this building.
16 Those traditions, as you know, were in
17 part responsible for making our country
18 and our government balanced. Those
19 traditions held that as representatives
20 of the people, your first obligation is
21 to those you represent, not to those with
22 whom you serve, no matter how diligently.

23 I ask simply that you honor
24 those longer-held legislative traditions
25 and that you allow the other branch of

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2 our government, now engaged in a legal
3 process, to be able to complete that
4 process and that you honor that older
5 tradition of representing your
6 constituencies, not one another, by
7 voting in accord with the wishes of the
8 larger community and not with the request
9 of one developer whose wishes are being
10 presented by one serving among you.

11 Thank you very much for this
12 opportunity.

13 COUNCILMAN KENNEY: Thank you
14 for your testimony.

15 (Applause.)

16 COUNCILMAN KENNEY: Please
17 identify yourself for the record and
18 proceed.

19 MS. HICKS: Yes. Hello. My
20 name is Gloria Hicks. I'm a 28-year
21 resident of Germantown, raised my son
22 there and am proud to be a resident of
23 Germantown. Very happily found
24 Germantown to have been classified now as
25 a classic town, seemed to have been

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2 moving forward. We've got new department
3 developments, apartments, people that
4 live within walking distance of this
5 site, and they have nowhere to shop. I
6 am now doing my grocery shopping on City
7 Line Avenue, in Roxborough, Chestnut
8 Hill. There's no place to have a --
9 there's no decent grocery store in our
10 area. And a dollar store would not serve
11 the community any better than what's
12 there now. There was a derelict store.
13 You couldn't even use the grocery store.
14 The milk was rancid. Everything was
15 wrong with that store that actually had
16 been owned and managed by this developer
17 previously.

18 So I don't see where a dollar
19 store would benefit our area. There are
20 a multitude of them up and down the
21 avenue. Another dollar store or a
22 low-quality store such as the Sav-A-Lot
23 that's proposed would not serve us in any
24 fashion.

25 COUNCILMAN KENNEY: Thank you

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2 for your testimony.

3 Any questions for these
4 witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing
7 none, thank you very much for your
8 testimony.

9 Darryl Hicks, Chris Mendel,
10 Bruce Marshall.

11 (Witnesses approached witness
12 table.)

13 COUNCILMAN KENNEY: Whoever
14 would like to go first, please identify
15 yourself for the record and proceed.

16 MR. HICKS: Darryl Hicks.

17 COUNCILMAN KENNEY: Please
18 proceed with your testimony.

19 MR. HICKS: Good morning.

20 COUNCILMAN KENNEY: Good
21 morning.

22 MR. HICKS: I too am a 28-year
23 resident of Germantown area. My feelings
24 duplicate my wife, Gloria Hicks, exactly.
25 The quality of life is on the decline

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2 with the building of this kind of food
3 market as well as trying to have this
4 dollar store established. We feel that
5 Sav-A-Lot does not suit our food needs.
6 We have to travel outside of the area to
7 get food of a quality that we would like,
8 and there's no reason for that. The
9 developer knows. They don't care. I
10 mean, they know that we're not going to
11 patronize this facility. Their money has
12 already been made in the construction of
13 this. This is a cookie cutter format
14 that's being used all over the City for
15 this developer receiving what appears to
16 be political favors and money from the
17 state. Now, we, the residents, are
18 asking you at this point to stop it.

19 Thank you.

20 COUNCILMAN KENNEY: Thank you
21 for your testimony.

22 Please identify yourself for
23 the record and proceed.

24 MR. MENDEL: Good morning. My
25 name is Chris Mendel. I'm a resident of

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2 Germantown and I live on Pulaski Avenue.

3 I'm here representing myself and four
4 others as part of the Design Review Group
5 who have been engaged with the developer
6 through Germantown Community Connection
7 for over ten months now. We have spent
8 nearly a thousand hours reviewing
9 drawings, advising changes and monitoring
10 progress. We have been in negotiation
11 with them for ten months, as I said, and
12 we hope to continue negotiations
13 regardless of the outcome of this
14 variance that Donna Reed Miller has put
15 forward.

16 The community, as has just been
17 said, is forming its own voice since the
18 Germantown Settlement issues of several
19 decades. So we are, in essence, learning
20 to cooperate and learning to form the
21 community that we want.

22 I find Councilwoman Miller's
23 variance to undermine this effort of
24 community organization and the ability
25 for the community to design the space

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2 that it wants and needs.

3 If you were to vote against
4 this variance, it would not endanger the
5 development, as this would go against the
6 dollar store, which is only one of seven
7 tenants in the space being developed. It
8 would not prohibit construction jobs, as
9 most of the construction is complete.

10 So we please urge you not to
11 vote for this variance.

12 Thank you very much.

13 COUNCILMAN KENNEY: Thank you
14 for your testimony.

15 Please identify yourself for
16 the record and proceed.

17 MR. MARSHALL: Good morning.
18 My name is Bruce Marshall. I'm
19 representing Southwest Germantown
20 Neighbors Association, and I am living in
21 my childhood home for 60 years. So I've
22 been through there all the changes for
23 the worst that were previously touched
24 on, and I shop elsewhere also. But I
25 don't want to get into the details of the

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2 project. I'd rather just finish up with
3 the point of the appearance.

4 As a City resident, I'm very
5 often embarrassed and discouraged,
6 disappointed with scandals, pay to play,
7 backdoor deals, lack of transparency,
8 lack of accountability. That's the issue
9 I would just like to drive home. I think
10 Council should be aware of, care and try
11 to change that perception at the resident
12 level and beyond, at the national level
13 even.

14 It seems like the business as
15 usual and status quo things, it just kind
16 of keeps going on forever, and this
17 latest is another example of that. If
18 there weren't tax money involved, perhaps
19 it wouldn't be such a big deal. A
20 developer wants to come and build
21 whatever they want to build if they can
22 get it zoned.

23 Even the zoning process, I went
24 to that zoning hearing, learning that you
25 can put in -- I can say I want to put a

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2 Mormon tabernacle here and then I can
3 build a torture chamber and then L&I
4 would come and say, Hey, wait, you didn't
5 put a Mormon tabernacle.

6 There's just a lot of things
7 dreadfully wrong with business as usual
8 here, and I see this variance to the
9 zoning overlay as one more tactic to try
10 to get around an orderly, transparent,
11 accountable way of doing business. And I
12 could go on, but I think I've made my
13 point.

14 Thank you.

15 COUNCILMAN KENNEY: Thank you
16 for your testimony.

17 Any questions for these
18 witnesses?

19 (No response.)

20 COUNCILMAN KENNEY: Seeing
21 none, that ends the witness list for the
22 opponents to the bill. Is there
23 anyone -- what I would ask, just
24 respectfully -- please come forward --
25 try not to go over same information that

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2 has already been presented. That would
3 be helpful for the record more than
4 anything else. So if you could come
5 forward.

6 Anyone else after these three?

7 (No response.)

8 COUNCILMAN KENNEY: Thank you.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN KENNEY: Whoever
12 would like to start, please identify
13 yourself for the record and proceed.

14 MS. WINTERS: My name is Connie
15 Winters. I live in Germantown. I've
16 lived there since 1976. I have a company
17 called Historic Germantown Properties,
18 which I started in the year 2000 with my
19 husband after I had been President of the
20 Business Association for a year. We
21 specifically invested on Cheltenham Avenue
22 between Wayne and Wissahickon in order to
23 make an effort to improve the commercial
24 district, because I could see that the
25 commercial area was really holding back

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2 the development of Germantown as a
3 community.

4 I have been very opposed to
5 this Chelten Plaza development. I own a
6 property, a historic tax credit property,
7 that's right across the street from the
8 Chelten Plaza development and I've been
9 part of this process for the last ten
10 months. I am really dismayed at the lack
11 of response on the part of elected
12 officials to the voice of the community.
13 We have explored every avenue to be
14 heard, and I'm asking you today to stand
15 by the original zoning overlay and not go
16 for an amendment that clearly violates
17 the spirit of the original overlay.

18 The community does not want
19 another dollar store, and this is, I'm
20 sorry to say, clearly an attempt to go
21 around the wishes of the community and to
22 bolster a developer who has \$5 million or
23 has been promised \$5 million in public
24 funding not to do what the community
25 wants, but to do whatever he seems to

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2 find expedient.

3 So please, especially the
4 Councilmembers-at-large, we'd really like
5 to ask you to vote in favor of the
6 community and against the amendment.

7 Thank you.

8 COUNCILMAN KENNEY: Thank you
9 for your testimony.

10 (Applause.)

11 COUNCILMAN KENNEY: Please
12 identify yourself for the record.

13 MR. SMITH: Yes. I'm Jeff
14 Smith.

15 This hearing isn't about a
16 grocery store, though you've heard a lot
17 of testimony. It is about the variance
18 to allow apparently a Dollar Tree, rather
19 a -- a Dollar Tree variety store in a
20 sort of spot zoning.

21 I'm a lifelong resident of
22 Germantown. My father and grandfather
23 were businessmen in the Central Business
24 District in the 1920s to 1965. I myself
25 own a Pilates business at Green and

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2 Rittenhouse Street, one block off the
3 Central Business District. We've been in
4 business there for three years.

5 Sometimes people ask me why did I open a
6 business like that in Germantown, and I
7 said, Well, why not? It needs it.

8 I've witnessed Germantown from
9 the end of its prominence as a major
10 commercial district outside of
11 Philadelphia starting in the late '60s
12 and early '70s to the struggling district
13 we have today. Politicians and
14 organizational corruption, as highlighted
15 recently by the Central Germantown -- the
16 Germantown Settlement debacle as well as
17 others with Central Germantown Council,
18 have been a heavy burden for those of us
19 who have attempted to use civic process
20 to improve the profile of the Central
21 Business District. The bill proposed by
22 Councilwoman Reed Miller is another
23 attempt to achieve a dubious goal for the
24 convenience of a developer.

25 Four million dollars toward the

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2 Chelten Plaza were obtained with a state
3 funding application which neglected the
4 required community input process. The
5 Dollar Tree proposal violates zoning
6 requirements imposed by the 2000 overlay
7 district Councilwoman Miller herself
8 worked into a bill before Council.

9 Germantown already has the Sav-A-Lot
10 grocery store. Now the developer earns
11 \$200,000 in bonus by relocating and
12 opening a new franchise of that store at
13 the same time as the Sav-A-Lot parent
14 company, SuperValu, is closing
15 company-owned stores around the country.

16 Coincidentally, another variety
17 store, Dollar General, is proposed for
18 East Chelten Avenue by developer Mark
19 Nicoletti. It's also within the 2008
20 overlay district, as I understand it.

21 To highlight the folly of these
22 variances, currently there is a Dollar
23 General right beside the current
24 Sav-A-Lot store on Wayne Avenue near
25 Chelten. Presumably when a new Sav-A-Lot

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2 store opens and a new Dollar General
3 store opens, who knows what the fate of
4 those two current business locations will
5 be. Perhaps another blight on the
6 neighborhood.

7 Council should oppose the
8 attempt to create a new definition of an
9 allowable variety store in Germantown and
10 permit the legal process in motion at L&I
11 to continue. Germantown deserves better
12 than a deep discount grocery store and a
13 larger variety store.

14 And, by the way, next Monday
15 and Tuesday evening City Planning and
16 Council -- City Planning Commission is
17 arranging hearings on the future
18 development of the Cheltenham Avenue
19 corridor. It seems kind of ironic that
20 that would be taking place at this time.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Please identify yourself for
24 the record and proceed.

25 MR. SHARPLESS: I'm Thomas

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2 Sharpless, full-time resident of
3 Germantown since 1990, first lived in the
4 community in 1942, father and grandmother
5 were born and raised in Germantown.

6 I'll be brief. I'm here to ask
7 you not to rubber stamp some junk
8 economic development, which is not what
9 we need in Germantown. The visible
10 political support for this project for
11 the Mayor, the Governor and so forth is
12 all based on, oh, it's good for the City
13 because it brings in money.

14 I think you've heard this
15 morning that we're not against bringing
16 in money. We're not even against the
17 development of this site by the owner of
18 this site. All of this fuss we've been
19 making is to try to persuade the owner of
20 the site to do something that will
21 benefit not only himself but the
22 community as well. We don't want to
23 lose -- and this zoning overlay as it
24 stands now, which happens to render his
25 present plan illegal, is about the only

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2 weapon we have to get his attention and
3 to get the attention of the funding
4 agencies and so forth. If you take that
5 away from us, it will be business as
6 usual. We'll get more junk economic
7 development in Germantown.

8 That dollar store will lose
9 money and leave after two years. The
10 Sav-A-Lot will fold up in 18 months.
11 This is just on form, based on what's
12 happened in this developer's sites
13 previously. And we could be doing better
14 than that.

15 So I'm here to ask you to at
16 least defer any decision on whether to
17 pass this spot-zoning amendment until the
18 district of -- the councilmanic district
19 had adequate representation of the
20 voters.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you
23 for your testimony.

24 Any questions for these
25 witnesses?

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2 (No response.)

3 COUNCILMAN KENNEY: Seeing
4 none, thank you very much for your
5 testimony.

6 Mr. Primavera, please.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN KENNEY:
10 Mr. Primavera, since we do not have an
11 easel, would you please prop those
12 visuals against the front of these four
13 desks. I need them closer. I'm older
14 now.

15 MR. PRIMAVERA: For the
16 record --

17 COUNCILMAN KENNEY: Wait until
18 you get to the microphone, please.

19 MR. PRIMAVERA: For the record,
20 Carl Primavera. With me is Pat Burns to
21 my left and on front of me is Grant
22 McLoughlin. We are handing out
23 additional copies of what was sent to
24 members of the Committee. We also have
25 the boards in the front.

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2 I would like to make a
3 statement, which will also include
4 comments to what we've heard, and then
5 we'll also hear from Mr. Burns.

6 The interesting tale here is
7 really one where everyone should be
8 excited and happy about significant
9 redevelopment in an area that has
10 suffered from a lack of investment.
11 Mr. Burns, as you hear, has been in many
12 parts of the City and elsewhere
13 revitalizing neighborhoods with his
14 investment under a variety of retail
15 concepts.

16 Understanding what we've heard
17 today, and I heard the Governor and the
18 Mayor were quoted, but let me read from a
19 letter that's in your package from the
20 Mayor to Governor Corbett. He says, I
21 can assure you, Governor, that the
22 Cheltenham and Pulaski development, which
23 represents an \$8 million investment, can
24 have a very positive impact on a city
25 neighborhood seeking additional fresh

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2 food choices. The anchor tenant in this
3 commercial center will be an 18,000
4 square foot Sav-A-Lot Supermarket, which
5 has committed to providing a large
6 selection of fresh fruits and vegetables
7 along with fresh meats. My
8 administration is committed to pursuing
9 every opportunity to provide healthy food
10 choices to residents, and I strongly
11 believe that the Chelten and Pulaski
12 development can help us reach this very
13 worthwhile goal.

14 The plans you see show a
15 Sav-A-Lot, which is really a brand new
16 store and it's an expanded store from the
17 one that you heard reference to by the
18 protestants, because that store is doing
19 very well but it's undersized. Even
20 though the Sav-A-Lot has nothing to do
21 with the zoning issue today, we've heard
22 it a lot, and people have said, as you've
23 heard today, that Sav-A-Lot is too
24 lowbrow for our taste. And I know that
25 we have them on Girard estate, Oregon

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2 Avenue where the community wasn't
3 familiar with it, and at first they were
4 unsure. I'm going to ask Grant to pass
5 out copies of the brochure of Sav-A-Lot.

6 Sav-A-Lot is very successful.
7 Interestingly, they like to partner with
8 a public company, which is a darling of
9 the New York Stock Exchange, Dollar Tree
10 Company. It's a stock that's going
11 through the roof, not for surprising
12 reasons. During the recession, people of
13 all demographics have been looking for
14 value opportunities, and dollar stores in
15 today's jargon operated by large-scale
16 public companies provide a very viable
17 choice for people looking to make their
18 dollar go longer.

19 So what had intended by the
20 original overlay was to prevent the
21 small, disparate, mean-looking junk
22 stores, and you see them pop up in maybe
23 1,500 square foot locations along the
24 main avenue, and they're not owned by
25 public companies and they're not managed

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2 by significant retail developers, and
3 they have been a blight.

4 So when this issue first came
5 up that perhaps we had stepped over an
6 overlay restriction, we said, Well, gee,
7 this is the law of unintended
8 consequences. This type of investment
9 was never meant to be excluded from a
10 commercial shopping center. And we are
11 zoned for a commercial shopping center.
12 So that's when I suggested that rather
13 than have time spent at the Zoning Board,
14 that we work to amend the overlay. I was
15 not boasting. I was suggesting, and I
16 sent a letter to the Zoning Board for
17 that purpose, because nobody had
18 envisioned the overlay, which was
19 designed to prevent junk shops, would
20 actually prevent the redevelopment of a
21 large-scale shopping center. I think
22 that the powers-to-be said, Let's have a
23 full, fair hearing before the Zoning
24 Board, let everyone get it off their
25 chest, and we did. And you know what?

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2 We won. Despite what you may have heard
3 today, the Zoning Board agreed that the
4 City zoning examiner, Jeanne Klinger, who
5 many of you know, she's been with the
6 City for 30-plus years, said that our
7 zoning permit was good. So the Zoning
8 Board affirmed our position. Then they
9 sent it back and they said, But if L&I,
10 which was struggling with the overlay,
11 has some additional thoughts as the store
12 is developed and opened, they should be
13 free to do what they should do.

14 But we weren't boasting. We
15 were just happy that our permit had been
16 affirmed.

17 Because of the confusion, the
18 overlay was looked at again and was
19 determined that the large-scale format
20 value stores -- and I'll call them value
21 stores, and here it could be a Dollar
22 Tree. The same company also operates
23 Deal\$. And you'll see in these boards --
24 and I'll just have Grant pick up the
25 merchandising plan from Deal\$. That's

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2 what this store is going to look like.

3 We have in our package the blighted

4 little stores that we all know are a

5 blight to the neighborhood.

6 COUNCILMAN KENNEY: Just one
7 question. I'm confused. What does Deal\$
8 have to do with --

9 MR. PRIMAVERA: Deal\$ is owned
10 by Dollar Tree. If Dollar Tree only has
11 a dollar --

12 COUNCILMAN KENNEY: Is Deal\$
13 the name of a store?

14 MR. PRIMAVERA: Yes. Deal\$
15 will go up to \$5 an item. It's owned by
16 the same company, Dollar Tree. So at
17 this location, it will be the decision of
18 Dollar Tree's home office whether they do
19 a Deal\$, which goes up to \$5, or whether
20 they go to Dollar Tree. It's very much
21 the same. As of right now, we believe
22 it's going to be a Deal\$. So the --

23 (Audience members talking.)

24 COUNCILMAN KENNEY: Excuse me.
25 Just out of respect for --

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2 (Audience members talking.)

3 COUNCILMAN KENNEY: Out of
4 respect -- listen to me. You can come
5 back and rebut, but I can't have catcalls
6 from the audience. It's just not right.
7 Please.

8 MR. PRIMAVERA: So what we're
9 showing and what we're proposing is a
10 10,000 square foot store. And you'll
11 also see the layout. I'll have Grant
12 pick that up as well. You can go in, you
13 get a cart, you have aisles, you have
14 freezer aisles, you have stocked aisles,
15 then you have a checkout counter. It
16 looks and feels and is a very powerful
17 store that, as you see from the site plan
18 which Grant will also show, is a
19 transit-oriented development. People can
20 walk to this store. They can take public
21 transportation to get to these stores,
22 and they also can park. It's a
23 full-scale shopping center.

24 But these people are peeved and
25 peevish because they want Trader Joe's

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2 and Pat Burns wasn't able to develop a
3 Trader Joe's, but what he has developed
4 is the envy of most neighborhoods in
5 Philadelphia.

6 Now, to prove that point,
7 although the obvious thing is already on
8 these boards, Pat hired Midge McCauley,
9 who most of you know, worked with Carl
10 Dranoff, worked with Paul Levy. She
11 lived in Germantown for 30 years. She
12 has a company called Downtown Works, and
13 she did the strategic plan for Chestnut
14 Hill, for Haddonfield, Washington, DC.
15 Now she's working for Detroit. All the
16 major cities have asked her to say what
17 is the right product mix and what is the
18 right way to develop commercial strips.
19 We invited people to meet with us and be
20 part of that dialogue. They chose not
21 to.

22 In our materials which you have
23 before you is the report from Midge
24 McCauley. She believes that this project
25 is exactly the leverage that Germantown

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2 needs, because we're going to have a
3 national bank. We're going to have a
4 local store called Wired Beans, which
5 apparently is the envy of all of the
6 Northwest. We're going to have public
7 companies. We're going to have stores.
8 We're going to have employees. We're
9 going to have fully improved lights,
10 parking, landscaping. This is going to
11 give people confidence to come into this
12 neighborhood and make the kind of
13 investment that people are calling out
14 for.

15 COUNCILMAN KENNEY: How many
16 stores are there planned for the site?

17 MR. PRIMAVERA: Probably
18 between six and ten.

19 MR. BURNS: There's about eight
20 now.

21 MR. PRIMAVERA: About eight.

22 COUNCILMAN KENNEY: Are you at
23 liberty to tell us at this point some of
24 the names of the stores that you --

25 MR. PRIMAVERA: I'll introduce

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2 Pat to do that. He's negotiating, so
3 he'll know what --

4 COUNCILMAN KENNEY: If you
5 can't, obviously if you're in
6 negotiations and you don't want to
7 divulge it --

8 MR. BURNS: No. I have --

9 COUNCILMAN KENNEY: You'll have
10 to identify yourself for the record.

11 MR. BURNS: My name is Pat
12 Burns. I'm the developer of Pulaski
13 Partners, which is at Chelten and
14 Pulaski.

15 Currently, we have a lease
16 obviously with Sav-A-Lot, which we're
17 planning to open December 10th. The
18 store is almost done. Anna's Linens is a
19 public company. They're opening December
20 10th as well. Dollar Tree, the store is
21 all ready to go except for zoning.
22 Subway is going in the location.
23 Citibank is very close to putting a
24 corner location of Citibank, the only one
25 I believe in Philadelphia right now that

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2 they're opening in the next two years
3 here. Wired Beans, Robert Wheeler, which
4 is a local --

5 COUNCILMAN KENNEY: What is
6 Wired Beans?

7 MR. BURNS: He's a local coffee
8 shop owner. He's done a great job on
9 Germantown Avenue, Mt. Airy. So he's
10 coming in. He signed his lease. And
11 Little Caesars right now. There's two
12 more vacancies open right now.

13 COUNCILMAN KENNEY: Okay.
14 Please proceed.

15 COUNCILWOMAN BROWN: Bill
16 Caesars?

17 COUNCILMAN KENNEY: Little
18 Caesars.

19 COUNCILWOMAN BROWN: Oh, Little
20 Caesars. Okay.

21 MR. PRIMAVERA: So we believe
22 that not only is this a great
23 redevelopment of the site -- and if you
24 look at the pictures in the back, you'll
25 see an old beer distributor, you'll see

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2 the tires. Apparently SEPTA had been a
3 bad neighbor on this site. It had been
4 abandoned.

5 This is a significant
6 redevelopment. It's a large-scale
7 investment, and hopefully what will
8 happen is this will bootstrap people who
9 will take these small storefronts that
10 are in absentee ownership and convince
11 those people that they have to bring
12 their game up and people will reinvest
13 and say, You know what, there is hope in
14 this business community. Because when
15 Citibank comes in and when large
16 retailers come in, that's a signal to me
17 as a property owner and a business owner
18 that there is business to be done in
19 Germantown.

20 We've worked with a group GCC
21 for the last ten months on everything
22 from jobs to tenant selection to
23 everything -- landscaping. We have a
24 petition of 8,000 people that we
25 presented to the Zoning Board in support.

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2 Why would they be in support? They don't
3 like a vacant site. They like the jobs.
4 They like being able to walk, because
5 many people, unlike the people you hear
6 today, many people in Germantown don't
7 have cars. So being able to walk to
8 these amenities is a great option for
9 them. So there is a lot of support for
10 this. Like many projects, the people who
11 are happy with the project don't want to
12 spend a day away from their home or away
13 from work to come in, but we had a
14 petition of 8,000 people that were
15 submitted at the Zoning Board.

16 So at this point, we applaud
17 Councilwoman Miller for her ability to
18 guide this project, to create something
19 that's really going to be a wonderful
20 driver for investment and jobs. And
21 basically the people who want to go to
22 Trader Joe's, they have the cars, they
23 can go to Trader Joe's. If they want to
24 go a mile and a half away, they can go to
25 the LaSalle Shopping Center where Pat has

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2 the Fresh Grocer. Those people have a
3 variety of amenities. But for the people
4 who want to see jobs, investment and
5 shopping opportunities on their doorstep
6 in a large-scale redevelopment site that
7 was wanting badly, this is really more
8 than you could even expect. So this is a
9 wonderful thing that hopefully over time
10 people will rally around and get behind.

11 They're my comments.

12 Pat, you've heard the comments
13 today. Do you have anything more that
14 you want to add?

15 MR. BURNS: Like Carl said,
16 I've been developing within the City. At
17 the LaSalle University, we put a whole
18 new shopping center at Chew and Wister
19 Streets at LaSalle, and at Progress
20 Plaza, 40th Street, 56th and Chestnut.
21 So I've been a developer, mainly a
22 grocer, within the area of -- the
23 Philadelphia area.

24 We approached Dollar Tree
25 because, quite honestly, in this

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2 environment today, we do need credit
3 tenants, and they have a very good credit
4 tenant worthiness, Dollar Tree, to be a
5 lease on this location.

6 The correct amount, we are
7 spending \$14.3 million on this location
8 for rehab there. So I just wanted to let
9 you know that.

10 COUNCILMAN KENNEY: Okay. Let
11 me take the opportunity now to open up
12 some questions for Councilmembers.

13 Councilmember Goode.

14 COUNCILMAN GOODE: Thank you,
15 Mr. Chairman.

16 To Mr. Primavera and/or anyone
17 who wants to answer this question, I
18 don't think there's a lot of debate about
19 whether there should be a development
20 project at all. I think there is debate
21 about whether there should be that type
22 of store at that location.

23 What I find curious about all
24 of your comments, taking it all in very
25 quickly, is that you cited the letter

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2 from the Mayor on September 2nd, 2011
3 that mentioned an 18,000 square foot
4 market. You then later on talked about a
5 10,000 square foot market, and the
6 amendment references 7,500. Can you
7 explain that?

8 MR. PRIMAVERA: Yes. The
9 Sav-A-Lot is really not an issue, other
10 than the fact that it has irked a lot of
11 people.

12 COUNCILMAN GOODE: I'm talking
13 about the numbers - 18,000, 10,000,
14 7,500.

15 MR. PRIMAVERA: The Dollar
16 Tree --

17 COUNCILMAN GOODE: There's a
18 huge difference between 7,500 and 18,000.

19 MR. PRIMAVERA: Yes. We're
20 talking about two different stores. The
21 Dollar Tree or Deal\$, depending upon
22 which division they put in, will be
23 10,000 square feet, which will be larger
24 than the 7,500 minimum for a variety
25 store.

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2 COUNCILMAN GOODE: And a lot
3 smaller than an 18,000 foot project that
4 the Mayor endorsed.

5 MR. PRIMAVERA: Yes. And let
6 me just stand up to show you.

7 COUNCILMAN KENNEY: You're
8 going to have to take --

9 (Applause.)

10 COUNCILMAN KENNEY: You have to
11 go back to your seat. Thank you.

12 MR. PRIMAVERA: And I'm sorry
13 it's not easy to see, but, Pat, please
14 point to the 18,000 square foot Sav-A-Lot
15 which is going to open on December --

16 MR. BURNS: Right here. Right
17 here. This was the --

18 MR. PRIMAVERA: Only one of us
19 can speak at a time.

20 So what Pat is showing with his
21 left hand is the 99 percent constructed
22 Sav-A-Lot, 18,000 square foot, brand new
23 store. To the right is a multi-tenanted
24 store under construction. So it will
25 have Annie's Linens, Dollar Tree or

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2 Deal\$, CitiCorp Bank and the restaurant.

3 So they're two different buildings.

4 COUNCILMAN GOODE: So the Mayor
5 was not endorsing what's being debated
6 today.

7 MR. PRIMAVERA: He was
8 endorsing the shopping center.

9 (Applause.)

10 MR. PRIMAVERA: The letter does
11 not speak to the dollar store. The
12 letter speaks to the shopping center and
13 it specifically speaks to the Sav-A-Lot.
14 The Sav-A-Lot was signed up before the
15 Dollar Tree.

16 But basically Duane Bumb from
17 the Commerce Department, as recently as a
18 week ago, told me that because this is a
19 public-private project and the state is
20 contributing funds and because of the
21 large need for redevelopment, that the
22 Commerce Department is enthusiastically
23 in support of every aspect of what we're
24 doing here.

25 COUNCILMAN GOODE: I'm pretty

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2 sure that the Commerce Department wants
3 to see development there. The Commerce
4 Department would not necessarily get into
5 what specific tenants would be there.

6 But if you have all this planned out and
7 if it's such a great project and so much
8 money is being invested -- and we do
9 thank you for your investment in
10 different sections of the City -- you
11 have not yet told us what specific
12 benefits will come. Is there an economic
13 opportunity plan? Will Philadelphia
14 businesses benefit?

15 (Applause.)

16 COUNCILMAN GOODE: Will
17 Philadelphia workers benefit? Is there
18 going to be a community benefits
19 agreement?

20 MR. PRIMAVERA: Yes to all of
21 that. I'll -- is Grant the right person
22 to address that?

23 Put your name for the record
24 and your position.

25 MR. McLOUGHLIN: Grant

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2 McLoughlin, Executive Vice-President of
3 Fresh Grocer. I work with Pat on all of
4 his developments.

5 Yeah. We've been working, as
6 Carl mentioned earlier, with GCC since
7 February of this year.

8 MR. PRIMAVERA: And who are
9 they?

10 MR. McLOUGHLIN: GCC is
11 Germantown Community Connection. They
12 were the ones that first contacted us
13 when the Fresh Grocer was closed and
14 offered to work with us in trying to come
15 up with a community benefits agreement
16 for this development, something that
17 would aid the community. They would have
18 input on tenants. They could negotiate
19 with us on landscaping issues, which
20 they've done. I think one of the
21 representatives was here.

22 And the community benefits
23 agreement, just bottom line, is, we've
24 committed to about a million dollars in
25 employment annually, a hundred thousand

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2 dollars in local contracts for shopping
3 center maintenance. So over ten years,
4 it's about \$11 million in employment
5 dollars, 80 percent of which would come
6 within a mile and a half of the location,
7 and that's in our community benefits
8 agreement with GCC.

9 We've also, as I said,
10 negotiated with them on landscaping
11 issues, and those that have been
12 negotiated, quite honestly, are an
13 incremental expense to Pulaski Partners
14 and Pat specifically of north of
15 \$250,000, which he's agreed to.

16 COUNCILMAN GOODE: That was the
17 third question I had asked. You skipped
18 over the first two.

19 MR. McLOUGHLIN: You asked
20 about a community benefits agreement.
21 Yes, we have one with GCC.

22 COUNCILMAN GOODE: No. I asked
23 about an economic opportunity plan and I
24 asked about opportunities for
25 Philadelphia-based businesses and

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2 Philadelphia workers and the diversity
3 that should be associated with that.

4 MR. McLOUGHLIN: I'm sorry.
5 Maybe I didn't speak it -- say it
6 properly. We've committed to about a
7 million dollars in employment with the
8 development, 80 percent of which --

9 COUNCILMAN GOODE: You should
10 allow Mr. Primavera to answer for you if
11 you're going to give me the wrong answer.

12 COUNCILMAN KENNEY: Let me just
13 ask one -- please. Just we're trying to
14 conduct a hearing. We'll give everybody
15 the opportunity to speak. We want the
16 record to be clear. Just let's not make
17 it a game show.

18 Mr. Primavera, going on
19 Councilman Goode's line of questioning,
20 have you attached the EOP to any of your
21 documents that you presented here
22 relative to the number of employees, the
23 racial composition, the gender
24 composition? I mean, you've been through
25 this with us before. And I was

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2 commenting to Councilman Goode in our
3 last hearing that everybody seems to get
4 it now. Do you have it?

5 MR. PRIMAVERA: No, and here's
6 the reason why. We have gone through the
7 other process with the state and the City
8 in meeting the requirements. This is a
9 zoning overlay amendment. It's not a
10 project zoning. So that's why we look at
11 this --

12 COUNCILMAN GOODE: You stated
13 about how great this project was, about
14 how the Commerce Department endorsed it.
15 The Office of Economic Opportunity is
16 located within the Commerce Department.
17 If they endorsed this project without an
18 economic opportunity plan, then I'll have
19 a conversation with them about it.

20 MR. PRIMAVERA: To be honest --

21 COUNCILMAN GOODE: But you know
22 how I'm going to vote.

23 MR. PRIMAVERA: Yes. And I
24 understand. This project came through
25 the RACP process, RCAP. It came through

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2 the Commerce Department.

3 COUNCILMAN GOODE: That means
4 you don't need my vote.

5 MR. PRIMAVERA: So we are
6 really here in support of the zoning
7 overlay amendment. So it's not really
8 project driven. But we hear your
9 comments. I think Grant's response is
10 that as a developer working in the
11 Germantown community, they've been very
12 responsive to the community's requests.

13 COUNCILMAN KENNEY: Let me just
14 elaborate. I mean, again, Councilman
15 Goode has been getting us here since he's
16 been here. When you go through all the
17 work you went through to give us this, at
18 the back or somewhere in the middle or
19 somewhere in the front should be that one
20 sheet that tells us what you're going to
21 do from an employment standpoint, from a
22 contracting standpoint, the diversity
23 issues. It's really just boilerplate,
24 should be anymore, because it comes all
25 the time on all these projects.

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2 Now, I think it's fair to say
3 any time you're before the Rules
4 Committee now or into the future, you
5 should have that sheet or two attached to
6 whatever -- you've obviously gone through
7 a lot of work to put this together. Just
8 put the EOP in it and we don't have to go
9 through this.

10 MR. PRIMAVERA: And that's good
11 advice. I'm sorry it wasn't in the
12 package, and we'll work on that. I mean,
13 this is something that's -- Pat believes
14 it's done. So it's my fault for not
15 having it here today.

16 COUNCILMAN KENNEY:
17 Councilmember Reynolds Brown.

18 MR. BURNS: Can I just make one
19 statement?

20 COUNCILMAN KENNEY: Please.

21 MR. BURNS: I believe it's
22 done, and we will get a copy to you. One
23 thing I'd like to say, Wired Beans,
24 Robert Wheeler, he is an African American
25 man, small businessman. We gave him

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2 considerable consideration to go into the
3 location there and so forth. He's a
4 great guy. He's been doing a great job
5 in Mt. Airy. So we tried to integrate
6 local people and big tenants
7 throughout --

8 COUNCILMAN KENNEY: I have no
9 doubt that you've done it and I think you
10 did it with the LaSalle project, but it's
11 just not there to see, and that's what
12 Councilman Goode has been insisting on.

13 COUNCILMAN GOODE: And you
14 can't talk your way through it.

15 MR. PRIMAVERA: No. We
16 understand. I regret -- Pat believes he
17 has it. I'm sure it exists, and we'll
18 make it available to you.

19 COUNCILMAN KENNEY:
20 Councilwoman Brown, you were in line.

21 COUNCILWOMAN BROWN: Yes. Of
22 course, Councilman Goode and I had
23 similar questions raised as we were
24 sitting here, starting with fundamentally
25 an EOP plan. You said you did another

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2 project in the Germantown area?

3 MR. PRIMAVERA: LaSalle.

4 MR. BURNS: LaSalle University,
5 yes.

6 COUNCILWOMAN BROWN: Was an EOP
7 plan attached to that effort? Was an EOP
8 plan a part of that effort and how long
9 ago was that effort?

10 MR. BURNS: The effort, I don't
11 have the exact dates, but we opened, I
12 believe, about two and a half years ago.
13 At the time, we had GPUAC overseeing the
14 whole project from the construction point
15 of view all the way to the leasing. That
16 was also part of the RACP process and the
17 City process and so forth. So I believe
18 it's in that, but I don't remember. It's
19 been a few years ago.

20 COUNCILWOMAN BROWN: Well, just
21 for the record, GPUAC does not equal EOP,
22 just so that you understand that going
23 forward.

24 Did you meet the GPUAC goals?

25 MR. BURNS: Yes, we did.

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2 COUNCILWOMAN BROWN: This is a
3 public-private partnership.

4 MR. BURNS: Yes.

5 COUNCILWOMAN Brown: What
6 percentage of this is public?

7 MR. BURNS: Right now there's a
8 \$3 million RACP agreement signed by the
9 Governor. There's a million dollar
10 amendment that is proposed. And the
11 other \$11 million is private money
12 through myself and my bank.

13 COUNCILWOMAN BROWN: How long
14 ago did you meet with folk at the
15 Commerce Department?

16 MR. BURNS: I'm not sure of the
17 exact date.

18 COUNCILWOMAN BROWN: Was it
19 this year? How long has this effort
20 been underway?

21 MR. BURNS: I spoke to the
22 Commerce Department this year through the
23 phone a few times, but I don't know when
24 we met with them exactly.

25 COUNCILWOMAN BROWN: So that

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2 happened this year in preparation for the
3 document produced this morning?

4 MR. BURNS: Which document is
5 that?

6 COUNCILWOMAN BROWN: The
7 document produced by --

8 MR. PRIMAVERA: The Mayor's
9 letter to the Governor, was that part of
10 the discussion that you had regarding
11 public-private funds?

12 MR. BURNS: I believe so, yes.

13 COUNCILWOMAN BROWN: Okay. And
14 I don't believe I heard an answer, so
15 right now as we sit here, we have no EOP
16 plan, correct, for the record?

17 MR. PRIMAVERA: He believes
18 there is one. I'm going to obviously
19 jump on locating that. I have not seen
20 it myself, but, again, this comes through
21 a different process than we're typically
22 used to. This was not a development
23 process per se, but Pat believes that he
24 does have it and it is working through
25 the Commerce Department. So I believe

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2 it's there, but I regret I don't have it
3 today, and we'll get to the bottom of
4 that quickly.

5 COUNCILWOMAN BROWN: Then I'm
6 at a loss. Point of information. EOP
7 plans are typically developed and crafted
8 by the developer and their representative
9 and not Commerce; is that not so?

10 COUNCILMAN KENNEY: I think
11 it's in cooperation with the Commerce
12 Department, I believe. I mean, they have
13 certain standards they need to get to and
14 I think they work with them to do that.
15 My point is what Councilman Goode is
16 saying is that you should never walk into
17 one of those two doors without having it
18 attached to it. Whatever you're looking
19 for us to make a decision on should be in
20 what you're presenting to us.

21 MR. PRIMAVERA: Right. And I
22 accept responsibility for that. You have
23 to understand, this project is fully
24 constructed and doors are going to open
25 December 10th. So it's not like we're

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2 coming in here through a development
3 cycle. In effect, we're here through the
4 law of unintended consequences on a
5 zoning overlay, but still, we'll get it
6 to you today.

7 COUNCILMAN KENNEY: But since
8 it is almost finished and since you're
9 ready to open, you would think you'd come
10 in here with your wonderful results and
11 success of what you proposed to do and
12 how you accomplished it.

13 COUNCILMAN GOODE: Mr. --

14 MR. PRIMAVERA: I agree.

15 COUNCILMAN KENNEY: Point of
16 information.

17 COUNCILMAN GOODE:
18 Mr. Primavera, you're in luck. We're
19 actually in session tomorrow, this
20 Committee is.

21 MR. PRIMAVERA: Oh, that's
22 great.

23 COUNCILMAN GOODE: So we don't
24 have to vote this out today.

25 MR. PRIMAVERA: That's fine.

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2 COUNCILWOMAN BROWN: How many
3 jobs are anticipated?

4 MR. McLOUGHLIN: About a
5 hundred.

6 COUNCILWOMAN BROWN: One
7 hundred?

8 MR. McLOUGHLIN: About a
9 hundred. But a good portion of those
10 jobs, honestly, are going to be part
11 time.

12 COUNCILWOMAN BROWN: Forgive
13 me?

14 MR. McLOUGHLIN: A good portion
15 of those jobs will be part time, being
16 the nature of the retail business, but,
17 again, the employment dollars are going
18 to be about a million dollars annually
19 between all the enterprises involved.

20 COUNCILWOMAN BROWN: And what
21 procedures or avenues do you have in
22 place to ensure that residents from the
23 immediate area benefit from those job
24 opportunities? What --

25 MR. BURNS: The only evidence I

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2 could give you is the five other
3 developments I've done, that we've hired
4 90 percent of the people within a half a
5 mile, mile away from it, through LaSalle,
6 Progress Plaza, 56th Street, 40th Street,
7 58th Street, 57th Street and 54th Street.
8 That's pretty much --

9 COUNCILWOMAN BROWN: That's
10 helpful.

11 MR. BURNS: Just my experience,
12 it's always been that way and we always
13 gave the opportunities first to the
14 neighborhood.

15 COUNCILWOMAN BROWN: Very well.

16 MR. PRIMAVERA: But if the plan
17 is not easily available, it will be in --
18 we'll finish it so you'll have it
19 tomorrow. I think Pat says that it may
20 exist, he recalls it. He's worked that
21 way through the five or six other similar
22 projects, and our focus unwittingly or
23 unfortunately has been on the GCC
24 community group where they've met and
25 they put their own agreement with them

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2 regarding jobs and employment and tenant
3 mix. That's been kind of real boots on
4 the ground. Grant has been spending a
5 huge amount of time doing that, and the
6 neighbors, quite frankly, have spent a
7 huge amount doing that. It's not in the
8 format of the opportunity plan that we're
9 talking about, but it really shows the
10 commitment and the level, not only on the
11 other five or six projects but on this
12 particular project that we're talking
13 about. So we'll get that to you.

14 COUNCILWOMAN BROWN: Very well.
15 The answer regarding the community
16 benefits agreement, is there one? Is
17 there one in process or in progress?
18 Update us on that.

19 MR. McLOUGHLIN: It's fully
20 developed. Pat has signed it, and it's
21 been submitted to GCC, but it's been
22 verbally negotiated, and it represents
23 all of our conversations and agreements.

24 COUNCILWOMAN BROWN: Okay.
25 Now, GCC are representatives of an

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2 organization from the immediate

3 community?

4 MR. McLOUGHLIN: Yes.

5 COUNCILWOMAN BROWN: Okay.

6 MR. PRIMAVERA: And let's just
7 talk a little bit about that, Grant.

8 COUNCILWOMAN BROWN: Could we,
9 please.

10 MR. PRIMAVERA: The name of
11 that group -- and some of the individuals
12 who spent hundreds, literally hundreds of
13 hours, you know the names. Can you give
14 us the names?

15 MR. McLOUGHLIN: The Board
16 members of GCC, Betty Turner is the
17 President.

18 MR. PRIMAVERA: Irv Ackelsberg.

19 MR. McLOUGHLIN: Irv
20 Ackelsberg. And I thought I saw Irv come
21 in here today.

22 MR. PRIMAVERA: And there's one
23 other.

24 MR. McLOUGHLIN: Marshall
25 Freeman.

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2 MR. PRIMAVERA: Marshall
3 Freeman. These are all names that many
4 of you know. They spent their whole life
5 in government and they've dedicated their
6 blood, sweat and tears, taking on a lot
7 of criticism, to make this project
8 really, really strong for them.

9 So, Grant, can you tell us --

10 MR. McLOUGHLIN: Another Board
11 member is Reverend Nancy Muth from First
12 Presbyterian Church right there on
13 Chelten Av.

14 MR. PRIMAVERA: And what's been
15 the process?

16 COUNCILMAN KENNEY: We've been
17 having this dual for 20 years.

18 MR. PRIMAVERA: I'm sorry.

19 COUNCILMAN KENNEY: This is not
20 a courtroom and you're not interrogating
21 a witness.

22 MR. PRIMAVERA: I --

23 COUNCILMAN KENNEY: I know it's
24 your legal training that does that, but
25 you have to -- we'll ask the questions.

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2 MR. PRIMAVERA: My frustration
3 is, I know the reservoir of activity that
4 really goes to answering the
5 Councilwoman's question and Grant is a
6 little bit taciturn. So in one word, he
7 says yes, no, but I know there's a tidal
8 wave of information he wants to share.

9 COUNCILMAN KENNEY: Okay.

10 COUNCILWOMAN BROWN: You're a
11 great representative of your client.

12 MR. PRIMAVERA: Thanks.

13 COUNCILWOMAN BROWN: My last
14 question is, tell us why Trader Joe's
15 could not be a part of this enterprise.

16 MR. BURNS: Well, we reached
17 out to Trader Joe's. I mean, what it
18 comes down to as a developer here, as a
19 developer hat here, because I'm usually
20 on the Fresh Grocer end of my business,
21 which is my main business. So as a
22 developer, there's no good reason why I
23 wouldn't want them there. They're a
24 great tenant. They're a great
25 supermarket operator throughout the

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2 country.

3 I contacted them, because I
4 need credit tenants to do this kind of
5 development, quite honestly. I mean, to
6 spend \$14 million, even though you're
7 getting \$3 million from the state, I
8 still have to personally guarantee \$8
9 million of this money. So the best
10 tenants I can get, I would have there.
11 So if Trader Joe's, Whole Foods, if they
12 want to go there, I'd put them there in a
13 heartbeat. And we reached out to them.
14 I have e-mails saying that they're not
15 developing any more stores in
16 Pennsylvania. They don't want to be in
17 this particular location.

18 So there's no good reason why I
19 wouldn't want any of these tenants out
20 there and so forth. At the same time,
21 I've asked people in the community, who
22 do you want, give me specific names.
23 They're the only two specific names I
24 received. I'll call them all. I have no
25 problem with that.

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2 Weavers Way, I contacted them.

3 I asked Glen from Weavers Way to come in
4 here to put a 5,000 square foot new co-op
5 in the location. I even provided that I
6 would put all the money up for all his
7 equipment, with no guarantee on a lease.
8 If he's not successful in two years, then
9 he could just walk away, no strings
10 attached. He could not pull it off
11 because he had restrictions within his
12 own funding abilities through banks and
13 so forth. So these are the tenants that
14 I've been trying to bring into the
15 neighborhood.

16 COUNCILWOMAN BROWN: That
17 background is helpful. Thank you.

18 Thank you, Mr. Chairman.

19 COUNCILMAN KENNEY: Let the
20 record reflect that Councilman Clarke is
21 in attendance.

22 In regards to the issue of
23 Trader Joe's versus Fresh Grocer versus
24 Whole Foods, what's the average income
25 level of the most near residents to this

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2 facility? And my question speaks to, do
3 the folks in the neighborhood, can they
4 afford Trader Joe's and can they
5 afford --

6 (Audience members yelling
7 "yes.")

8 COUNCILMAN KENNEY: I'm asking
9 the person who does the development when
10 they do their -- let me finish, please.
11 And stop the catcalls. He does this for
12 a living. He figures out what the
13 demographics and economics of the
14 particular development are.

15 I just want to know if from the
16 other side of the coin, because I know I
17 don't shop at Whole Foods because it's a
18 little -- I'm an Acme person, nothing
19 against your stuff, but I mean, that's
20 kind of where I go, because I think some
21 of those other stores are a little
22 expensive for the same quality of food.

23 What -- stop. This is like
24 grade school.

25 What is the economics of the

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2 average person that lives within the half
3 mile walking distance, mile walking
4 distance? Is that why Trader Joe's
5 doesn't want to come there, because they
6 don't think they can attract enough -- I
7 mean, how does the economic decision work
8 on what level of pricing?

9 MR. McLOUGHLIN: It really
10 comes down to -- in terms of our decision
11 about what kind of business to operate
12 there, it really comes down to population
13 and available food dollars, and that is a
14 function of median household income and
15 population within the designated trading
16 area. In that particular location,
17 that's why the Sav-A-Lot worked for us
18 but the Fresh Grocer did not.

19 As for Trader Joe's, the press
20 that they're putting out or the
21 information that we get from them is
22 they're not willing to open any more
23 stores in Pennsylvania because of the
24 liquor laws. It really has nothing to do
25 with income in terms of development.

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2 COUNCILMAN KENNEY: But, for
3 example, in a development area which I've
4 experienced personally in South
5 Philadelphia, for example, on Oregon
6 Avenue, there's a varied number of stores
7 at different levels of pricing, and I
8 know that you see a lot of folks walking
9 to some of the lower -- not cheaper. I'm
10 looking for a word -- more affordable
11 opportunities there. And I just throw it
12 out. I don't know the answer to the
13 question. I just throw it out. Does a
14 Whole Foods prohibit or eliminate some of
15 the folks who live in that neighborhood
16 from shopping in a Whole Foods?

17 MR. McLOUGHLIN: Whole Foods is
18 high priced. They are.

19 COUNCILMAN KENNEY: Correct.

20 MR. McLOUGHLIN: We know that
21 when we compete against them.

22 COUNCILMAN KENNEY: If you had
23 a Whole Foods that wanted to come in
24 there, would there be a segment of the
25 community that would be priced out, so to

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2 speak?

3 MR. BURNS: Absolutely.

4 COUNCILMAN KENNEY: I'm trying
5 to strike a balance as to what type of
6 store -- you could argue about the Dollar
7 Tree all you want. I'm talking right now
8 about the supermarket, which seems to be
9 a lot of the members' concerns about what
10 type of level of supermarket there's
11 going to be there. But I just threw it
12 out there for argument's sake.

13 MR. PRIMAVERA: Well, it's a
14 good question. Let's put the 500-pound
15 elephant on the table here. People said,
16 Pat, why can't you do the Fresh Grocer at
17 this location. You did it at LaSalle,
18 which some people feel is not as strong
19 as this neighborhood. Why are you giving
20 us, quote, second best? This was what we
21 heard continuously. And Pat answered
22 that honestly, and let's hear the answer
23 today.

24 MR. BURNS: Our original goals,
25 when I bought the property, was a Shop

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2 Rite in 2006, and there was an old gas
3 station on the property, which
4 contaminated it, which I cleaned up.

5 There was an old SEPTA location on the
6 property, which I bought from SEPTA.

7 I'm just trying to give you a
8 little quick history.

9 To put a brand new 50,000
10 square foot Fresh Grocer on there. So
11 when I went for financing and so forth to
12 get our dollars to build this store, we
13 did surveys, and they're called market
14 analysis, which I did three separate
15 ones. And based on the \$20 million it
16 would cost me to build and fit out and
17 equip a brand new Fresh Grocer, the
18 dollars just don't work at \$20 million to
19 put that only development on the project.

20 MR. PRIMAVERA: And why is
21 this? Because of the number of people --

22 COUNCILMAN KENNEY:

23 Mr. Primavera.

24 MR. BURNS: It's simply the
25 food dollars available to that specific

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2 location. I mean, there's a Pathmark a
3 half a block away also that should be
4 noted also.

5 COUNCILMAN KENNEY:

6 Councilwoman Miller.

7 COUNCILWOMAN MILLER: Hi. Good
8 morning to everybody. You know, I
9 believe the last time there was a
10 development in Germantown was right
11 before I came to City Council. So that's
12 about 16 years ago. And that development
13 didn't actually turn out the way we
14 thought it was going to be originally,
15 because the community opposition and
16 people were calling, calling the
17 retailers and telling them not to come
18 because folks were going to boycott and
19 protest them.

20 When I sent my letter over to
21 Zoning, to the last hearing that you had,
22 I meant what I said. And it had nothing
23 to do with pay to play, backroom deals.
24 It had nothing to do with any of that.
25 When I put the zoning overlay in without

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2 the support of the community, without
3 anybody from the community saying it's a
4 good thing or it's a bad thing, I put it
5 in because I had my own reasons. I was
6 tired of seeing the same types of stores
7 coming to the Germantown and Cheltenham
8 business district. And when I met with
9 the group of folks here that are
10 opposing, I told you that and I told you
11 the truth.

12 When I sent the letter over to
13 the Zoning Board of Adjustment, I
14 explained why I actually created the
15 overlay, but I also said it was not my
16 intent to -- it was never my intent that
17 this legislation would prohibit the
18 development of neighborhood shopping
19 centers with off-street parking, nor
20 limit the types of stores that would be
21 located therein.

22 Through my discussions with
23 City Planning -- and I've had very
24 lengthy discussions with City Planning
25 around this whole Cheltenham Plaza issue,

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2 and they wanted to eliminate this
3 Germantown overlay from the new Zoning
4 Code. And we talked about what's good
5 about the overlay and what's not so
6 great, and one of the things they
7 explained to me, that if a Macy's,
8 because of the wording, if a Macy's or a
9 Target or any of those types of stores
10 wanted to come to the Germantown and
11 Cheltenham business, according to how my
12 overlay was worded, they would not be
13 permitted. So we thought that the best
14 way -- and we've had this discussion over
15 and over and over again, and the group
16 that I go to that gives me my technical
17 assistance, my legal advice as a City
18 Councilperson are City departments, the
19 Planning Commission, our tech staff here,
20 who actually wrote the overlay. And we
21 moved forward with the overlay. We just
22 hassled. We tried to figure out how
23 could we allow a \$14.3 million project to
24 come to the Germantown community that
25 will create about a hundred jobs, whether

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2 they're full time, part time, but it's
3 job creation, and I knew that they were
4 meeting with the community group. I saw
5 the community benefit agreement. I
6 talked to Pat about diversity.

7 You know, Pat, you and I have
8 had that discussion about the diversity
9 of the workforce and the contractors.

10 And so one of the things that I
11 thought would be the best thing to do
12 would be to amend the legislation and
13 make it 7,500 feet, and that would allow
14 for a larger store that perhaps may want
15 to come into the Germantown community.

16 I was born and raised in
17 Germantown. I know what Germantown was.
18 I know what kind of stores we had there.
19 I can concur with just about everything
20 people said here. I remember when I was
21 a little girl, I think there were
22 probably about four supermarkets that you
23 could walk to from the corner of
24 Germantown and Cheltenham. But those
25 actually, those markets started to close.

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2 And why they closed, I have no idea.

3 Some of them started to close when I was
4 a very young adult, and I just don't know
5 what made them decide to move on.

6 I see this as an opportunity
7 that I hope will help spur other
8 development. We did Debary Square. We
9 did Richardson Plaza at Wayne Avenue.
10 And, by the way, you know, you may be
11 forgetting, but there is a Pathmark a
12 block away from this development. So
13 it's not like it's nowhere to shop. It's
14 not a huge one. It's not a 50,000
15 square, 55,000 square feet, but it is a
16 Pathmark, and it certainly serves my
17 purpose. I go there. And I used to shop
18 at that derelict Shop Rite, how it was
19 described, at Pulaski and Chelton, you
20 know. We shopped there, too. They had
21 food. And I have shopped at Fresh Grocer
22 when it was there. And if there's
23 problems, you tell the manager. I
24 certainly have.

25 But I just thought that doing

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2 this amendment to the overlay would help
3 us resolve the language issues, the
4 barriers to other types of stores coming
5 here, because I personally think that
6 this is a good project. And we're
7 talking about one store. I never heard
8 of Deal\$, and I was -- about a week or
9 two ago, I was driving up Old York Road
10 right near Washington Lane, and in that
11 development right there at Jenkintown,
12 they have a Deal\$. I said, Oh, there's a
13 Deal\$. I didn't go in, but they have a
14 Deal\$ right there in that little shopping
15 plaza.

16 So there's a lot of discussion.
17 There's petitions for it. There are
18 petitions against. Most people that I
19 talk to in the neighborhood are for it.
20 By the way, where the other Dollar
21 General or Family Dollar, or whatever
22 it's called, that's going up at Cheltenham
23 and Musgrave, that is not located in the
24 overlay area. And all those neighbors,
25 the near neighbors, signed a petition in

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2 support of that project on a lot that's
3 been a headache to that community for
4 many, many years. Many years as a
5 Councilperson I've gotten that lot
6 cleaned over and over and over again. So
7 the community there is very happy that a
8 legitimate, good store is going to come
9 there that's going to renovate that whole
10 property. It's actually two lots.

11 So I just wanted to make the
12 record clear. This is not a part of pay
13 to play. It's not a part of a back deal.
14 I've spent a lot of agonizing hours
15 trying to figure out how we could fix
16 this, work this and satisfy everybody.
17 And we're never going to satisfy
18 everybody. This is all about one store.
19 Sav-A-Lot has been in Germantown for 30
20 years. Before it was at Wayne and
21 Cheltenham, it was at Germantown and
22 Tulpehocken when Penn Fruit moved. It's
23 not a new store, but hopefully it will be
24 a bigger store, a nicer store. I really
25 don't know. I haven't really looked that

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2 close at the site plan, but I've listened
3 to what Pat and some of his cohorts have
4 said.

5 So whether you agree with me or
6 not, we're just trying to work this out.
7 I live in Germantown. I would love to
8 have stores close by, the same as you, no
9 different. But I hope that this
10 development will help spur other
11 development.

12 Out of eight stores, we're
13 talking one store.

14 (Audience member yelling "it's
15 a major store.")

16 COUNCILWOMAN MILLER: We're
17 talking one store, because Sav-A-Lot was
18 already there. If you live there, you
19 know it.

20 (Audience members talking.)

21 COUNCILMAN KENNEY: Please.

22 COUNCILWOMAN MILLER: Thank
23 you. Thank you, Mr. Chair.

24 COUNCILMAN KENNEY: Thank you
25 very much.

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2 I think we've concluded with
3 you guys.

4 Any other questions for any of
5 these witnesses?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing
8 none --

9 MR. PRIMAVERA: Thank you.

10 MR. BURNS: Thank you for your
11 time.

12 COUNCILMAN KENNEY: -- thank
13 you for your testimony.

14 Now, let me set the ground
15 rules for rebuttal, because this is not a
16 courtroom proceeding. If you haven't
17 spoken already, then you're certainly
18 welcome to speak. If you have spoken
19 already, I would confine my comments --
20 or I would ask you to confine your
21 comments to new material and not
22 rehashing the old stuff, and I'm going to
23 so at some point limit the rebuttal,
24 because we know you're against it, you
25 made it very clear. You want to

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2 elucidate us on something, that's fine,
3 but at some point in time, we have to
4 conclude the hearing.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN KENNEY: Please
8 identify yourself for the record.

9 MS. FITZPATRICK: Hello. I am
10 Megan Fitzpatrick. I'm a member of the
11 much-mentioned Design Review Group of
12 Germantown Community Connection, and I
13 have met with Pulaski Partners many
14 times, along with Chris Mendel that is
15 also present, and I am very much against
16 there being a dollar store and I am very
17 displeased with how this was handled.

18 I got my degree in architecture
19 through the nearby Philadelphia
20 University to this site. So I have
21 applied numerous times down at Zoning and
22 L&I for building permits. I've been an
23 applicant. And I think what's getting
24 confused here, certainly when Carl
25 Primavera stated that he had Jeanne

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2 Klinger on his side, no, no. She is a
3 very transparent employee at Zoning. She
4 doesn't take sides. She follows how
5 applicants apply. And they had the use
6 down as a grocery store. A dollar store,
7 it's not a grocery store. It may sell
8 grocery products, but it is not -- they
9 put the use down. It was misleading.

10 And another thing that has not
11 been mentioned -- which I have done
12 research down at Zoning with Jeanne
13 Klinger, because she's transparent, she
14 helps both sides, she does her job, and
15 she's very diligent. And that site is
16 composed of two different addresses. So
17 when an applicant such as Pulaski
18 Partners goes down there and they have
19 their use as a grocery store, no red flag
20 went up to say, Well, isn't that funny,
21 this site already has a grocery store. A
22 site with two grocery stores? The
23 Sav-A-Lot being one on the one address
24 and then the other address was a dollar
25 store.

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2 You know, they did not properly
3 apply, and I don't think the City should
4 put up with people not doing their job
5 and misleading the government and L&I and
6 Zoning when they go down there. It
7 shouldn't be we -- if you build it, you
8 get a variance, because that's an abuse
9 of the system.

10 There is an overlay that didn't
11 allow variety stores. That was known.
12 Carl Primavera is like, Oh, okay, you
13 know what? If we put down the word
14 grocery store, we'll get through.

15 And then I was there at the
16 previous hearing when he said a Bergdorf
17 Goodman's wouldn't be allowed. Well,
18 that's not what we are asking for. We're
19 just asking for Germantown Avenue not to
20 be filled with the same kinds of
21 retailers.

22 The community of Germantown is
23 a very diverse community. All different
24 shades of the rainbow live there, all
25 different money brackets, but, you know

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2 what? Chelten Avenue is not. It has the
3 same thing over and over and over again,
4 and we want that community to flourish.
5 And that's what we're asking. We're just
6 asking you to follow what was already in
7 place. Please consider that.

8 COUNCILMAN KENNEY: Thank you.

9 Please identify yourself for
10 the record.

11 MR. ACKELSBERG: Thank you,
12 Mr. Chair. My name is Irv Ackelsberg.
13 Councilwoman Miller and other members of
14 Council, it's a pleasure to be here.

15 I'd like to do two things in my
16 testimony. One is to correct some facts
17 that were stated in the previous panel
18 regarding GCC and this community benefit
19 agreement that was referenced, and also
20 if the panel would indulge me in making a
21 suggestion to how this -- how to manage
22 this situation.

23 I have been a member of and a
24 legal advisor to the Germantown Community
25 Connection for a while throughout this

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2 saga. Germantown Community Connection
3 had taken the position -- and it's an
4 organization that's been seeking to bring
5 together the various previously divided
6 community groups around Germantown. We
7 made the determination that once we
8 discovered that this was happening -- and
9 you should know that one of the reasons
10 why this problem exists is that there
11 were no discussions with the community
12 before it happened. We discovered it
13 when they were breaking ground basically.

14 And so we at GCC organized
15 several mass meetings at the First
16 Presbyterian Church. There was -- it was
17 very well attended, over a hundred people
18 at both meetings, and there was general
19 opposition both to the character of the
20 project, the design of the project and
21 the fact, frankly, that nobody had
22 bothered to talk to anybody in the
23 community before it was -- before ground
24 was broken. And one of the things that
25 GCC decided to do was to negotiate with

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2 the developer to try to see -- we
3 understand that there's a lot of money
4 here, that you can't just stop it, but we
5 could improve it, and that was our goal.
6 And there were some negotiating sessions
7 with Mr. Burns and his folks, but really
8 the last that happened regarding that
9 negotiation was a document that they
10 floated to us. It's not a community
11 benefit agreement. It's an invitation to
12 enter into a community benefit agreement.
13 It had some commitments regarding
14 employment regarding the EEO concerns
15 that were expressed here. Those were
16 concerns that we had, and the commitments
17 were very, very vague. We had questions
18 that weren't answered, and what we had
19 thought was that this Dollar Tree dispute
20 was really the one leverage that the
21 community had to actually enter into a
22 community benefit agreement. And what's
23 going on here is that rather than
24 negotiate, they're seeking to basically
25 take the one piece of leverage that we

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2 have and change the law so that they can
3 do what they want and then maybe there'll
4 be a community benefits agreement.

5 Really the problem here is just
6 timing. I mean, on the merits, I would
7 have to say that at least my mind is open
8 and most of my neighbors have open minds
9 about -- not only about the overlay, even
10 about Dollar Tree. But right now it's
11 against the law to put in the Dollar
12 Tree, and that's the one little -- the
13 one tiny little bit of leverage that this
14 community has to have an impact on this
15 hugely important development.

16 And we -- what we ask for --
17 and here I get to the suggestion -- is
18 just time. Don't remove the one leverage
19 we have. We will be open to
20 considering -- apparently the overlay is
21 going to be continued in the new code.
22 We're open to looking at that overlay.
23 We never looked at the overlay before.
24 We are open. We are willing to consider
25 all of these things, and, frankly, this

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2 particular Germantown resident is even
3 willing to consider a Dollar Tree at that
4 site. But don't take away the only power
5 that this community has at the moment and
6 pass this now. Wait a month. Tell
7 Mr. Burns, not yet, sit down with the
8 community, try to make a deal, and then
9 we'll take it up at the beginning of the
10 next session. That's my suggestion.

11 But there is no community
12 benefit agreement. We want there to be a
13 community benefit agreement. We hope
14 there might be, but all there is now is
15 an offer to enter into one.

16 Thank you.

17 COUNCILMAN KENNEY: Thank you
18 very much for your testimony.

19 Please, whatever you're going
20 to offer, please allow it to be new
21 information, please, and not something
22 that you've heard testified.

23 MS. HASKINS: It's rebuttal
24 information.

25 COUNCILMAN KENNEY: I

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2 appreciate that. I think this is an
3 important issue and normally we don't --
4 once you testify, you've testified,
5 because we could go around -- this could
6 be a round robin.

7 MS. HASKINS: I understand.
8 Certain facts were put into the record.

9 COUNCILMAN KENNEY: Please
10 identify yourself.

11 MS. HASKINS: There's one fact
12 in the record --

13 COUNCILMAN KENNEY: Please
14 identify yourself.

15 MS. HASKINS: Yvonne Haskins.

16 COUNCILMAN KENNEY: Thank you.

17 MS. HASKINS: Before I start,
18 there's one fact that I just learned
19 about, that Councilwoman Miller sent a
20 letter that we didn't receive as
21 petitioners on that zoning appeal and
22 that we would really very much appreciate
23 receiving a copy of that letter. I have
24 been quite transparent and open in
25 sending to Councilwoman everything that

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2 we filed, as well as any advocacy
3 positions that we took. And so I would
4 appreciate that letter.

5 There are a couple things that
6 I'm confused by, not only from the
7 testimony but by the fact that it appears
8 that the Rules Committee is acting like a
9 zoning board. I asked you before to look
10 at this as a legal issue. I'm sorry to
11 repeat that. But I'm asking you again to
12 ask for a ruling from -- since you've
13 gotten a ruling from City Planning, to
14 ask for a ruling from the Law Department,
15 because here we have had clear evidence
16 of a presentation of one project that
17 everybody is focused on, and it seems to
18 me that clearly states to the world that
19 this Council is considering passing a law
20 to favor one project, and that's wrong.
21 That's spot zoning. And so I'm asking
22 you to consider that.

23 The second thing that was
24 presented is that the head of Commerce is
25 in favor of this project, and maybe he

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2 is, but he is also the head -- Alan
3 Greenberger is also the head of City
4 Planning that went against this project.

5 And if the developer won at the
6 Zoning Board hearing, I don't know why we
7 have an overlay amendment for that
8 development to happen.

9 I want to be clear on the
10 record about a practice that we have seen
11 with developers in applying for zoning
12 permits. We have seen developers who
13 cannot get a variance and cannot get
14 community support come to the City
15 Council, especially our City
16 Councilperson, to get spot zoning, and I
17 think that has to be addressed. It
18 should be addressed by this Council.

19 But the more important thing
20 that this Council I hope would look at
21 and investigate, why a developer is
22 allowed to go to the zoning unit and put
23 on the record a request for an
24 application that misrepresents the actual
25 intended use that the zoning law

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2 requires. The Zoning Code is very clear,
3 that you cannot get a building permit
4 without a zoning permit that states the
5 actual intended use. And this applicant
6 stated that the actual intended use is a
7 grocery store masquerading as the Dollar
8 Tree, or the other way around.

9 I have another case where the
10 same thing is happening, and when you
11 talk to the people in L&I, they say,
12 Well, we have to rely upon what's
13 presented to us in the permit. And so
14 the decision by the Zoning Board that
15 said they issued a proper permit but
16 we're going to remand the case for them
17 to reconsider what they did, it was
18 because that application said retail
19 grocery store, and the zoning unit issued
20 a permit that said retail grocery store.
21 So the only thing that's going on in
22 Zoning today is that whatever you come
23 down and apply for, as long as those
24 people can read and put the same thing on
25 the permit, that's permitted and that's

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2 allowed as a proper permit.

3 At the bottom of the
4 application for every zoning application,
5 it says you will tell the truth, and an
6 attorney applying for that application is
7 bound to tell the truth. And so even
8 though we as attorneys may represent our
9 clients as well as we can, these are
10 cases that are getting through and the
11 only time the truth is known is when they
12 go for the certificate of occupancy, and
13 they don't go back to the zoning unit for
14 the certificate of occupancy. They go to
15 the building unit. The building unit
16 looks at the record and says, Oh, there's
17 a zoning permit here, so I'll give you
18 the certificate of occupancy. And I
19 wonder, ladies and gentlemen, how
20 frequently this happens. This is a bait
21 and switch that's going on in this city
22 every day by developers, and it really
23 should be checked by this Council.

24 (Applause.)

25 COUNCILMAN KENNEY: Thank you

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2 for your testimony.

3 Please identify yourself with
4 any new information you have.

5 MR. FOSTER: Jim Foster.

6 Two points that I'd like to
7 make that were not made in my original
8 presentation, one of them brought up by
9 the Councilmembers at this hearing, and
10 this is the cloudy aspect of this entire
11 process.

12 You should be aware that before
13 anyone is going to qualify for the
14 several million dollars in public money
15 for the grocery store, the application
16 has to be made to the community and
17 meetings have to be held. A written
18 agreement from the community in their
19 agreement as to what the end product is
20 has to be submitted before you qualify
21 for the money. None of that was ever
22 done at the state level, and the state
23 employees and the officials up there will
24 tell you that. The community never found
25 out about this project until two weeks

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2 before the old store closed when a
3 shopper asked a clerk to refill the
4 shelves and he said, Why should we refill
5 the shelves since this store is being
6 closed and they're building something new
7 here? That was when the community first
8 found out about this project, and that
9 was almost a year after the money had
10 been arranged and committed by those who
11 arranged it, and they were elected
12 officials and Mr. Burns. I think that
13 had that process been followed, the
14 community would have been dialed in nine
15 or ten months before the closing of the
16 store and all of this ground would have
17 been covered. And you folks are raising
18 those questions right now when you ask
19 about these aspects that how come we're
20 only learning about them now, how come
21 Burns and his people are doing clean-up
22 work to fulfill what they should have
23 done in the beginning.

24 Second point --

25 COUNCILMAN KENNEY: Let me just

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2 make it clear for the record. Your
3 argument or complaint in this particular
4 regard has nothing to do with City
5 Council. It has to do with the state
6 authorizing something that they
7 authorized. I mean, this may be a forum
8 for you to express your disdain for that,
9 but we couldn't control that process, nor
10 can we reverse it.

11 MR. FOSTER: I know, but had it
12 been followed, this would have been
13 hashed out at the community level long
14 before and this wouldn't have had to take
15 place.

16 COUNCILMAN KENNEY: I don't
17 disagree with you, but we didn't --

18 MR. FOSTER: Oh, I'm not saying
19 you did.

20 COUNCILMAN KENNEY: If there
21 was a foul committed, we didn't commit
22 the foul.

23 MR. FOSTER: But you folks
24 recognized it. Right here this morning
25 I've heard the various Councilmembers ask

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2 these questions that should have been
3 asked long before the project was
4 approved.

5 Second point, the so-called
6 studies of the community's level to
7 justify a mid-class grocery store that
8 Mr. Burns and his people are presenting
9 are bogus. Let me -- for those of you
10 who don't know Germantown, this is on the
11 west end of Germantown close to the Alden
12 Park Manor and Wissahickon Avenue. The
13 adjacent communities to this and within
14 the radius that the study supposedly took
15 place includes some pretty mid-level and
16 upscale communities, such as East Falls,
17 Blue Bell Hill and other parts of
18 Germantown, where the economic levels are
19 very diverse. The point that Mr. Burns'
20 people made to us in community meetings
21 was, they did this one mile study, a mile
22 radius around the store, and claimed the
23 neighborhood was too poor to qualify for
24 even his own Fresh Grocer. That's why
25 we're getting a Sav-A-Lot.

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2 Well, guess what? I got in my
3 car and I drove one mile from the parking
4 lot of the proposed store. Guess whose
5 house is 1.0 miles from that store?
6 Chaka Fattah. And guess whose house is
7 less than one mile from that store? That
8 would be former Mayor and former Governor
9 Ed Rendell.

10 This community is diverse at
11 all levels. The idea that this community
12 can only qualify for low-end stores is a
13 bogus statement. Mr. Burns and his
14 people presented fallacious arguments.

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record.

17 (Applause.)

18 COUNCILMAN KENNEY: And,
19 please, could you identify yourself and
20 give new information.

21 MS. WINTERS: I will stick to
22 the new information. I'm Connie Winters
23 and I am a smaller developer in
24 Germantown.

25 The market study -- Jim covered

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2 the points I was going to make, but I'd
3 like to add to it that we were never
4 allowed to see the market study.

5 So I've been involved. I have
6 a planning background and I've been
7 involved in those kinds of studies. We
8 don't really know that the study he's
9 saying he conducted is accurate and we've
10 never had a chance to examine it.

11 As far as the community
12 participation requirements, they are
13 still not fulfilled in the RCAP
14 application.

15 I was part of a group that
16 stood on the corner collecting signatures
17 on petitions, and you have to be there to
18 really understand the diversity of
19 Germantown and the uniformity of
20 opposition to another low-end grocery
21 store. Virtually everyone that stopped
22 to sign our petitions from every economic
23 level and at least three races said that
24 they shopped outside of Germantown
25 because the existing grocery stores were

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2 so bad.

3 The other thing I'd just like
4 to add is, I want to really thank
5 Councilwoman Reynolds Brown and
6 Councilman Goode for their insightful
7 questions and for really paying attention
8 to the testimony. I'm so encouraged by
9 the fact that you cared enough to look
10 into this. And with regard to your
11 questions about employment, as a small
12 developer over the last ten years, I'm
13 sure I have put in probably \$2 million in
14 private equity in my neighborhood, and
15 out of that \$2 million, I've created -- I
16 just sat here and calculated it -- at
17 least 50 jobs that have to do with the
18 ten commercial spaces that I have in
19 Germantown.

20 So when we're talking about how
21 we spend public dollars and whether or
22 not they're well spent and whether or not
23 there's accountability for those public
24 dollars, there is no accountability for
25 the jobs that Pat Burns says he is

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2 creating. I haven't seen any methodology
3 for follow-through. When he gives you a
4 number and doesn't even give you at this
5 late date of the project very specific
6 figures for the jobs he's creating,
7 there's no accountability if it's not
8 true.

9 So with my very meager
10 investment, which didn't ask for any
11 public money, I've created -- and I could
12 verify -- 50 jobs. So are we spending
13 our public dollars wisely to build a
14 community or are we just bringing another
15 developer with low expectations for my
16 community into Germantown?

17 Thank you.

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 (Applause.)

21 COUNCILMAN KENNEY: Please
22 identify yourself for the record.

23 MS. RICHLIN: My name is Laura
24 Richlin. I am a 20-year resident of
25 Germantown. I have lots of roles in my

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2 community, but today I'm speaking as a
3 mom who has tried to feed my children.

4 When Fresh Grocer -- first of
5 all, we're all in agreement that
6 development is good for Germantown. I
7 love Germantown. I live there by choice.
8 We could probably live anywhere we
9 wanted, most of us, and we live in
10 Germantown because it's gorgeous and
11 wonderful.

12 When Fresh Grocer first went
13 in, a lot of us jumped for joy. We were
14 so excited, because we thought it would
15 be something like the one in West
16 Philadelphia that I had gone to many
17 times, and unfortunately it wasn't. And
18 I went back every few months just to see
19 maybe it's going to get better, maybe
20 it's going to get better. It was pretty
21 disgusting. It was not serving our
22 community. So it's no surprise that it
23 ended. Whatever happened, whatever
24 Mr. Burns said about it not being
25 profitable, it's not a surprise, because

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2 it really didn't serve us. It was
3 under-stocked, it was dirty, there were
4 problems.

5 In one of the previous -- I've
6 attended as many of these meetings that
7 we've had in our neighborhood as
8 possible. One of the previous meetings
9 Mr. Burns said that his son or son-in-law
10 or somebody is going to be managing this
11 new Sav-A-Lot and it was going to be at
12 the caliber of the ones in West Philly at
13 56th and Chestnut and 52nd and Baltimore,
14 some of those properties. So a bunch of
15 us went and visited those properties. I
16 wouldn't want that in my neighborhood.
17 They were disgusting. They were dirty.
18 There was dirty floors, dirty shelves,
19 wilted produce, not the kind of place you
20 want to take your money to go and
21 purchase -- use your hard-earned money to
22 purchase food for your family.

23 I think that's part of what's
24 going on here, is that we don't have a
25 sense that Mr. Burns is listening to our

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2 needs for good food, clean environment
3 for our kids and our families.

4 That's all I wanted to say.

5 Thank you.

6 COUNCILMAN KENNEY: Thank you
7 for your testimony.

8 Please identify yourself.

9 (Applause.)

10 MR. SMITH: I'm Jeff Smith. I
11 testified earlier, and I regret being the
12 last person to testify.

13 COUNCILMAN KENNEY: That's
14 fine. We have another bill yet, so don't
15 worry, you're not the last.

16 MR. SMITH: I had a couple of
17 comments. Germantown Community
18 Connection has been cited several times
19 here. The first time that the community
20 met Pat Burns and representatives of the
21 Dollar Tree Corporation was at a May
22 meeting of the Germantown Community
23 Connection where, as was previously
24 cited, over a hundred people attended.
25 It was at that time that Mr. Burns

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2 announced that he, with his demographic
3 survey, could not identify the proper
4 demographic to support his Fresh Grocer
5 concept, because there was not really the
6 income point. Although the testimony has
7 already been presented to that in this
8 rebuttal, I'd like to point out that Post
9 Brothers, who are residential apartment
10 developers, testified at that hearing.
11 They just put \$13 million into the Delmar
12 Morris Apartment buildings, which is on
13 the other side of the tracks from this
14 proposed site, and they're putting \$21
15 million into the former Park Drive
16 Manor/Empirian Apartment complex at the
17 top of Rittenhouse at Morris. They
18 testified that how can you say there's
19 not people who are on a upper scale
20 housing when we're right across the
21 tracks and around the corner?

22 I agree with the previous
23 testimony that you have within a mile,
24 you have Park Heights, Hathaway House,
25 Alden Park Manor, School Lane House,

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2 which is like about 5,000 residential
3 units, and they are not
4 government-supported housing. They're
5 quality apartment buildings, charging
6 decent rent.

7 Regarding the development
8 itself, we are arguing -- this is an
9 issue simply to let it go back to Zoning
10 and to defeat this overlay. However,
11 there's been a remark about employment.
12 When the store closed, when the Fresh
13 Grocer store closed, there was a net loss
14 of employment in the neighborhood. So
15 we're not really creating jobs here.
16 We're recreating jobs, putting jobs back
17 into the site.

18 What we're doing -- I think the
19 intent of the RCAP and the intent of
20 commercial development in Philadelphia is
21 to encourage local businesses, not to
22 encourage franchise stores. Take the
23 site. That area needs a bank. It's a
24 good idea that Citibank is coming there.
25 The Wired Beans Cafe that Mr. Burns

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2 cited, I visited the Wired Beans Cafe. I
3 know Robert Wheeler. He is a wonderful
4 guy. He's got a small store, maybe 700
5 square feet, on Germantown Avenue. If he
6 can manage the size of a cafe, it would
7 be terrific.

8 Do we need another franchise
9 pizza store in that area? No. There's
10 two family -- two locally owned stores
11 within a block.

12 My point is that the focus here
13 was on a developer who was finding things
14 that worked.

15 COUNCILMAN KENNEY: Let me
16 just, so it's clear, we're not here
17 debating whether or not we need a
18 franchise pizza store or not. What we're
19 here debating is whether or not it's
20 appropriate to amend the overlay to allow
21 for the dollar store, so --

22 MR. SMITH: It is not --

23 COUNCILMAN KENNEY: But the
24 issue is, we as a Council cannot get into
25 every economic decision that the

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2 developer makes to invest their money and
3 other money into projects because it's a
4 pizza shop.

5 MS. SMITH: I will go back
6 to --

7 COUNCILMAN KENNEY: I'm just
8 saying, we're talking about -- again,
9 this is not the overall development
10 approval. This is the --

11 MR. SMITH: I understand. And
12 I'll go back to Ms. Haskins' first
13 testimony, that this Committee should let
14 L&I do its job.

15 Ms. Klinger -- I attended that
16 hearing. Ms. Klinger admitted that she
17 actually didn't know the standards for
18 what they were approving. This is new
19 information that Yvonne did not say. She
20 could not -- she could not identify the
21 current marketing codes for grocery
22 stores and variety stores and department
23 stores. She agreed that a variety store
24 by its definition would not be permitted
25 at that site. She agreed that a

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2 department store by its definition would
3 be and a grocery store would be.

4 COUNCILMAN KENNEY: There's --

5 MR. SMITH: So we're going back
6 to Zoning -- let it go back to L&I
7 rather.

8 COUNCILMAN KENNEY: There's a
9 debate whether or not a large department
10 store would be allowed there.

11 MR. SMITH: No, there is not.

12 MS. WINTERS: No, there's no
13 debate.

14 MR. SMITH: In terms of
15 Ms. Klinger's testimony --

16 COUNCILMAN KENNEY: It's in the
17 overlay boundaries.

18 MS. WINTERS: No. There is no
19 debate.

20 MR. SMITH: Ms. Klinger
21 admitted during the hearing, which is why
22 it's going back to L&I and she is
23 reexamining it, she admitted that she
24 could not locate the book that they used
25 or should use to identify appropriate

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2 uses of national standard. She found the
3 book on a shelf while she was doing
4 preparation for the hearing, the appeal
5 hearing. That's her testimony. We're
6 back at Licenses and Inspections. Let it
7 stay there. Let the action -- do not
8 approve this overlay.

9 COUNCILMAN KENNEY: Thank you.
10 Thank you for your testimony.

11 Councilman Goode, do you have a
12 question?

13 COUNCILWOMAN BROWN: Yes.

14 COUNCILMAN KENNEY:
15 Councilwoman Brown.

16 COUNCILWOMAN BROWN: Thank you
17 for the update on the EOP. What's
18 unclear is the community benefits
19 agreement. Would the appropriate parties
20 come back to the table.

21 COUNCILMAN KENNEY: What I was
22 going to suggest, at the request of the
23 sponsor, is to recess this bill to our
24 scheduled hearing for tomorrow at 11:00,
25 taking into consideration that we may

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2 have a complicated Law and Government
3 Committee meeting at 10:00, so we might
4 not start exactly at 11:00, if you know
5 what I mean.

6 COUNCILWOMAN BROWN: Yes.

7 COUNCILMAN KENNEY: So if we
8 recess the bill tomorrow to 11:00 with
9 our stated Rules Committee hearing and
10 attempt to find the EOP, attach it to
11 this document and have everyone sign off
12 on it, we'll decide what to do with the
13 bill at that time. But the purpose of
14 the delay for tomorrow is to locate and
15 understand the EOP. And then if there's
16 anything you need to add --

17 MR. BURNS: Yeah, if you don't
18 mind.

19 COUNCILMAN KENNEY: Just
20 identify yourself.

21 MR. BURNS: Patrick Burns, the
22 developer for Pulaski Partners.

23 It is true we closed the store
24 back in March. GCC by Betty Turner
25 reached out for me. We had a hearing --

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2 I mean, a meeting with the community for
3 GCC. At that meeting I spoke to Betty
4 Turner, Malik Boyd, Marshall, Irv
5 Ackelsberg. We all agreed to get
6 together as one voice to try to work this
7 out. At that point, there's different
8 fractions within the community that
9 really weren't working along with GCC,
10 but I can't as a developer work with
11 seven different organizations. We chose
12 GCC. They reached out to us and so
13 forth.

14 We sat down in very extensive
15 meetings and so forth. Irv Ackelsberg
16 said to me, Pat, why don't you try to get
17 some local guys, Weavers Way, Wired
18 Beans, because I told him I needed a
19 Dollar Tree. I needed a signed lease.
20 I'm sorry I didn't come to you before,
21 but I needed to get the financing. If I
22 don't have that, this project cannot
23 work.

24 So I did everything I can
25 within the community trying to reach out

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2 to Weavers Way. I went after Wired
3 Beans, which he was trying to go in the
4 community from one of the other -- the
5 people that testified today, in one of
6 their places. He didn't want to go. He
7 went in our new development.

8 At the same time, Mr. Foster
9 actually said that it was a low-income
10 area, why would you give us low-income
11 stores. Well, I think that's pretty
12 offensive to Wired Beans saying that's a
13 low-end store and a Citibank in that
14 store.

15 As far as RACP process, I know
16 it's state and I know I'm speaking out of
17 my boundaries, but apparently people
18 don't want to hear the facts in the room
19 behind me. RACP is extremely delicate,
20 sensitive, well-managed process. I've
21 done everything to the letter of the law
22 up and to this date. It's an independent
23 council that looks into it. All --

24 COUNCILMAN KENNEY:

25 Mr. Primavera --

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2 MR. BURNS: I know I'm
3 rambling.

4 COUNCILMAN KENNEY: No, no.
5 From my perspective, I don't care about
6 RACP. That's a state issue. It's not my
7 issue. We're talking about the zoning
8 overlay at this point.

9 MR. BURNS: And as far as the
10 market survey -- I want to bring up one
11 more thing. The market survey is a
12 confidential piece. We did not want to
13 let it out to the community. So we did,
14 we had our market analyst go to
15 NewsWorks, which is the community's
16 voice, and explain everything how we came
17 up with the market analysis. It has
18 nothing to do with being poor. It has to
19 do with food dollars and the amount
20 people in the area.

21 COUNCILMAN KENNEY: And your
22 ability to finance or not.

23 MR. BURNS: And the ability to
24 finance or not.

25 MR. PRIMAVERA: The one

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2 question was --

3 MR. BURNS: GCC -- there is

4 a --

5 COUNCILMAN KENNEY: You get

6 like a C minus in self-control.

7 MR. BURNS: The GCC, I believe

8 Councilwoman Donna Reed Miller has a copy

9 of it. I think I sent it to her and so

10 forth.

11 COUNCILMAN KENNEY: Of what?

12 MR. BURNS: The GCC --

13 community benefits agreement I was

14 sending to GCC.

15 COUNCILMAN KENNEY: Do you have

16 a copy of it yourself?

17 MR. BURNS: I will send it to

18 you by tomorrow morning.

19 COUNCILMAN KENNEY: Bring it

20 tomorrow.

21 MR. BURNS: Yes, I will. This

22 is what we negotiated. I didn't get it

23 signed back from them yet. They've had

24 it.

25 COUNCILMAN KENNEY: We will see

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2 you tomorrow at 11 o'clock or later.

3 The next bill for consideration
4 is Bill No. 110672, an ordinance
5 repealing an ordinance (Bill No. 110185),
6 entitled "An ordinance amending the
7 Philadelphia Zoning Maps by changing the
8 zoning designations of certain areas of
9 land located within an area bounded by
10 Richmond Street, Cumberland Street, Beach
11 Street, and Schirra Drive; and amending
12 Section 14-506 of The Philadelphia Code,
13 entitled 'L-4 Limited Industrial
14 District,' all under certain terms and
15 conditions."

16 (Witness approached witness
17 table.)

18 COUNCILMAN KENNEY:

19 Mr. Gregorski.

20 MR. GREGORSKI: Good morning,
21 members of the Rules Committee. I'm
22 Martin Gregorski, Senior Planner in the
23 Development Division of the City Planning
24 Commission. I'm here to testify on Bill
25 No. 110672, which was introduced into

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2 Council on October 6th of this year.

3 Bill No. 110672 will amend the
4 Philadelphia Zoning Maps by rezoning the
5 area bounded by Richmond Street,
6 Cumberland, Beach Street, Schirra Drive
7 from the existing zoning designation of
8 "L-4" Limited Industrial to a proposed
9 zoning designation of "G-2" General
10 Industrial. Bill No. 110672 repeals the
11 action of Bill No. 110185.

12 The City Planning Commission
13 has not considered Bill 110672.

14 This concludes my testimony.
15 I'll be happy to answer any questions you
16 may have.

17 COUNCILMAN KENNEY: Thank you
18 very much.

19 Any questions for this witness?

20 (No response.)

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Mr. Sklaroff, please.

24 (Witnesses approached witness
25 table.)

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2 COUNCILMAN KENNEY: Please
3 identify yourself for the record and
4 proceed.

5 MR. SKLAROFF: Good afternoon.
6 My name is Neil Sklaroff.

7 COUNCILMAN KENNEY: Hold it,
8 please.

9 Could we please have a little
10 quiet. Thank you.

11 Please identify yourself for
12 the record.

13 MR. SKLAROFF: Thank you. Good
14 morning. My name is Neil Sklaroff. I'm
15 an attorney and I represent Columbus
16 Boulevard Associates. I'll keep my
17 comments short. One o'clock we'll end?
18 Just kidding.

19 It didn't go over, did it?

20 Columbus Boulevard Associates
21 is the current owner of 2055 Richmond
22 Street, Philadelphia, Pennsylvania. This
23 property is one of only four properties
24 that is the subject of Bill No. 110672
25 introduced to repeal Bill No. 110185,

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2 which was enacted by City Council on June
3 16th, 2011 and signed by Mayor Michael
4 Nutter on July 5th, 2011. Columbus
5 Boulevard strongly opposes the current
6 effort to repeal the earlier bill.

7 As you may recall, Bill No.
8 110185 changed the zoning classification
9 of the block bordered by Richmond Street,
10 Cumberland Street, Beach Street and
11 Schirra Drive from "G-2" General
12 Industrial to "L-4" Limited Industrial.
13 Columbus and its related companies own
14 several properties located in the Beach
15 Street and Richmond Street area. This
16 particular bill not only introduced "L-4"
17 Limited Industrial uses that include
18 retail and wholesale operations, but also
19 proposed to allow dance halls and
20 nightclubs. At the time of the
21 enactment, Columbus, represented by
22 counsel and a planner, opposed the
23 remapping of the area because of the
24 adverse effects of a nightclub or dance
25 hall would have on the neighboring

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2 properties and the Columbus and related
3 properties. We were not successful. We
4 did not persuade City Council, and the
5 matter was enacted.

6 Since that time, Columbus
7 Boulevard purchased 2055 Richmond Street,
8 that property having been subject to a
9 prior option and that option having
10 expired. It was offered to Columbus.
11 Columbus purchased the property.

12 In making a decision to
13 purchase the property, Columbus engaged
14 the advice of a noted real estate
15 appraiser. His opinion was that the
16 value of the property was significantly
17 increased and enhanced by the "L-4"
18 zoning designation. The decision to buy
19 the property was substantially based on
20 that opinion of added value. What is
21 proposed today would destroy that added
22 value and perhaps make clear that
23 Philadelphia is really isn't open to
24 business.

25 I'd like to point out that

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2 changing -- and I don't have to tell you,
3 the Rules Committee or members of City
4 Council, that there is just no planning
5 principle which can justify the zoning
6 and unzoning of a few parcels within five
7 months. I understand no principle of
8 planning that could justify that.

9 Whether that would be
10 ultimately called spot zoning or special
11 zoning, passing this bill just can't be
12 reconciled under the rules that you all
13 wish to follow. Whatever principles of
14 planning persuaded City Council to enact
15 the bill in June have not now evaporated.
16 We ask the Rules Committee to reject this
17 bill and decline to send it on to City
18 Council.

19 I'd like to go off script. I
20 have -- most of those comments --

21 COUNCILMAN KENNEY: I just have
22 to -- I feel compelled to ask this
23 question. Are you telling me you were
24 against this bill before you were for it,
25 so to speak?

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2 MR. SKLAROFF: We were against
3 this bill because it would hurt our
4 properties.

5 COUNCILMAN KENNEY: But the
6 June bill, you were against the June
7 bill?

8 MR. SKLAROFF: We were against
9 the June bill and we are against your
10 appeal.

11 COUNCILMAN KENNEY: But you
12 don't want it repealed?

13 MR. SKLAROFF: We do not want
14 it repealed.

15 COUNCILMAN KENNEY: So you were
16 against it before you were for it?

17 MR. SKLAROFF: It's not exactly
18 the same circumstances.

19 COUNCILMAN KENNEY: What are
20 the circumstances that changed?

21 MR. SKLAROFF: Because we
22 purchased property based on the enhanced
23 value that was created by "L-4" uses.
24 Not just the nightclub and the dance hall
25 uses. "L-4" is a wonderful zoning

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2 district that allows commercial and
3 wholesale uses, which are not commonly
4 found elsewhere in the City. You'll find
5 that "G-2" does not allow wholesale sales
6 even though it will maybe under the new
7 code.

8 So there's a lot of value that
9 was brought to this. Take away the
10 nightclub or the dance hall uses. That's
11 not the basis upon which we paid added
12 value for this, in the millions of
13 dollars. And we're telling you that this
14 will hurt us. It will discourage
15 development in the City. It will mean
16 that developers cannot rely on the
17 actions of City Council but for a few
18 months.

19 Let me also point out that your
20 action today will make this a pending
21 ordinance, which means that nobody on
22 this block will be able to go and make an
23 application being able to take advantage
24 of the "L-4."

25 COUNCILMAN KENNEY: Pending

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2 Ordinance Doctrine was something that was
3 created by Bennett Levin back in the
4 Rendell Administration. I don't believe
5 that there is a code section of Pending
6 Ordinance Doctrine. It was something
7 that he did, which I thought at the time
8 made a lot of sense to expedite things
9 moving forward since there was unanimity
10 and support on the committee and in the
11 Council prior to waiting the two weeks or
12 whatever. But there is no principle
13 pending ordinance that --

14 MR. SKLAROFF: If I may,
15 Councilman --

16 COUNCILMAN KENNEY: Not in L&I.
17 I've asked them actually -- as a matter
18 of fact, when we had the fight about the
19 fruit stand and the crab stand, I asked
20 them to impose the Pending Ordinance
21 Doctrine, and they kept those people
22 closed for three and a half months
23 because it was the summertime. So I
24 don't think that they abide by it
25 anymore.

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2 MR. SKLAROFF: If I may, the
3 Pending Ordinance Doctrine was very much
4 in play in the hundred-foot height limit
5 that was proposed and finally enacted by
6 Councilman Clarke some years ago with
7 regard to the Parkway properties.

8 COUNCILMAN KENNEY: That was a
9 number -- not in this Administration,
10 though, because I tried to get a fruit
11 stand and a crab guy open so they didn't
12 go out of business for three and a half
13 months, and L&I wouldn't adhere to the
14 Pending Ordinance Doctrine.

15 MR. SKLAROFF: If I may --

16 COUNCILMAN KENNEY: They went
17 on unemployment.

18 MR. SKLAROFF: -- I believe the
19 Law Department has an opinion on the
20 Pending Ordinance Doctrine, and L&I is
21 obliged by City Charter to follow the
22 opinions of the Law Department. Also, in
23 my experience and in speaking with the
24 folks who are the zoning examiners and
25 the supervisor of zoning examiners that

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2 when they're made aware of an ordinance
3 that has come out of the Rules Committee,
4 they may use that to deny an application
5 and --

6 COUNCILMAN KENNEY: Deny or to
7 approve?

8 MR. SKLAROFF: No. They can't
9 use it to approve. They can only use it
10 to deny an application. It is a
11 court-created doctrine throughout the
12 rest of the Commonwealth. And if that
13 doctrine was imposed in Philadelphia any
14 time a bill would be introduced, it would
15 then become pending. The Law
16 Department's review --

17 COUNCILMAN DiCICCO: Point of
18 order, Mr. Chairman. I can maybe wrap
19 this up.

20 I have every intention before I
21 leave here on December 15th of either --
22 I'm going to ask this Committee vote this
23 bill out today. I'm going to go on the
24 record as saying I will not call the bill
25 up for second and final reading until

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2 December 15th. I will take action on
3 this one way or the other.

4 As you know, your client, who
5 now has purchased a property, was
6 vehemently against the original zoning
7 classification being changed from "G-2"
8 to "L-4" because at the time, he
9 indicated to me through numerous
10 emissaries that visited my office that
11 this was going to destroy his
12 development, of which we still don't know
13 what that development is. He's purchased
14 it. The "L-4" has added value to all the
15 properties along that strip, which are
16 four or five of them. I understand that.
17 The intent was to provide a developer an
18 opportunity to create an entertainment
19 venue. That deal has not yet been
20 finalized, and it may not be. The
21 intention of -- my intentions were to go
22 back to "G-2" so I didn't leave it
23 open-ended so that anyone could come in,
24 use the "L-4" as an opportunity to create
25 an entertainment venue that did not meet

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2 the standards that I had in place and
3 agreed to with the current developer who
4 is looking to develop an entertainment
5 venue.

6 So I'm kind of caught in the
7 middle. I didn't want to harm the
8 community who was against the
9 reclassification, as was your client, but
10 I'm going to have two bills out there.
11 One of them, if not both of them, will
12 either be voted out or one will be voted
13 out and one will not be between now and
14 the last day of the City Council session.
15 So the pending legislation thing won't
16 take effect. It won't be out there for
17 more than 29 days. And I backed that out
18 from the day I'm out of here on December
19 30th and I get the 29 days.

20 MR. SKLAROFF: Let me point out
21 that I appreciate Councilman DiCicco.
22 His door has been open. I have had a
23 meeting with Councilman DiCicco and have
24 discussed this matter with him, and we
25 have no dispute over the actions of the

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2 Councilman. We do dispute the substance
3 of this bill. If it is -- we certainly
4 would prefer that the bill not get voted
5 out. If the bill were to be voted out,
6 we would ask that it would be voted out
7 with an amendment that the Committee --
8 it's the Committee's understanding that a
9 Pending Ordinance Doctrine, as understood
10 in Philadelphia, will not apply to this
11 ordinance.

12 The key of the Pending
13 Ordinance Doctrine is the direction of
14 the legislative body. So if the
15 legislative body makes clear that it does
16 not want that to be applied, in my view,
17 the zoning examiner should follow that
18 direction.

19 COUNCILMAN DiCICCO: We will
20 have time to do that amendment or the
21 other amendment that you and I spoke to
22 sidebar earlier that may want to remove
23 some of the dance hall as a matter of
24 right under this legislation or the "L-4"
25 classification. So we will talk about

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2 that. I'm open to doing some amendments.

3 I just want to get this bill out there,
4 because I do only have a very short
5 window of opportunity to make those
6 decisions. I'll certainly entertain that
7 conversation with you.

8 MR. SKLAROFF: We would
9 appreciate having some input on the
10 language of that. We appreciate the
11 Councilpersons giving us the time this
12 afternoon. We know you've been through a
13 long morning.

14 When this comes -- should this
15 come before the Council, we want to
16 reiterate that we will be there. Should
17 there not be a change, again, we have an
18 obligation to protect our properties and
19 our investors who have based this on the
20 "L-4" uses and not necessarily the "L-4"
21 uses that we're willing to see go by.

22 Thank you.

23 COUNCILMAN DiCICCO: They would
24 have made my life a lot easier had they
25 supported the original legislation, but

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2 that's neither here nor there.

3 COUNCILMAN KENNEY: My life
4 easier too, because I had to chair the
5 thing.

6 MR. SKLAROFF: We could go back
7 and forth and I think it would be
8 unnecessary and I have too much respect
9 for the Councilman.

10 COUNCILMAN KENNEY: Thank you
11 very much for your testimony.

12 There are no other witnesses on
13 this bill.

14 We will now start our public
15 meeting, and the Chair recognizes
16 Councilmember Greenlee for a motion to
17 approve the amendment to Bill No. 110756.
18 The amendment is technical in nature. It
19 changes the title of "expediter" to
20 "agent." Must make it sound better.

21 COUNCILMAN GREENLEE: Sounds
22 good. Thank you, Mr. Chairman. I move
23 the adoption of the amendment to Bill No.
24 110756.

25 (Duly seconded.)

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2 COUNCILMAN KENNEY: Moved and
3 seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN KENNEY: There are
7 none opposed. Bill No. 110756 will be
8 amended accordingly.

9 The Chair recognizes
10 Councilmember Greenlee on the amended
11 bill.

12 COUNCILMAN GREENLEE: Thank
13 you, Mr. Chairman. I move that Bill No.
14 110756, as amended, be reported out of
15 this Committee with a favorable
16 recommendation and that the rules of
17 Council be suspended to allow for first
18 reading at our next session of Council.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and
21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are
25 none opposed. Bill No. 110756, as

1 11/15/11 - RULES - BILL 110756, ETC.
2 amended, will report out of this
3 Committee favorably and a request made
4 for rules suspension to allow first
5 reading at our next Council session.

6 Bill No. 110662 will be
7 recessed until tomorrow at 11 o'clock at
8 our scheduled Rules Committee hearing.

9 The Chair recognizes
10 Councilmember DiCicco on a motion for
11 Bill No. 110672.

12 COUNCILMAN DiCICCO: Thank you,
13 Mr. Chairman. I move that Bill No.
14 110672 be reported out of this Committee
15 with a favorable recommendation.

16 (Duly seconded.)

17 COUNCILMAN KENNEY: There's no
18 request for a suspension. It's been
19 moved and seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: There are
23 none opposed. Bill No. 110672 will
24 report out of this Committee with a
25 favorable recommendation.

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Thank you for your attendance.

(Committee on Rules concluded
at 12:30 p.m.)

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1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on November 15, 2011, and
8 that this is a true and correct transcript of
9 same.

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14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
23 direct control and/or supervision of the
24 certifying reporter.)
25