

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, November 1, 2011
10:10 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
COUNCILMAN FRANK RIZZO, JR.

BILL 110341 - An ordinance amending Chapter
9-600 of The Philadelphia Code, entitled
"Service and Other Businesses," by adding a
new Section regulating an employer's treatment
of gratuities left by patrons for employees...

BILL 110563 - An ordinance amending Title 14
of The Philadelphia Code, entitled "Zoning and
Planning," by amending Section 14-1604,
entitled "Outdoor Advertising and
Non-Accessory Advertising Controls"...

BILL 110670 - An ordinance amending the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Rodman
Street, Juniper Street, South Street and Broad
Street...

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1
2 COUNCILMAN KENNEY: Can we have
3 your attention, ladies and gentlemen. We
4 now have a quorum so we can begin the
5 Rules Committee hearing.

6 Please take a seat and refrain
7 from your conversation.

8 We have a quorum today for the
9 Rules Committee with Councilmembers
10 Rizzo, Greenlee, Goode, Councilwoman
11 Miller and Councilman DiCicco.

12 The first bill for today is
13 Bill No. 110341, an ordinance amending
14 Chapter 9-600 of The Philadelphia Code,
15 entitled "Service and Other Businesses,"
16 by adding a new Section regulating an
17 employer's treatment of gratuities left
18 by patrons for employees, including, but
19 not limited to, a requirement that all
20 gratuities be paid over to employees
21 without deduction, including, in the case
22 of a gratuity paid by credit card, any
23 deduction for credit card processing
24 fees; providing penalties for violations;
25 and providing for a private right of

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2 action for employees aggrieved by
3 violations of the Section; all under
4 certain terms and conditions.

5 Kevin Dow, please.

6 (Witness approached witness
7 table.)

8 COUNCILMAN KENNEY: Good
9 morning. Please identify yourself for
10 the record.

11 MR. DOW: Good morning,
12 Councilman Kenney, members of the Rules
13 Committee. Thank you for the opportunity
14 to testify today. My name is Kevin Dow
15 and I am the Chief Operating Officer for
16 the City of Philadelphia's Commerce
17 Department. I am here to testify -- to
18 provide testimony in support of Bill No.
19 110341, which was introduced by
20 Councilman Kenney and amends Chapter
21 9-600 of The Philadelphia Code, entitled
22 "Service and Other Businesses."

23 The proposed legislation would
24 prohibit any employer from passing on
25 fees and/or costs associated with credit

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2 card transactions to employees. Without
3 this protection, fees charged by credit
4 card companies for any transaction can be
5 passed along to employees. For example,
6 customers who include gratuities for good
7 service on a credit card desire those
8 gratuities to go to the employee who
9 rendered the service. They do not
10 anticipate that part of that gratuity
11 will go to the credit card fee that the
12 employer pays. While I do not believe
13 this is a widespread practice, permitting
14 such a pass-through could have
15 significant implications to the employees
16 of restaurants; in particular, their
17 service staff, who rely on gratuities as
18 an important part of their compensation.

19 Although the Administration
20 supports this bill and Councilman
21 Kenney's efforts to protect employees,
22 particularly waiters and waitresses, from
23 employers trying to pass along the cost
24 of doing business, we must recognize that
25 these businesses are the engine for

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Philadelphia's economic and cultural vitality which have provided career opportunities for many Philadelphia residents. Over the past decade, the hospitality industry has proven to be a critical economic engine for Philadelphia, creating thousands of new hotel and restaurant jobs. We need to continue to support and enhance the City's ability to remain a place of choice for this key industry. While we applaud these businesses for their commitment in doing business in Philadelphia, we must also protect the workforce that has helped to drive Philadelphia's success, a diverse group of dedicated employees who work day in and day out in service positions that impact everyone's daily lives. In most cases, the typical employee in this type of employment may hold multiple part-time jobs, could have limited health benefits, could be just entering the workforce as a student and is simply trying to make ends

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2 meet.

3 For the foregoing reasons, we
4 support the passage of this legislation.

5 Thank you again for the
6 opportunity to testify today. I'm happy
7 to answer any questions you may have.

8 COUNCILMAN KENNEY: Thank you
9 for your testimony, and thank you for
10 your support for the bill. I think it's
11 important for the record to reflect that
12 there is a way around this for an
13 employer. Under federal law, you can
14 deduct credit card fees from tips if you
15 pay the federal minimum wage. You can't
16 pay somebody 2.87 an hour and then take
17 their tips, too. If you want to pay them
18 the federal minimum wage and then do the
19 deduction of the tips, the federal law
20 allows that to happen, but having it both
21 ways seems to be a bit unfair. But I do
22 appreciate the Administration's support
23 of the bill.

24 Councilman Goode.

25 COUNCILMAN GOODE: Good

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2 morning, Mr. Dow. I just wanted to say
3 that was excellent testimony. I want to
4 congratulate the Administration on its
5 balanced approach to economic growth.

6 MR. DOW: Thank you.

7 COUNCILMAN KENNEY: Thank you
8 very much.

9 Any other questions for
10 Mr. Dow?

11 (No response.)

12 COUNCILMAN KENNEY: Let the
13 record reflect the presence of
14 Councilmember Clarke on the Committee.

15 Thank you very much for your
16 testimony.

17 MR. DOW: Thank you.

18 COUNCILMAN KENNEY: Fabricio
19 Rodriguez, Andrea Lemoins and Morgan
20 Malachi.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN KENNEY: Whoever
24 would like to start, please identify
25 yourself for the record and proceed.

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2 MR. RODRIGUEZ: Thank you for
3 your time, Council. My name is Fabricio
4 Rodriguez and I am the Co-Coordinator for
5 the Restaurant Opportunities Center.

6 There are tens of thousands of
7 workers in our city that rely on tips to
8 make a living. The tip minimum wage, as
9 Councilman Kenney pointed out, is \$2.83
10 an hour in the State of Pennsylvania.
11 The Bureau of Labor Statistics reports
12 that servers in our city make only
13 \$14,000 a year. These workers need their
14 tips. It's simply unethical and unfair
15 for an employer to take any portion of a
16 tip intended for a worker and use it to
17 cover business expenses. It's no
18 different than someone walking into a
19 restaurant, taking a tip, stealing a tip
20 off someone else's table and using it to
21 pay for a portion of their meal. The tip
22 was intended for the worker. They need
23 those wages. It's nothing short of wage
24 theft to have those wages go to anyone
25 other than those workers.

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2 So we really hope that you will
3 support Councilman Kenney's bill. This
4 comes along at a really important time
5 for our city's workforce. Please support
6 it and vote it out of Committee.

7 Thank you.

8 COUNCILMAN KENNEY: Thank you
9 for your testimony.

10 Please, whoever is next,
11 identify yourself for the record.

12 MS. LEMOINS: Good morning,
13 Committee.

14 COUNCILMAN KENNEY: Good
15 morning.

16 MS. LEMOINS: My name is Andrea
17 Lemoins. I'm the Co-Coordinator of the
18 Restaurant Opportunities Center. I work
19 with Fabricio. We are a non-profit
20 organization focused on creating a
21 sustainable and profitable restaurant
22 industry. I am here to testify in
23 support of the tip protection bill
24 initiated by Councilman Kenney.

25 I'd first like to say that our

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organization takes a holistic approach to improving working conditions in the restaurant industry. We work with owners and workers in order to create and maintain equitable and professional business models. Philly ROC currently partners with the owners of Fergie's Pub and the General Manager of El Fuego. We strive to provide restaurant owners with resources and trainings that help them succeed in the industry. Philly ROC has built relationships with OSHA, the Enterprise Center and has reached out to the City of Philadelphia's Office of Business Services to help us provide resources for business owners. We also provide free professional development training for restaurant workers. We currently offer a Front of the House course that teaches fine dining service skills and English as a Second Language course to help immigrant workers communicate better on the job.

As all of you know, the food

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service industry has grown during the recession. However, most of these low-wage jobs -- most of these jobs are low wages with little or no benefits. Even though our state has a tip credit law which requires an employer to ensure that workers are paid at or within 50 cents of minimum wage, they do not receive an adequate amount in tips. Most of the restaurant workers have never even heard of this and many are never paid the difference. According to a recent summary compiled by the Bureau of Labor Statistics, food preparation and service jobs represent half of the lowest paid jobs in our country. With all this said, wage theft is one of the biggest problems faced by restaurant workers nationwide.

In 2007, the Responsible Restaurant Act was passed in New York City. This bill was in response to industrywide trends that showed that restaurants were cutting costs by violating basic employment laws, that

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2 many paid less than minimum wage and did
3 not pay their workers overtime. Do not
4 doubt that these same issues are also
5 prevalent in Philadelphia.

6 We estimate that 25 to 30
7 percent of Philadelphia restaurant owners
8 take credit card fees out of workers'
9 tips. Many of our members stated that
10 they were not aware of the practice at
11 their job until they had worked there for
12 about a month or so. They stated that
13 their fellow co-workers were aware of
14 what was going on, but they were scared
15 to talk about it for fear of being fired
16 or reprimanded. About half of the
17 restaurants that practice this type of
18 wage theft are small mom-and-pop places
19 that want to provide these services of
20 using credit cards, but do not want to
21 pay the fees themselves. The other half
22 belong to one of the most powerful
23 restaurant owners in Philadelphia. If
24 the most powerful restaurant owner in
25 Philadelphia can steal their wages and

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2 get away with it, what's to stop this
3 practice from becoming more widespread?
4 And that's basically what most restaurant
5 workers/servers are scared of, that it's
6 become a more widespread practice.

7 This bill will not impact the
8 majority of restaurant owners in our
9 city. If anything, it will create a fair
10 playing field for those who respect their
11 workers and their rights to fair pay.

12 Councilman Goode said a few weeks ago
13 that we should not have to choose between
14 being pro worker and being pro business.
15 It's a false choice. I agree, and I hope
16 that your Committee members agree as
17 well.

18 Thank you.

19 COUNCILMAN KENNEY: Thank you
20 for your testimony.

21 Please identify yourself for
22 the record and proceed.

23 MS. MALACHI: Hello. My name
24 is Morgan Malachi and I come to you with
25 ten years' experience in the culinary

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2 industry. I have been a chef in
3 Philadelphia's restaurants since I was 18
4 years old. My time has shown me not only
5 the positive but also negative aspects
6 involved with this often difficult career
7 route.

8 In my years in the industry, I
9 have been a victim of many discriminatory
10 and formidable circumstances. I quickly
11 discovered one never becomes a chef in
12 hopes of becoming rich, but rather
13 struggles for secure employment. Even in
14 the best restaurants of the City, they
15 often offer paltry wages with no benefits
16 or long-term job security. These don't
17 only affect me as a chef, but those work
18 in the direct sectors of the food service
19 industry.

20 Job security in the restaurant
21 industry is non-existent unless you work
22 for a hospital or hotel. The competition
23 for these positions is immense, making
24 them difficult to obtain. For those not
25 lucky enough to work in these positions,

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2 there are numerous adversities to face.

3 The At-Will Employment that the State of
4 Pennsylvania holds adds another obstacle
5 for workers to overcome and help promotes
6 the suffering of restaurant employees.

7 Due to the At-Will Employment
8 legislation, they have the ability to
9 arbitrarily fire workers and discriminate
10 against them with impunity. The
11 employers have no vested interest in
12 treating their employees with fairness
13 and dignity. I myself have been the
14 injured party of this sort of employer
15 mentality produced by the At-Will
16 legislation.

17 This past year I was a line
18 cook at Cantina Feliz in Fort Washington,
19 PA. Where I was employed, I discovered
20 that my Mexican immigrant co-workers were
21 being cheated out of their overtime
22 wages. Informing them of their rights
23 ultimately led to my termination at the
24 restaurant.

25 I was also employed at the

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2 Little Treehouse in Chestnut Hill for
3 five months as a kitchen manager. I was
4 never absent from my job prior to falling
5 at work on Wednesday, October 19th, 2011.
6 While attempting to get insurance
7 information from the Little Treehouse to
8 settle the hospital bill, I was fired on
9 the phone by the General Manager of the
10 Treehouse. An hour later I was rehired
11 by the owner. Regardless of the injury
12 to my arm, I returned to work dutifully
13 to work in order to do whatever light
14 duty I was able to do. I received no
15 extra assistance from my employer, even
16 after making them aware of my
17 limitations. Furthermore, I was
18 explicitly told that if I were to receive
19 help from the restaurant staff, that I
20 would be personally charged for my labor
21 out of my paycheck.

22 I remained at work, though,
23 throughout the stresses it placed on me
24 both physically and mentally. Yet on
25 Thursday, October 27th, 2011, I was again

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2 fired by the Little Treehouse. The
3 management stated that I was being fired
4 for failing to prepare cookies, which
5 would have been impossible due to my
6 injury. They also stated that I was not
7 a good fit. As an African American and
8 lesbian woman, this is not the first time
9 I have had this remark.

10 I was and still am alarmed by
11 the discriminatory nature of their
12 comments. These incidents have left me
13 in a position where I cannot seek new
14 employment due to my injury. I am
15 constantly worried about paying my bills,
16 and I know that the nature of this
17 industry has left others in similar
18 positions.

19 I grow more and more concerned
20 about the continued abuses that
21 restaurant workers face on a daily basis.
22 This is why I am here today. I've worked
23 hard alongside other country immigrants
24 and other Americans and seen their
25 dedication and skills thrown to the

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wayside. In the United States, over 16.5 million people work in the food service industry, with profits to the economy totalling in the trillions. Restaurant workers deserve to have their profession protected by the government that is elected to represent them. We contribute so much, but have such little in terms of our rights being adequately monitored.

I believe that this tip protection bill will ensure that restaurant workers who toil for long and hard hours are given 100 percent of their tips. Letting the restaurant owners in the City know that the City cares about its restaurant workers is a first step to improving the industry that I love.

I hope that you will consider the difficulties I had relayed to you. It is also my hope that the City government will make aggressive moves toward changing the conditions of the restaurant workers in the City of Philadelphia.

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2 Thank you.

3 COUNCILMAN KENNEY: Thank you
4 very much for your testimony.

5 I want to give you a little
6 history of how we got here. I worked
7 halfway through high school and all the
8 way through college in the restaurant
9 industry and worked as a dishwasher and a
10 busboy and a waiter and finally tended
11 bar. Those folks that I worked with --
12 first of all, the houses that I worked in
13 tipped us out that night, even on the
14 credit cards. The people that I worked
15 for as a busboy at the time were some of
16 the most generous people, hard-working
17 and generous people that I ever worked
18 for. I worked at the Stadium Club
19 Restaurant and a little restaurant called
20 Luigi's right around South Street. They
21 were all hard-working folks, but they
22 were very generous in the way they
23 treated the people who worked for them,
24 which is what I did as a busboy.

25 The other thing I learned is

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2 that when I learned about this 3 percent,
3 1 to 3 percent withholding, I also
4 learned that some of these restaurants
5 will hold the tips for an entire month;
6 therefore, having their bank account get
7 the interest on it as opposed to in that
8 person's hand.

9 So that's part of this bill
10 also, is that they have to pay the tips
11 out no later than the next payday. I
12 would like they would do it that night
13 would be nice, but if they don't do it
14 that night, at least by the next payday.
15 And, again, the reason why this is so
16 outrageous is, you can't pay somebody
17 under \$3 an hour and then take their tip
18 money or a portion of it to pay your
19 bills. So, again, if they paid the
20 federal minimum wage, we wouldn't be
21 sitting here talking about this. They
22 could take whatever they want.

23 So I'd just like to ask if
24 anyone here has any questions for these
25 witnesses.

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2 Councilman Rizzo.

3 COUNCILMAN RIZZO: I just want
4 to ask, are debit cards exempt from this?
5 There's no issue with a debit card?

6 COUNCILMAN KENNEY: Anything
7 that's paid in plastic and tipped in
8 plastic is theirs.

9 COUNCILMAN RIZZO: If you use a
10 debit card instead of a credit card,
11 would it --

12 COUNCILMAN KENNEY: Yes. The
13 same thing would apply. I don't think
14 there is a charge in debit card.

15 COUNCILMAN RIZZO: I don't
16 know.

17 COUNCILMAN KENNEY: I don't
18 think a debit card charges. But any cost
19 of doing the transaction is borne by the
20 employer, not the employee in any type of
21 plastic.

22 COUNCILMAN RIZZO: So if a
23 debit card would do what a credit card
24 does, it's in there?

25 COUNCILMAN KENNEY: Correct.

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2 Thank you very much for your
3 testimony.

4 Councilwoman Brown.

5 COUNCILWOMAN BROWN: I didn't
6 know for sure that there's some debit
7 cards where when you use your debit card,
8 the consumer is charged.

9 COUNCILMAN KENNEY: Right.
10 Correct. And if you use your debit card
11 in a bank that's not your bank, they
12 charge you \$2, \$3, whatever.

13 COUNCILWOMAN BROWN: That's
14 right.

15 COUNCILMAN KENNEY: Thank you.

16 Tekle Gebrenednil and Pathways
17 PA. Is someone from Pathways? Please
18 come forward.

19 (Witnesses approached witness
20 table.)

21 COUNCILMAN KENNEY: Good
22 morning, sir. Please identify yourself.

23 MR. BRANT: Yes. Good morning.
24 My name is Ronald Brant. I'm with the
25 Taxi Workers Alliance of Pennsylvania.

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2 I'm here for one of the taxi drivers,
3 Tekle Gebrenednil. I'm here just to give
4 witness of how this also affects taxicab
5 drivers in the City.

6 As you know, taxi drivers in
7 the City are working 12 to 16 hours a
8 day, six to seven days a week. A Parking
9 Authority survey said that the taxi
10 drivers are making \$4.27 per hour. So
11 with the implementation of credit cards
12 in the taxicabs, taxi drivers also are
13 losing their tips and their toll money
14 for this, and we think that this bill
15 would also benefit the 6,000 drivers
16 within the City.

17 COUNCILMAN KENNEY: Thank you.
18 Is that -- I mean, you can't speak for
19 every taxi driver. Is that one of the
20 reasons why taxi drivers are so reluctant
21 to let people use credit cards, because
22 they realize they're going to --

23 COUNCILMAN DiCICCO: Machines
24 aren't working.

25 COUNCILMAN KENNEY: Machines

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2 aren't working? Oh, that one.

3 No. Honestly --

4 MR. BRANT: Honestly, yes.

5 That's exactly the reason why taxi
6 drivers are paying -- like you're talking
7 about maybe 2 or 3 percent. Taxi drivers
8 are paying between 5 and 10 percent for
9 these credit card transactions. And then
10 also, like you said, they take out -- to
11 take this money out of their tip is
12 really deplorable.

13 COUNCILMAN KENNEY: Oh, I agree
14 with you, but I'm wondering if this were
15 applied to the taxi industry to
16 straighten that problem out, would taxi
17 drivers be more accepting of people using
18 credit cards because they're not losing
19 any money?

20 MR. BRANT: Right. Yes, they
21 would be more willing to do it.

22 COUNCILMAN KENNEY: Thank you.

23 Please identify yourself for
24 the record.

25 MS. BELLESORTE: My name is

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2 Marianne Bellesorte. I am the Senior
3 Director of Policy at PathWays PA.

4 Just getting back to the point
5 that you just made, Councilman Kenney. I
6 know that I've been going to an
7 establishment that has stopped accepting
8 any tips on credit cards, and that made
9 me have to actually go out to an ATM the
10 first time that happened to get a tip for
11 them. So I know that would make a big
12 difference in my patronizing them
13 further.

14 PathWays PA would like to
15 commend the Committee on Rules for
16 holding this hearing to prevent deducting
17 credit card fees from tips given to
18 workers. We are perhaps best known to
19 you for publishing the self-sufficiency
20 standard of Pennsylvania. This standard
21 uses verifiable government data to create
22 a bare-bones budget for families in every
23 county in the state.

24 In the latest edition of The
25 Standard, which was released on May 20th

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2 of 2010, we show that a single adult in
3 Philadelphia needs to earn \$10.13 per
4 hour, or \$21,392, in order to make ends
5 meet. If that adult is supporting even
6 one child, earnings need to increase by
7 between \$3 and \$9 per hour, or between
8 \$7,000 and \$20,000 in one year, in order
9 to support that family.

10 We've already heard some of the
11 numbers around the wages that tipped
12 workers are earning in Philadelphia, but
13 let me just add that many of the workers
14 who will be affected by this bill are
15 already earning below the
16 self-sufficiency standard. According to
17 the BLS, waiters and waitresses in
18 Philadelphia are earning a median wage of
19 \$9.54 per hour, which is about 59 cents
20 less than the standard for a single adult
21 and more than \$3 less for what a family
22 of one adult and one teenage child needs
23 to make ends meet. Bartenders earn a
24 median of \$10.58 per hour, which, again,
25 is much less than what someone would need

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2 to support a family. I've also listed a
3 number of other tip positions that are
4 below the standard in one way or another.

5 Even before this recession, one
6 in every five households in Pennsylvania
7 and one in every four households in
8 Philadelphia were struggling to reach the
9 standard. Families with householders in
10 food preparation/serving industries were
11 the third most likely statewide to live
12 below self-sufficiency. As you all know,
13 any loss of income can bring dire
14 consequences to a family, as they can
15 result in the loss of healthcare,
16 electricity, heat, access to good food
17 and housing.

18 When making decisions about
19 this bill, we hope you'll take into
20 account the incomes that families need to
21 make ends meet and the fact that any
22 deduction of that income, no matter how
23 small, could be the difference between
24 purchasing food, medication or other
25 basic needs to sustain the family and our

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2 economy.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you
5 for your testimony.

6 Any questions for these
7 witnesses?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing
10 none, we thank you for your attendance
11 today.

12 Is there anyone else to testify
13 on this bill?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing
16 none, we will now move to Bill No.
17 110670, which is an ordinance amending
18 the Philadelphia Zoning Maps by changing
19 the zoning designations of certain areas
20 of land located within an area bounded by
21 Rodman Street, Juniper Street, South
22 Street, Broad Street; and amending Title
23 14 of The Philadelphia Code, entitled
24 "Zoning and Planning," by amending
25 various provisions exclusively with

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2 regard to the area bounded by Rodman
3 Street, Juniper Street, South Street and
4 Broad Street, in particular, Section
5 14-305, entitled "C-4" Commercial and
6 "C-5" Commercial District, Section
7 14-1402, regarding Parking in Residential
8 Districts, and Section 14-1607, regarding
9 Special Controls for the Center City
10 Commercial Area; all under certain terms
11 and conditions.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN KENNEY: Whoever
15 would like to start, please identify
16 yourself for the record.

17 MR. KRAMER: Good morning,
18 Councilman Kenney and members of the
19 Rules Committee. I am William Kramer,
20 Division Director of the Development
21 Planning Division of the Philadelphia
22 City Planning Commission. I am here to
23 testify on Bill No. 110670, which was
24 introduced by Councilmember DiCicco
25 October 6, 2011.

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2 Bill No. 110670 amends the
3 Philadelphia Zoning Maps and certain
4 sections of the Philadelphia Zoning Code
5 in order to facilitate a development
6 located within an area bounded by Rodman
7 Street, Juniper Street, South Street and
8 Broad Street. It proposes to rezone the
9 entire development site to a single
10 zoning designation of "C-4" Commercial
11 from the existing partly "C-4" Commercial
12 and partly "R-10" Residential
13 designations. The bill will also amend
14 Section 14-305, entitled "C-4" Commercial
15 and "C-5" Commercial District, to allow
16 for the construction of an accessory
17 below-grade garage, also providing relief
18 from horizontal distance requirements in
19 any rear, side yards or open courts, to
20 allow for a base floor area ratio of 575
21 percent of the area of the lot and also
22 allowing for a reduction in the size of
23 required loading spaces to a minimum size
24 of 15 feet by 30 feet. Bill No. 110670
25 will also adjust the amount of parking

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2 required for this proposal to a ratio of
3 three spaces for every ten units.

4 Lastly, this bill will amend Section
5 14-1607 of The Philadelphia Code,
6 regarding special controls for the Center
7 City Commercial Area, to allow for a
8 number of different uses for this
9 development, including restaurants,
10 cafes, coffee shops and other similar
11 establishments such as retail sale of
12 groceries, delicatessen goods and for the
13 retail sale and/or preparation of bakery
14 items.

15 The conditions of this
16 legislation also require the Philadelphia
17 City Planning Commission to approve a
18 plan of development for this site and
19 further provides a Sunset Provision under
20 which the provisions of this bill will
21 lapse on December 15th, 2016 unless
22 certain approvals are obtained.

23 The project developer is Carl
24 Dranoff, and he proposes to construct a
25 seven-story mixed-use building facing

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2 both Broad Street and South Streets.

3 Retail commercial space will be provided
4 along Broad Street, and underground
5 parking will be provided for the
6 residential units.

7 The Philadelphia City Planning
8 Commission has reviewed this project
9 proposal as an information-only item at
10 their meeting of October 18th, 2011 and
11 will review this bill at their upcoming
12 November meeting. It is expected that at
13 the meeting that the requested approval
14 of the proposed plan of development will
15 be considered, both of which will most
16 likely have a staff recommendation of
17 approval.

18 This concludes my testimony. I
19 appreciate the opportunity to appear and
20 would be happy to answer any questions
21 you may have. With me is Deputy Mayor
22 Greenberger, who also has been present at
23 many of the meetings, to help answer any
24 questions you may have.

25 COUNCILMAN KENNEY: Please

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2 identify yourself for the record. You
3 have no testimony?

4 DEPUTY MAYOR GREENBERGER: I
5 don't have prepared testimony.

6 COUNCILMAN KENNEY: Is anyone
7 else at the table offering testimony?

8 Mr. Kelsen, please.

9 Mr. Kramer, could you
10 relinquish that chair for the next
11 witness.

12 MR. KRAMER: Absolutely.

13 COUNCILMAN KENNEY: Thank you.

14 Please identify yourself for
15 the record.

16 MR. KELSEN: Good morning,
17 Councilman Kenney. Peter Kelsen on
18 behalf of Dranoff Properties. I'm here
19 to testify with regard to Bill No.
20 110670. With me is Carl Dranoff, the
21 developer, and Mr. Jerry Roller is in the
22 room of JK Roller Architects.

23 Let me give a little
24 background, if I could, members of the
25 Committee. The legislation before you

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2 today is supportive of a Philadelphia
3 Industrial Development Corporation
4 sponsored project. Dranoff Properties
5 was the successful respondent to an RFP.
6 It was issued by PIDC in November of
7 2010. That RFP called for development of
8 the property to include a mixture of
9 uses, including residential, retail and
10 parking. This is a \$30 million project,
11 and it will create between 75 and 100
12 construction jobs as well as permanent
13 jobs as it evolves.

14 In terms of location and
15 context, the subject property is located
16 on the block bounded by Broad Street,
17 Rodman Street to the north, Juniper
18 Street on the east and South Street on
19 the south. It contains approximately
20 19,000 square feet of lot area.

21 Adjacent to the property along
22 Rodman and Juniper are a number of
23 three-story homes. Directly across South
24 Street at the corner of Broad Street is
25 the Arts Bank. Next to the Arts Bank are

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2 a number of retail uses and the 1352 Loft
3 building, a similar development in terms
4 of use, but it is significantly larger in
5 scale and was the subject of Zoning Board
6 variance relief a number of years ago.

7 The Philadelphia Senior Center
8 is located directly across Rodman Street
9 from this property, fronts on Broad
10 Street. On the west side of Broad Street
11 is a church, charter school and a City
12 health center. The envisioned plan is to
13 fill the gap that has existed at this
14 critical corner of Broad and South, Broad
15 and Rodman for many years with a
16 meaningful development, as you see in the
17 packet I've given you.

18 Let me give another little bit
19 of background. The original concept
20 proposed a six-story rectangular building
21 with a small pocket park on Broad and
22 Rodman. That was what the RFP rewarded,
23 if you will. After numerous meetings
24 with Washington Square West and
25 neighbors, facilitated by the Planning

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2 Commission, as well as a design review
3 committee put together by PIDC -- and
4 there must have been at least six
5 meetings of this group -- we revised that
6 plan, and we revised it in a way that
7 you're seeing this morning, members of
8 the Committee, by lowering the height of
9 the building to six -- seven stories
10 along Broad Street and then reducing the
11 height of the building meaningfully as it
12 proceeds along South Street. We did that
13 in recognition of concerns that were
14 raised by the community, by individual
15 residents about the size and scale of
16 the, let's call it, the back portion of
17 the site.

18 The subject property, as
19 Mr. Kramer indicated, is split zoned.
20 It's "C-4" on Broad and "R-10" along the
21 southerly portion -- or the westerly
22 portion of the site. We had originally
23 shown a plan that was approximately the
24 same height as the 1352 Loft building,
25 but now we're substantially lower than

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2 that, and I'll go through the plan in
3 more detail in a moment.

4 We have configured the plan in
5 terms of the total height along Rodman
6 Street or along South Street to be
7 reflective of the new Zoning Code
8 provisions. That would be 48 feet, 10
9 inches. Originally it was 52 feet, and
10 that was after we changed it
11 substantially. As the Board -- as the
12 Commission may know, we're talking
13 about -- we were originally talking about
14 52. The new Zoning Code proposes 42.
15 We're at 48, 10.

16 The plan also proposes to
17 provide about 10,000 square feet of
18 retail commercial space to enliven Broad
19 and South. The retail will wrap around
20 Broad Street and extend along South
21 Street the full length of the property.

22 The building has been set back
23 9 feet from Rodman Street to reflect the
24 concerns, as well as to be sensitive to
25 the single-family homes on Rodman. The

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2 setback in that district of "R-10" is 9
3 feet. And then what we have done most
4 recently based on further discussions is
5 to set back the upper floor of the
6 four-story building as it spans South
7 Street one more foot and change the
8 texture of the fourth floor. You'll see
9 that in the plans -- and Mr. Roller can
10 go into more detail -- to, again, reflect
11 the sensitivities that we have been made
12 aware of by the Rodman Street neighbors.

13 A fundamental change as well
14 occurs in our loading and access to the
15 parking garage. Originally access to
16 loading was going to be on Rodman Street
17 directly across from the loading area
18 that the Senior Center has. We have
19 shifted that to put the loading on South
20 Street at the request of the neighbors
21 and put the in and out for the parking
22 garage on Rodman Street, and we believe
23 that that is a respective effort.

24 I would tell you that we've
25 coordinated that with the Streets

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2 Department. It has resulted in a fairly
3 significant design change, one that you
4 see today, but we're willing and happy to
5 do it because we feel that that's being a
6 good neighbor.

7 The parking numbers, the RFP
8 supports a reduction in the number of
9 required parking. As members of Council
10 know, the new Zoning Code would propose a
11 parking ratio of 0.3 for this type of
12 development. We are a transit stop. We
13 are basically a TOD. And we believe that
14 by maintaining a ratio of three for ten,
15 it's in line with the new Code, but also
16 reflects the fact that this is an urban
17 site, very well served by public
18 transportation and that we don't need to
19 add more parking and, therefore, more
20 traffic to the mix. We are proximate to
21 the Broad Street Subway obviously, PATCO
22 High Speed Line, Suburban Station,
23 Market-Frankford El, SEPTA bus lines
24 running up and down Broad Street.

25 So we want to do the right

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2 thing in terms of parking. We know it's
3 sufficient for our needs, but we also
4 want to reflect good citizenship.

5 One of the highlights of this
6 plan is, as you will see, is an
7 energizing of the subway stop at Broad
8 and South. Right now that subway stop is
9 open. We're working closely with SEPTA
10 to create a marquee or covering over
11 that. We will energize that corner with
12 signage and lighting, and we think that's
13 an exciting aspect of this plan. And we
14 will continue to work with SEPTA, with
15 the Planning Commission and with the Art
16 Commission for those types of approvals.

17 It is important for the
18 Committee to know that because the site
19 is zoned split, "C-4" and "R-10," all
20 that we can do here under current zoning
21 is residential use and residential
22 bulking area. The rezoning is necessary
23 in order to achieve this level of
24 development. The "R-10" controls, as you
25 all know, trump the "C-4." So everything

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2 would have to be developed no more than
3 three stories under the current Code and
4 uses would only be residential. That is
5 not what the RFP called for, nor what we
6 believe the vision for this portion of
7 Broad Street requires.

8 What are the salient points of
9 this requested rezoning and remapping?

10 It will allow all the parking to be
11 located below grade. There will be no
12 surface parking whatsoever, approximately
13 30 cars, accessed again off of Rodman
14 Street. It allows this development as a
15 plan of development. So what you see and
16 what the community sees is what they get.
17 No trades, no differences.

18 It allows a revision of the
19 Code to allow a bit more floor area to
20 allow for this configuration, required as
21 a result of the discussions with the
22 community by downsizing, if you will, the
23 rear portion of the site. It allows a
24 modification of the loading zone space as
25 required by "C-4." We're making our

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2 space a bit smaller, although the total
3 area will be larger, but that
4 accommodates the reality of Center City.
5 We don't need semis coming in here. And
6 it's consistent with legislation approved
7 by this Council previously.

8 We, again, reduced the level of
9 parking ratio to three for ten, and it
10 meaningfully allows for retail/commercial
11 development along Broad and South that
12 would include restaurants, grocery stores
13 and other uses that are currently not
14 permitted under the ordinance as it
15 exists now.

16 This bill, as I mentioned a
17 moment ago, requires a specific plan of
18 development, and, again, that will be
19 approved by the Planning Commission and
20 continue to be reviewed by the community,
21 but that is the locked-in plan, if you
22 will, associated with this ordinance.

23 The legislation also has a
24 sunset provision. It would expire if no
25 building permits are obtained prior to

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2 December 15th, 2016. Again, addressing
3 concern that this not be allowed to
4 remain out there and not achieve
5 development. They're holding our feet to
6 the fire, and we're committed to doing
7 that.

8 I also think most meaningfully
9 this ordinance as well as the transaction
10 entered into with PIDC requires an equal
11 opportunity plan, but this one is a
12 little bit different than other plans
13 that I've offered through Council. It
14 has an MBE ratio component related to the
15 estimated cost of the project, and,
16 again, it's about a \$30 million project.
17 MBE ranges 25 to 30, WBE 15 to 20. But
18 here's where it's different. This
19 project is committed to employ minority
20 persons and females in our workforce as
21 apprentices and journeymen at the
22 following levels: Minority apprentices,
23 50 percent of all hours worked by all
24 apprentices; minority journeymen, 32
25 percent of all journey hours worked

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2 across all trades; female apprentices, 7
3 percent of all hours worked by all
4 apprentices; female journeymen, 7 percent
5 of all hours worked across all trades.
6 It's intended to offer full employment
7 and opportunities consistent with the way
8 the workforce should be structured.

9 I'd be happy to answer any
10 further questions. Mr. Roller is here if
11 you would like us to go through the plan
12 of development briefly. Mr. Dranoff is
13 here. He can talk a little bit more
14 about our plan and the work we've done
15 with the community.

16 I just want to add one more
17 thing. We are committed to continue to
18 work with the immediate neighbors to
19 achieve hopefully a satisfactory approach
20 in their mind to this development. We've
21 made meaningful changes over the course
22 of many meetings. We'll continue to do
23 that, but we believe the project must
24 move forward, especially in these dire
25 economic times.

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2 I thank you for your time.

3 COUNCILMAN KENNEY: Thank you
4 very much for your comprehensive
5 testimony, and I just want to mention
6 that I mentioned to Councilman Goode when
7 you were handing out the EOP that we've
8 come a long way from the days of people
9 not knowing what it is, people forgetting
10 to put it in their legislation, and now
11 we get it hand-delivered to us. So
12 there's a number of members of this
13 Committee and Council, including
14 especially Councilman Goode, that has
15 pressed this and pressed this the length
16 of time I've been here until we get to
17 the point where it's comprehensive and
18 meaningful and given to us in advance.
19 So thank you.

20 MR. KELSEN: Councilman Goode
21 taught me very well.

22 COUNCILMAN KENNEY: Councilman
23 Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chairman.

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2 Good morning, everyone.

3 Mr. Kelsen, we don't have a copy of your
4 testimony, so I want to make sure I heard
5 you right. Obviously one of the issues
6 that I'm sure we'll hear in a few minutes
7 is about the height. Now, I thought I
8 heard you say that I know this is 48
9 feet. You said you can go to 42 feet
10 right now? Is that what you said? I
11 might have misheard you.

12 MR. KELSEN: Councilman
13 Greenlee, the new Zoning Code, as you
14 know, proposes that in the residential
15 districts, the height would be increased
16 from currently 35 to 42.

17 COUNCILMAN GREENLEE: I got
18 you.

19 MR. KELSEN: We were originally
20 at 52 after we revised it downward.
21 We've made a further revision down to 48,
22 10 to the back portion of the site, and
23 yet another revision most recently to
24 pull back the fourth story one foot as it
25 faces Rodman Street.

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2 COUNCILMAN GREENLEE: So that
3 42 feet you're referring to would be the
4 new Zoning Code requirement?

5 MR. KELSEN: Right. That's
6 right. And this is about, let's call it,
7 6 feet off of what the Zoning Code
8 requires. And, again, the 42 feet is
9 required in residential zones. This
10 zone, I believe, is really a commercial
11 zone and should be remapped to the "C-4,"
12 which has no height limit.

13 COUNCILMAN GREENLEE: Okay.

14 Thank you, Councilman.

15 COUNCILMAN KENNEY: Thank you.

16 Councilmember Clarke.

17 COUNCILMAN CLARKE: Thank you,
18 Mr. Chairman.

19 Good morning.

20 MR. KELSEN: Good morning.

21 COUNCILMAN CLARKE: I actually
22 was going to ask the same question as
23 Councilman Greenlee on the new Zoning
24 Code Commission, because we are quickly
25 approaching that timeline. We have to

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2 enact something. So thank you for that
3 response.

4 Additionally, I want to say
5 that, like Councilman Kenney, I was just
6 talking to Councilwoman Brown. We were
7 talking about -- I said, They finally get
8 it on the equal opportunity plan, and,
9 again, thanks to Councilman Goode for
10 continuing to be aggressive on that
11 matter.

12 With the change as it relates
13 to apprentices -- and I like the fact
14 that you have installed that in this
15 particular bill -- what entity within the
16 building trades are you working with?
17 Because that has been a challenge,
18 particularly given the nature of the
19 current unemployment rate within the
20 building trades, and I'm wondering if
21 you're having ongoing conversations or
22 anticipated having conversations with
23 some of the apprenticeship programs that
24 are respected and interact with the
25 existing building trades.

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2 MR. KELSEN: Well, Councilman
3 Clarke, I can tell you -- and I gave a
4 copy of the plan -- we have not entered
5 into any discussions, "we" being the
6 developer, with our building trades yet,
7 but the plan and practically we will
8 reach out to the building trades,
9 explain -- and through our contractor,
10 explain what the parameters are
11 associated with this project in terms of
12 participation at the apprentice and
13 journeyman level and indicate to them
14 that these are ratios that must be
15 achieved.

16 Number two, if you look at the
17 document, there is an oversight committee
18 that is called for being created, and
19 that would include representatives from
20 PAID, Dranoff Properties, representative
21 of the building trades, construction
22 manager, the City, and we'll also
23 include -- may include the District
24 Councilperson, OEO and appropriate
25 community organizations. So it's a full

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2 panoply of people being involved in this
3 committee that understand the issue and
4 are on the ground, so to speak. The
5 construction manager and the construction
6 companies that Dranoff Properties uses
7 are highly reputable. They've been doing
8 business in the City for many, many years
9 and they understand through other
10 projects the need to involve a full
11 panoply of individuals in the project,
12 and we are fully confident that they will
13 do that.

14 COUNCILMAN CLARKE: Okay. I
15 just want to recommend that early on in
16 the process you reach out, and I'm sure a
17 number of members of Council can assist
18 you in identifying those particular
19 programs and apprenticeship programs that
20 have this ongoing relationship with the
21 building trades, and I think that they
22 will probably be more acceptable in
23 achieving these goals if you utilize the
24 people that they work with on a
25 consistent basis.

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2 MR. KELSEN: Councilman Clarke,
3 we would welcome that opportunity. This
4 is really a template, and if we look at
5 this -- I've come before you before with
6 sort of pioneering things. This is
7 pioneering, and we want it to work and we
8 hope it works across the board. So we'll
9 take up your offer to help us do it
10 right.

11 COUNCILMAN CLARKE: Great.
12 Thank you. Thank you so much.

13 COUNCILMAN KENNEY: Thank you.
14 Councilmember Reynolds Brown.

15 COUNCILWOMAN BROWN: Thank you,
16 Mr. Chairman.

17 I join the chorus of
18 Councilmembers here who care deeply about
19 this issue led by our drum leader,
20 Councilman Goode, and this is a first in
21 the years that I've been here, and
22 Councilman Clarke asked the very question
23 I had. Because it is a first, what
24 provisions, what strategies do you have
25 in place to help you achieve what you've

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2 outlined here? So we'll look forward to
3 how that rolls out.

4 My question is, what remaining
5 sticking points do you have with the
6 community at large? Because too often
7 what I have observed in the debate around
8 this issue is folks from the immediate
9 community are locked out of the
10 opportunity to be a part of a development
11 like this and too often there are
12 craftsmen right where development sits
13 who have the skill set, but are not given
14 the opportunity or a bridge to walk over
15 to be a part of this kind of enterprise.

16 MR. KELSEN: Well,
17 Councilwoman, in terms of inclusion of
18 individuals who live in the area to be
19 part of the workforce, I think it's fair
20 to say, if I can speak for Mr. Dranoff
21 and for our construction folks, we will
22 do outreach to make sure that the trades
23 sweep the area appropriately to bring
24 them in.

25 In terms of -- and maybe I

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2 misunderstood your question, but in terms
3 of additional issues that the immediate
4 residents may have about the plan of
5 development, I'm certain that they will
6 speak for themselves, but I think it
7 comes down to, if I could characterize
8 it, the height of the back portion of the
9 building. And I'll be very blunt. They
10 want it to be 35 feet, which is what the
11 current Zoning Code calls for, three
12 stories, and we're now at 48 feet.

13 I will tell you in good
14 conscience we've been laboring over this
15 now for months, months, and we have
16 dropped the height of the building as far
17 as we can in recognition of the fact that
18 we want and need and the RFP calls for
19 meaningful retail along South Street, and
20 in order to accommodate that, you can't
21 drop it any further.

22 So I think you're going to hear
23 in a few minutes that the issue is scale
24 in terms of the neighbors' perception. I
25 would say to you that this has been a

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2 vacant development site owned by the

3 City --

4 MR. DALFO: Since 2000.

5 MR. KELSEN: -- since 2000, and

6 that's 11 years of vacancy. It's time to

7 move on. We want to be good neighbors,

8 but there comes a point where we may have

9 to disagree. But as I said a few moments

10 ago, we're not giving up our dialogue.

11 It will continue all throughout this

12 process, and hopefully we can reach some

13 accommodation.

14 We think we've done a great

15 deal from the beginning of the project to

16 now. We'll continue to work, but I don't

17 want to set unrealistic expectations that

18 this can be a three-story single-family

19 row home development. That's not what it

20 was contemplated by the RFP, that's not

21 what we bid on, and that's not what was

22 accepted by the City and the Planning

23 Commission.

24 COUNCILWOMAN BROWN: Okay.

25 Thank you again, and thank you for this

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2 template, and you can trust if we see
3 that it works, we'll be requiring others
4 who come to this table to emulate what
5 you've pioneered here.

6 MR. KELSEN: Thank you very
7 much.

8 COUNCILWOMAN BROWN: Thank you.

9 COUNCILMAN KENNEY: Councilman
10 DiCicco.

11 COUNCILMAN DiCICCO: Thank you,
12 Mr. Chairman.

13 Good morning. I'm somewhat
14 familiar with the prior uses at this
15 location. I just can't in my mind
16 remember the scale and/or size of the
17 buildings. I know at the corner there
18 was a bar for many years known as the
19 Tippin Inn. I used to tip in there on
20 New Year's Day.

21 MR. KELSEN: I didn't want to
22 go there.

23 COUNCILMAN DiCICCO: But that's
24 why I went there for you.

25 It was the bar at the corner,

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2 and I don't remember what was on the
3 South Street side. Could someone refresh
4 my memory?

5 Laurie, I'm asking the panel.

6 Does anyone remember on the
7 panel? No? I'll wait for Laurie to come
8 up. I'm just trying to get a history of
9 what was there. And with a lot of great
10 effort from the residents, it was
11 transformed into a community garden with
12 a lot of effort, but it was difficult to
13 keep up. And, again, I just want -- I'm
14 trying to remember what the size and
15 scale of the buildings that were
16 previously on that site represented, but
17 thank you.

18 MR. KELSEN: Councilman, if
19 this helps a bit, the Broad Street
20 portion, which extends back about 80
21 feet, the "C-4" portion, was always
22 intended to be consistent with the scale
23 of the Broad Street buildings, which are
24 right now about seven to eight stories as
25 you run along Broad in that immediate

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2 vicinity.

3 The original plan called for
4 approximately a 75-foot building all the
5 way through, and obviously we've reduced
6 that down. But we want to keep embracing
7 Broad Street as a gateway and we don't
8 want to minimize that scale. We also
9 can't make it bigger on -- taller on
10 Broad Street, because you're building
11 over the subway and you begin to get into
12 extraordinarily high costs for a needle
13 building that won't be efficient in terms
14 of usability.

15 COUNCILMAN KENNEY: Councilman
16 Greenlee.

17 COUNCILMAN GREENLEE: Just very
18 quickly. Thank you, Mr. Chairman.

19 You kind of answered what I was
20 going to ask. The scale as you go
21 particularly further south of South, if
22 you will, those buildings you're saying
23 are also like roughly how large are they
24 along Broad Street there?

25 MR. KELSEN: I would say

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2 they're approximately the same height,
3 maybe a little taller, as the building
4 that we're --

5 COUNCILMAN GREENLEE: You're
6 proposing?

7 MR. KELSEN: Yes.

8 COUNCILMAN GREENLEE: I know
9 the Arts Bank, yeah.

10 COUNCILMAN KENNEY: 777, that's
11 about the same height.

12 DEPUTY MAYOR GREENBERGER: 777
13 is five stories with a retail floor on
14 the bottom, four residential --

15 COUNCILMAN KENNEY: It's within
16 the scale.

17 DEPUTY MAYOR GREENBERGER: I
18 would have to say -- Alan Greenberger for
19 the Planning Commission.

20 If we could get that kind of
21 scale, something, 777, up to that on
22 Broad Street, marching down and filling
23 all those gaps at least to Washington
24 Avenue, we would be thrilled.

25 COUNCILMAN KENNEY: Just one

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2 other comment too, and I know this is an
3 issue near and dear to Councilman
4 Greenlee's heart. When you described in
5 your testimony, this is like a perfect
6 transit-oriented development, I would
7 think, and maybe Deputy Mayor Greenberger
8 could elaborate a little bit, I mean,
9 this is what we're looking for when we're
10 putting residential near public transit.

11 DEPUTY MAYOR GREENBERGER: This
12 is exactly what we want. In this
13 particular instance, the subway entrance
14 is literally four feet from the property
15 line. So it couldn't be closer. We want
16 to get as much residential and commercial
17 development as we can realistically get
18 next to our major transit nodes,
19 particularly the subway lines or the
20 surface trolley lines.

21 COUNCILMAN KENNEY: Any other
22 questions for this panel?

23 (No response.)

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

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2 MR. KELSEN: Thank you very
3 much.

4 COUNCILMAN KENNEY: Steven
5 Tiger, Nancy Tiger and Laurie
6 Fitzpatrick, please.

7 (Witness approached witness
8 table.)

9 COUNCILMAN KENNEY: Good
10 morning. Please identify yourself for
11 the record, whoever would like to start.
12 Please, if you could, pull that
13 microphone close to you, because it's
14 old.

15 MS. FITZPATRICK: My name is
16 Laurie Fitzpatrick and I'm a resident
17 1334 Rodman Street. I actually moved to
18 Rodman Street back in 1988, and I've been
19 living there since. I bought my house in
20 1992, and as of today, I'm the longest
21 residing person, homeowner, on those
22 little blocks. And actually I remember
23 what was behind the houses along Rodman
24 Street. I actually lived on Rodman
25 Street at 1334 at the time, and they were

1 11/1/11 - RULES - BILL 110341, ETC.

2 small three-story row homes with
3 backyards, exactly mirroring what's there
4 now on Rodman. They were torn down, I
5 believe, in 1991, '92 to make way for --
6 Rendell used that as sort of a loading
7 area when he was -- he had a lot of
8 trucks and vehicles and whatnot on that
9 site, and they used that to load
10 materials in and out when they were doing
11 new repair work on Avenue of the Arts,
12 put in the new pavements. I believe
13 that's what that was used for.

14 COUNCILMAN DiCICCO: Point of
15 order, if I may.

16 COUNCILMAN KENNEY: Please.

17 Councilman DiCICCO: My
18 question was what was along South Street.

19 MS. FITZPATRICK: Along South
20 Street, that's what -- three-story homes.

21 COUNCILMAN DiCICCO: Oh,
22 three-story homes? I thought they were
23 commercial.

24 MS. FITZPATRICK: Yeah, with
25 little backyards. Yeah.

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN DiCICCO: Thank you.

3 MS. FITZPATRICK: All right.

4 Today I represent the homeowners of the
5 1300 block of Rodman Street and the 500
6 block of Juniper Street as I bring to you
7 two concerns about conditions that are
8 not currently addressed in Bill 110670,
9 and they are preventing an increase in
10 truck and automotive traffic on Rodman
11 and Juniper Streets and compensation to
12 the community for the loss of the 1,800
13 square foot green space, formerly known
14 as the Garden of the Arts, which we
15 maintained there for the past 11 years at
16 Broad and South. We're grateful to PIDC
17 for permitting us that opportunity.

18 Also another wonderful thing I
19 just want to add about that garden was, I
20 was able to use it as a bridge to build
21 community with ourselves and Hawthorne
22 and SOSNA, and I look forward to a
23 continuation of that opportunity in order
24 to bring in craftsmen, workmen from
25 Hawthorne, from SOSNA to come and build

1 11/1/11 - RULES - BILL 110341, ETC.

2 that building. That would be a wonderful
3 thing in the spirit of the Garden of the
4 Arts.

5 During an August meeting of the
6 Washington Square West Civic's Zoning
7 Committee, we learned that Carl Dranoff's
8 proposed building planned to locate its
9 truck loading and trash removal garage on
10 Rodman Street. This ugly surprise was
11 staunchly opposed by the residential
12 homeowners of Rodman Street. I took
13 action by petitioning Charles Denny,
14 Traffic Engineer III with the
15 Philadelphia Streets Department, to
16 please move this garage to South Street.
17 Last Tuesday, October 25th, at a
18 subsequent Wash West Zoning meeting, we
19 were informed that the truck garage was
20 moved from Rodman Street to South Street,
21 but the proposed car garage, which had
22 been located on South Street previously,
23 was now relocated to Rodman Street.

24 The residential homeowners of
25 Rodman and Juniper Street, many of whom

1 11/1/11 - RULES - BILL 110341, ETC.

2 have young children and pets and who are
3 always out on the street, particularly in
4 warm weather, with their kids and with
5 their pets, are still concerned about the
6 increase in automotive traffic on our
7 streets.

8 I want to take a moment to read
9 into this public record key parts of the
10 petition letter I submitted to Mr. Denny.

11 We maintain that Dranoff's
12 proposed garage will create a
13 catastrophic traffic impact on our
14 residential block of 34-plus historically
15 registered homes with the Philadelphia
16 Historic Commission in terms of increased
17 food delivery and trash service trucks
18 that will service 70-plus rental units,
19 plus a proposed restaurant and retail
20 store on Broad Street.

21 This is all about the trucks,
22 so I'm going to skip over that.

23 Locating Dranoff's garage on
24 Rodman Street will significantly impact
25 our historic neighborhood, degrading our

1 11/1/11 - RULES - BILL 110341, ETC.

2 quiet residential street into a
3 congested, noisy, service alley for the
4 Senior Center, Casa Farnese and now
5 Dranoff's proposed luxury retail/rental
6 development at Broad and South.

7 In addition to altering the
8 character of our historic residential
9 block, Dranoff's proposed truck/service
10 garage and car garage will drive down our
11 property values. Since 2004, houses on
12 our blocks have been selling in the range
13 of 367 to 540K, hundred thousand dollars.
14 Half a million dollar homes we have now.
15 Today, trucks on our tiny streets shake
16 our homes, enlarge potholes, damage
17 trees, create noise and fumes, block car
18 and pedestrian traffic, and impose
19 difficulty for residents who want to park
20 briefly in front of their homes and
21 unload things from their cars. With the
22 addition of Dranoff's proposed garage,
23 this traffic impact will increase
24 significantly and subsequently decrease
25 the quality of life on our streets.

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2 Simply stated, the reduction in our
3 quality of life will take property values
4 down with it.

5 We ask that you revisit your
6 decision to place Dranoff's truck garage
7 on Rodman Street and instead encourage
8 this developer to combine his truck
9 garage with his proposed car garage on
10 South Street, keeping all his building
11 traffic on this commercial corridor that
12 is engineered to handle the traffic load.

13 So that's where we were before
14 the change, and I'm going to repeat that
15 so that we're not misrepresented in this.
16 Please move the truck garage to South
17 Street, combine it with the car garage
18 and keep all of his building traffic on
19 the commercial corridor, South Street,
20 which is engineered to handle this
21 traffic load, not only in terms of width
22 to take that kind of flow of traffic, but
23 also in terms of just substructure can
24 handle that constant pounding load. We
25 had a huge pothole open up. This could

1 11/1/11 - RULES - BILL 110341, ETC.

2 swallow a car this past spring, and it
3 took three months to get it fixed on
4 Rodman Street. The truck hit it and
5 caused this big hole.

6 Okay. So in light of last
7 Tuesday's proposal to move the truck
8 garage from Rodman Street to South Street
9 and keeping in mind our need to minimize
10 automotive traffic on two small City
11 streets that are already under serious
12 pressure, we propose an alternative to
13 merely switching the truck and car garage
14 and ask that the car garage entrance be
15 placed on Rodman Street so cars can come
16 in at Rodman Street and that the car exit
17 garage be located on South Street, the
18 same way that this is currently being
19 done four or five blocks down the street
20 at the Whole Foods parking garage.
21 They're already doing it at Whole Foods.
22 Cars come in on South, go out and back on
23 Rodman. What we're asking is, cars can
24 come in on Rodman and go out on South and
25 keep all that traffic out there.

1 11/1/11 - RULES - BILL 110341, ETC.

2 Another thought here is,
3 there's a nice median strip out on Broad
4 Street that prevents cars from coming in
5 on Rodman Street, southbound cars on
6 Broad Street, blocks them from coming in
7 down on South Street. We want that to be
8 maintained so that only cars that are
9 going northbound on Broad Street can turn
10 onto Rodman. That is a wonderful traffic
11 mitigation measure in our area.

12 So enough about the traffic.
13 Now I wish to introduce into the public
14 record some specific details about what
15 the community wants to see written into
16 this special ordinance in terms of
17 compensation for the loss of green space
18 at Broad and South, what was formerly
19 known as the Garden of the Arts. We
20 really loved this little green space. We
21 were grateful to be able to maintain it
22 for 11 years, and we were able to build a
23 really wonderful community as a result of
24 being able to work together in this
25 place. We're going to miss it, but we

1 11/1/11 - RULES - BILL 110341, ETC.

2 understand it was a transitional use and
3 we're looking forward to this new
4 development here.

5 Specifically, the community
6 wants to see five large, high-quality
7 street trees planted in ground, in tree
8 pits and not in planters, along Broad
9 Street from the corner of Rodman Street
10 to Broad and South. Five trees there,
11 large ones.

12 We want to see nine large,
13 high-quality street trees planted in
14 ground, in tree pits, not in planters,
15 along South Street from the corner of
16 Broad and South to the corner of Juniper
17 and South.

18 We want to see three large,
19 high-quality street trees planted in
20 ground, in tree pits, not in planters,
21 planted from the corner of South and
22 Juniper along South Street to the corner
23 of South and 13th Street.

24 That would be a total of 14,
25 15, 16, 17 trees, I believe.

1 11/1/11 - RULES - BILL 110341, ETC.

2 To conclude, I want to make the
3 point that although we welcome this
4 development into our neighborhood, I'm
5 pointing out to you today that the
6 residents you see before you for the past
7 three decades have been spending hundreds
8 and thousands of dollars and many hours
9 of their time fighting unfortunate urban
10 conditions such as drug selling and drug
11 use, graffiti, irresponsible renters and
12 noisy trash trucks to transform these
13 blocks into lovely streets of half
14 million dollar homes. We're the people
15 who did it, and we've been fighting this
16 fight for the past 30 years.

17 Mr. Dranoff's company prides
18 itself on transforming neighborhoods. In
19 the case of our little neighborhood, East
20 Rodman Street, we have already done this
21 heavy lifting for Mr. Dranoff, who is set
22 to come in and reap wonderful benefits
23 from our hard work of the past three
24 decades. We want everyone to rise with
25 this tide.

1 11/1/11 - RULES - BILL 110341, ETC.

2 In defense of little Rodman and
3 Juniper Streets, the residential
4 homeowners of these blocks seek to ensure
5 that Mr. Dranoff's proposed construction
6 supports our ongoing effort to improve
7 our area and not do any injury to our
8 quality of life or our property values.

9 And with that, I thank you for
10 your time, and if you have any questions
11 for me, please feel free.

12 COUNCILMAN KENNEY: We thank
13 you for your testimony. We'd like
14 everybody to testify and then we'll open
15 it up for questions.

16 Please identify yourself for
17 the record.

18 MRS. TIGER: My name is Nancy
19 Tiger and I've been a homeowner of 1334
20 Rodman Street for about seven years, not
21 quite.

22 My husband and I and our
23 neighbors have made significant
24 investments in terms of money, time,
25 emotion and energy into rehabilitating

1 11/1/11 - RULES - BILL 110341, ETC.

2 and restoring our properties. In
3 addition, with help from the Police, the
4 Washington Square West Civic Association
5 and Councilman DiCicco's office, we
6 worked hard to clean up our block,
7 putting an end to the rowdy parties with
8 drinking and loud music that used to
9 spill out of rentals, the rock bands with
10 their amplifiers that would blast the
11 street during their practice sessions,
12 the groups of kids who would use our
13 street as a skateboard park, and the drug
14 dealing.

15 In short, we have created a
16 wonderful neighborhood, and this is what
17 will be lost if our homes are suddenly in
18 the shadow of a large construction that
19 looms over us close behind our back
20 fences, with our street used to exit from
21 a parking garage.

22 There are many developments
23 along the north side of South Street that
24 were built in accordance with residential
25 zoning. For example, 801 South Street

1 11/1/11 - RULES - BILL 110341, ETC.

2 incorporates the back of old homes like
3 ours to create a beautiful development of
4 newer homes that fit in seamlessly with
5 the overall character of South Street.
6 In contrast, the proposed project for
7 Broad and South Streets would jarringly
8 change the character of our section of
9 Rodman Street as well as that of South
10 Street.

11 I don't know if it was through
12 ignorance or arrogance that Philadelphia
13 Industrial Development Corporation issued
14 a request for proposal for a mixed-use
15 commercial and residential development,
16 which entailed the assumption that the
17 zoning would simply be changed, as if
18 that were a mere technicality. To pass
19 this ordinance overriding current zoning
20 laws is tantamount to saying that PIDC
21 and large-scale developers are above the
22 law.

23 Philadelphia is known as a city
24 of neighborhoods, each with its own
25 unique and special character. To pass

1 11/1/11 - RULES - BILL 110341, ETC.

2 this ordinance would not only destroy all
3 that we have worked for on our block, but
4 would also set a precedent that would
5 encourage the cavalier assumption that
6 zoning laws don't really matter, and that
7 would destroy the fabric of this city of
8 neighborhoods.

9 COUNCILMAN KENNEY: Thank you
10 for your testimony. Please pass the
11 microphone down and identify yourself for
12 the record and proceed with yours.

13 MR. TIGER: Thank you. My name
14 is Steven Tiger. I'm a homeowner at 1334
15 Rodman Street just east of Broad. I have
16 lived at that location for almost seven
17 years.

18 The proposed construction at
19 South Street and Broad Street seems
20 inappropriate, unnecessary and unfair.
21 As Mr. Dranoff's attorney correctly
22 testified, the RFP that went out from
23 PIDC did call for a mixed-use facility
24 that assumed the zoning would simply be
25 changed, and therein is exactly where

1 11/1/11 - RULES - BILL 110341, ETC.

2 this entire problem came about. In a
3 sense, Dranoff Properties and anyone else
4 who responded to the RFP, they did so in
5 good faith, but the problem was the RFP
6 was a misbegotten idea from the start, to
7 which the neighborhood, we homeowners,
8 had no input.

9 The proposed construction would
10 rezone the South Street location from
11 residential to commercial use to
12 accommodate a four-story building that
13 would loom over our homes very close to
14 the edge of our backyard areas, which
15 would inevitably lower the value of our
16 homes and the quality of our lives.

17 Now, given the number of vacant
18 residential and retail spaces that are
19 already in the neighborhood, it should be
20 self-evident that there is no pressing
21 need for a large construction offering
22 additional residential office and retail
23 space at this location. And without any
24 pressing community need, there's no
25 justification for this proposed rezoning.

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2 We are not opposed to
3 developing the site. We merely ask that
4 the development be in compliance with the
5 established Zoning Codes, whether that be
6 the current Zoning Codes or the proposed
7 revisions that we understand are
8 forthcoming. It is unfair to burden the
9 homeowners on Rodman Street with the
10 detrimental impact of a construction that
11 fulfills no pressing need and yet would
12 require rezoning the location on South
13 Street.

14 When we purchased our homes, it
15 was with the understanding that the South
16 Street portion of the proposed
17 development site is zoned for residential
18 use. The very purpose of that zoning was
19 to prevent commercial development that
20 would have detrimental effects on
21 residents' day-to-day lives.

22 So to repeat, we're not opposed
23 to developing this site. We support
24 development, but we ask that development
25 be planned and executed within the

1 11/1/11 - RULES - BILL 110341, ETC.

2 specifications of the established zoning.

3 There is no justification for
4 changing that zoning now, and the attempt
5 to achieve it through what amounts to a
6 spot-zoning ordinance submitted to the
7 City Council looks very much like a way
8 to bypass the Zoning Board, which would
9 probably reject the request.

10 I, therefore, request that this
11 Committee recommend to the City Council
12 that the proposed ordinance be rejected
13 and allow the Zoning Board to do its job.

14 Thank you.

15 COUNCILMAN KENNEY: Thank you
16 for your testimony.

17 Are there any questions for
18 these witnesses?

19 Councilman Greenlee.

20 COUNCILMAN GREENLEE: Just one
21 question. Just to Mr. Tiger
22 particularly, I guess I'm not clear. How
23 would you envision this land? Just being
24 residential? Is that what you're saying?
25 I just wasn't clear on what --

1 11/1/11 - RULES - BILL 110341, ETC.

2 MR. TIGER: Right now the
3 zoning is for residential use on South
4 Street, and we see no pressing community
5 need for the type of facility that was
6 called for in the RFP in the first place.
7 We are not angry that Dranoff Properties
8 has submitted a design for a mixed-use
9 facility. That's what the RFP asked for.
10 We're saying, though, that there is no
11 need for that.

12 COUNCILMAN GREENLEE: So you
13 would not -- you'd rather see no mixed
14 use on this site; is that what you think?

15 MR. TIGER: Ideally, yes.
16 However, as has been stated, we are
17 absolutely willing and anxious, eager to
18 continue discussing with the developers
19 some means of reaching a resolution that
20 everyone can live with. Right now the
21 changes that have been offered by Dranoff
22 Properties are certainly in the right
23 direction. We still believe that the
24 height is quite excessive along South
25 Street. We are absolutely willing to

1 11/1/11 - RULES - BILL 110341, ETC.
2 continue to talk about ways that that can
3 be resolved.

4 COUNCILMAN GREENLEE: And I
5 think Mr. Kelsen did say that he would be
6 willing to continue conversation. You
7 might never reach a total agreement, but
8 often times you don't in these kind of
9 things.

10 Yes, ma'am. I'm sorry.

11 MRS. TIGER: I want to address
12 what you just said. If you walk along
13 South Street, the north side, you go 13
14 to 12, 12 to 11, 11 to 10. 801 is my
15 favorite, but small developers have built
16 housing that just flow into South Street.
17 South Street loses its character. Our
18 homes will lose their value.

19 COUNCILMAN GREENLEE: I mean,
20 in all due respect, isn't it a little
21 different? We're talking about the
22 corner of Broad Street now. Isn't that a
23 little different?

24 MS. FITZPATRICK: Can I
25 interject?

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN GREENLEE: We're
3 talking Broad Street now.

4 MS. FITZPATRICK: Could I
5 clarify something?

6 COUNCILMAN GREENLEE: Yeah.

7 MS. FITZPATRICK: I think in
8 terms of anything happening on Broad
9 Street at the corner of Broad and South,
10 commercial, do it. But what they're
11 questioning is the inclusion of
12 commercial activity on the first floor of
13 these residential houses just on South
14 Street, just on the properties that
15 mirror their properties on Rodman Street.

16 MRS. TIGER: Broad is fine.

17 COUNCILMAN GREENLEE: So,
18 again, you're saying -- what your choice
19 would be is no commercial at all on South
20 Street; is what you're saying?

21 MRS. TIGER: That's correct,
22 and that's how it's zoned.

23 COUNCILMAN GREENLEE: I know
24 it's zoned that way. I understand that.

25 MR. TIGER: And, again, the

1 11/1/11 - RULES - BILL 110341, ETC.

2 main point is that if there's no pressing
3 community need for such a facility, then
4 I cannot see the justification for
5 altering the zoning, particularly through
6 what amounts to a spot-zoning ordinance
7 that tries to bypass the Zoning Board
8 process.

9 MS. FITZPATRICK: And I'd like
10 to clarify that, if I could. There's a
11 very optimistic view out there, which is
12 if you build it, they will come, and what
13 he's referring to is commercial space,
14 and we already have vacant commercial
15 space across the street at 1352 Loft.
16 Sure, you can blame that on poor design,
17 but, I mean, even if you look around the
18 entire corner, there's vacancies
19 everywhere up and down, commercial
20 vacancies, up and down South Street. So
21 that's what -- I believe that's what you
22 mean by pressing community need, is there
23 really a need for this additional
24 commercial space if what you're
25 sacrificing is quality of life for the

1 11/1/11 - RULES - BILL 110341, ETC.

2 people who live in the properties along
3 Rodman Street.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 COUNCILMAN KENNEY: Councilman
7 DiCicco.

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Chairman.

10 Ms. Fitzpatrick, I'm a little
11 confused. On October 11th in the
12 testimony that you submitted, you submit
13 a petition that was signed by, it looks
14 like, 11 homeowners, 15 individuals who
15 reside on Rodman Street and there are a
16 couple who live on -- one or two who live
17 on Juniper, and your petition really just
18 speaks to the issue of traffic. We are
19 opposed or we are respectfully
20 petitioning Mr. Dranoff to revisit the
21 issue of the parking/loading garage on
22 Rodman.

23 Now, since that has been
24 addressed, do you have any more recent
25 opinions from the folks? Are they now in

1 11/1/11 - RULES - BILL 110341, ETC.

2 support of the project since that issue
3 as relates to your petition -- and that's
4 the only issue I see on the petition.

5 MS. FITZPATRICK: Do you
6 mean -- yeah, that's just my issue. My
7 issue is the increase of car traffic.

8 COUNCILMAN DiCICCO: But those
9 15 individuals and 11 homeowners who
10 signed before that change has been made,
11 are they still now opposed to the project
12 as it's being presented?

13 MS. FITZPATRICK: Yes.

14 COUNCILMAN DiCICCO: Even
15 though the parking garage has been
16 relocated?

17 MS. FITZPATRICK: Yes. They
18 don't want to see an increase in car
19 traffic.

20 MR. TIGER: If I may,
21 there's --

22 COUNCILMAN DiCICCO: The
23 petition speaks to the --

24 MS. FITZPATRICK: Car and
25 truck.

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN DiCICCO: -- the
3 truck traffic --

4 MS. FITZPATRICK: And car
5 traffic.

6 COUNCILMAN DiCICCO: -- and
7 loading dock on Rodman Street.

8 MS. FITZPATRICK: But it also
9 generally addresses automotive traffic as
10 well, an increase in all types of
11 traffic. We asked that --

12 COUNCILMAN DiCICCO: The only
13 traffic you're going to get into that
14 building on Rodman are the people who
15 live in that facility, in that building,
16 who may have cars.

17 MS. FITZPATRICK: Correct.

18 COUNCILMAN DiCICCO: We're
19 assuming that all 30 of them are going to
20 have a car, which I don't think is going
21 to be accurate, but for all intents and
22 purposes, 30 people will have cars.

23 MS. FITZPATRICK: And I'm
24 representing the majority of people on
25 this list who are still thinking that

1 11/1/11 - RULES - BILL 110341, ETC.

2 they don't want this additional car
3 traffic on Rodman Street.

4 COUNCILMAN DiCICCO: Car
5 traffic.

6 MS. FITZPATRICK: Well, in the
7 letter we talk about car -- take all the
8 car and truck traffic and locate it to
9 South Street. This letter implies --
10 perhaps I could have been more
11 specific -- zero traffic, zero car
12 traffic, zero truck traffic from
13 Dranoff's building. And what I'm talking
14 about today, which is something I
15 discussed with people, is, Well, what if
16 we had cars come in on Rodman Street and
17 go out on South Street. That way, you
18 keep all those extra cars on South
19 Street. Because our concern is, we get
20 people come -- we get crazy people,
21 especially on the weekend, they come
22 tearing down that road, and we've got
23 people with children.

24 COUNCILMAN DiCICCO: But
25 they're not the tenants of this building.

1 11/1/11 - RULES - BILL 110341, ETC.

2 Those people are going to continue to
3 come up that street, no matter what, if
4 they use it as an alternative route to
5 get back on to Broad Street coming off of
6 13th. I mean, those aren't people who
7 live in this apartment building, because
8 it's not been built yet.

9 MS. FITZPATRICK: Well, no.
10 They would come in on --

11 COUNCILMAN DiCICCO: That may
12 happen anyway.

13 MS. FITZPATRICK: They would
14 come in on Broad Street and they would be
15 able to park their cars, and then when
16 they go out, they go out on South Street.

17 COUNCILMAN DiCICCO: I
18 understand that. I guess that's
19 something -- I don't know if that's
20 feasibly doable. I mean --

21 MS. FITZPATRICK: We're putting
22 it on the table.

23 COUNCILMAN DiCICCO: My point
24 is, would you agree that from the outset
25 when this project was being designed,

1 11/1/11 - RULES - BILL 110341, ETC.

2 that there's been significant changes to
3 it that reflect the concerns of the
4 community? The way I look at this and --

5 MS. FITZPATRICK: I think the
6 word is "significant." Changes have been
7 made.

8 COUNCILMAN DiCICCO: From what
9 I see now that the big issue when we all
10 met in my office a couple weeks ago
11 about -- in addition to the height, was
12 the loading zone, which has been removed,
13 the truck traffic coming in off of
14 Rodman, which has been relocated to South
15 Street. I view this as about 90 percent
16 of what the community had been looking
17 for as having been agreed to by the
18 developer.

19 MR. TIGER: No, sir. No, sir.

20 MS. FITZPATRICK: Which
21 community? This is the community. These
22 are the people who live in the shadow of
23 the building and these are the people --

24 COUNCILMAN DiCICCO: But for
25 the height, I don't see that much left on

1 11/1/11 - RULES - BILL 110341, ETC.

2 the table, but --

3 MS. FITZPATRICK: All I need to
4 say is, in this letter we're addressing
5 both the car and the truck traffic, and
6 as of this letter, we were talking about
7 putting both car and truck traffic on
8 South Street.

9 COUNCILMAN DiCICCO: I get
10 that, but the way I read it was just --

11 MS. FITZPATRICK: It could have
12 been worded more clearly, I understand.

13 COUNCILMAN DiCICCO: I
14 recognize this being truck traffic, and
15 that's a moot point now because they're
16 not going to park --

17 MS. FITZPATRICK: Well, car
18 traffic wasn't an issue at this point
19 because it was coming in and out on South
20 Street, and that's why I was trying to be
21 inclusive and say no car and truck
22 traffic in and out on Rodman. It does
23 say that in the letter.

24 COUNCILMAN DiCICCO: That's why
25 I asked the question. When that petition

1 11/1/11 - RULES - BILL 110341, ETC.
2 was circulated, it was back on October
3 11th.

4 MS. FITZPATRICK: And we were
5 talking about no traffic, no traffic on
6 Rodman Street.

7 COUNCILMAN DiCICCO: All right.
8 Thank you.

9 COUNCILMAN KENNEY: Just one
10 hypothetical. Is the neighborhood a
11 permit parking district? Is it a permit
12 parking district?

13 MS. FITZPATRICK: No. We have
14 no parking on our street.

15 COUNCILMAN KENNEY: Oh, you
16 have no parking on your street at all?

17 MS. FITZPATRICK: Absolutely.
18 Parking is illegal on Rodman Street and
19 Juniper Street.

20 COUNCILMAN KENNEY: So
21 hypothetically, if there wasn't a parking
22 garage at all, how would that affect your
23 opinion? If no one could park in the
24 underground garage and didn't have to
25 enter from Rodman Street, would that --

1 11/1/11 - RULES - BILL 110341, ETC.

2 I'm not suggesting that's going to
3 happen. I'm just trying to get an idea
4 as your concern over vehicular traffic,
5 not truck traffic but regular traffic.
6 If there were no parking garage in the
7 building at all --

8 MS. FITZPATRICK: I'd like to
9 see some parking, because residents come
10 in and they have their cars and they like
11 to travel on the weekends and go to Ikea
12 and things like that.

13 COUNCILMAN KENNEY: Where do
14 they park?

15 MS. FITZPATRICK: Where would
16 they park?

17 COUNCILMAN KENNEY: Where do
18 the residents of Rodman Street and the
19 vicinity park now?

20 MS. FITZPATRICK: Oh, we park
21 around the neighborhood.

22 COUNCILMAN KENNEY: In spots
23 that are available?

24 MS. FITZPATRICK: Yeah; 13th
25 Street, South Street, Lombard Street. We

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2 have our little Zone 4 stickers and
3 that's where we park, and some people pay
4 to park.

5 COUNCILMAN KENNEY: So it is
6 permit parking? You have Zone 4.

7 MS. FITZPATRICK: But not on
8 Rodman and not on Juniper Streets.

9 COUNCILMAN KENNEY: Okay. So
10 if there were no parking availability in
11 the building, you would not be happy with
12 that because --

13 MS. FITZPATRICK: We'd love
14 people to be able to park.

15 COUNCILMAN KENNEY: No. I'm
16 saying you would have 30 more residents
17 that are looking for the same parking
18 spot on the street that you're looking
19 for.

20 MS. FITZPATRICK: Oh, yeah,
21 pressure.

22 COUNCILMAN KENNEY: So on one
23 hand, even though the traffic may be an
24 issue, you're happy to have private
25 parking there because you would be

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2 competing with potentially 30 new cars.

3 MS. FITZPATRICK: I don't view
4 it as competition, because we compete
5 with people coming in from New Jersey and
6 the suburbs all the time, especially on
7 the weekends. There's never enough
8 parking. There's never enough parking.

9 COUNCILMAN KENNEY: No. I
10 understand that, but 30 additional
11 residential folks with cars would make it
12 that much worse.

13 Could you stipulate at least
14 the fact that it's pretty clear that 30
15 new cars would make it worse? And I'm
16 not suggesting that we're even able to do
17 this, but what I'm saying is, on one
18 hand, having the parking relieves another
19 problem, which is unavailability of curb
20 parking in the neighborhood.

21 MS. FITZPATRICK: I view it as
22 an amenity --

23 COUNCILMAN KENNEY: That's why
24 the Zoning Code requires it, because it
25 takes the pressure off the street.

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2 MS. FITZPATRICK: I view it as
3 an amenity for the residents. It's
4 plumb. It's a nice thing to have a nice
5 parking space. That's wonderful. And it
6 does --

7 COUNCILMAN KENNEY: But they're
8 not parking in the spot that you're
9 competing for.

10 MS. FITZPATRICK: Right.
11 They're parking under the building, but
12 also --

13 COUNCILMAN KENNEY: No. All
14 I'm trying to get is for you to say to
15 me, yes, there is some advantage of
16 having off-street parking at any type of
17 residential facility because they're not
18 competing with you coming back from Ikea.

19 MS. FITZPATRICK: Yes.

20 COUNCILMAN KENNEY: Okay.

21 Councilman Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. Chairman.

24 I don't want to belabor the
25 point of the garage. I think we've been

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2 through it. But you and I last week
3 walked around the area, and the one thing
4 I think you definitely certainly
5 convinced me that that truck loading
6 should not be -- and Councilman DiCicco
7 and I had a conversation about that -- on
8 Rodman Street. While we were there, I
9 think there was a trash truck pulling out
10 of the Senior Center there, and that's
11 very difficult.

12 So I guess -- I don't want to
13 get into terms here. We used the word
14 "significant" before, but there is a
15 major change in taking that truck traffic
16 off of Rodman Street, isn't it?

17 MS. FITZPATRICK: Absolutely.

18 COUNCILMAN GREENLEE: And
19 potentially Juniper Street too, right?
20 So, I mean, that is, in fairness, a big
21 change off the plan, right? And I guess
22 we didn't -- I remember when you and I
23 talked, we didn't really talk about car
24 traffic. I guess now you're explaining
25 now that you didn't think it would be on

1 11/1/11 - RULES - BILL 110341, ETC.

2 there, but having cars on there is
3 certainly a lot less injurious to the
4 block than having the trucks, right?

5 MS. FITZPATRICK: Well, let me
6 just say this: I can have my opinion
7 about that, but we would have -- I don't
8 know that I could represent that opinion
9 as the majority of -- the opinion of the
10 majority of the people who live on
11 Rodman.

12 COUNCILMAN GREENLEE: Well, no.
13 I'm saying trucks -- if you're going to
14 have the two, having passenger cars are
15 better than having trucks, correct?

16 MS. FITZPATRICK: Not
17 necessarily, because people --

18 COUNCILMAN GREENLEE: Really?

19 MS. FITZPATRICK: Yeah. People
20 drive like crazy people. No. Having no
21 traffic is the best.

22 COUNCILMAN GREENLEE: I know
23 that's what you would prefer, but I'm
24 saying, they made a change. They made an
25 adjustment. I'm not here just to defend

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2 them. I'm saying that was the main thing
3 that you got through to me, that that
4 truck traffic just wasn't going to work
5 on Rodman Street.

6 MS. FITZPATRICK: Correct.

7 COUNCILMAN GREENLEE: It is a
8 narrow street. You can't even park on
9 it. I'm with you there.

10 MS. FITZPATRICK: Right.

11 COUNCILMAN GREENLEE: They
12 changed that. So I think you have to at
13 least say that's better, right?

14 MS. FITZPATRICK: I have a
15 great ambivalence towards that, because I
16 see how people drive up and down our
17 block. I've seen kids almost hit. I've
18 seen me dogs almost hit.

19 COUNCILMAN GREENLEE: But
20 they're there now.

21 MS. FITZPATRICK: I've seen
22 cats get run over by cars. I'm just
23 trying to minimize --

24 COUNCILMAN GREENLEE: No. I
25 understand. It just seems there has been

1 11/1/11 - RULES - BILL 110341, ETC.

2 a change that I thought was to the
3 benefit of that block, because to me that
4 was the most significant problem that you
5 explained.

6 MS. FITZPATRICK: It's a change
7 and it's a good change, but it's not a
8 hundred percent.

9 COUNCILMAN GREENLEE: Do we
10 ever get a hundred percent, Laurie, of
11 anything?

12 MS. FITZPATRICK: Well, 50
13 percent?

14 COUNCILMAN GREENLEE: Well,
15 then we start getting into degrees.

16 MR. TIGER: Sir, may I just say
17 one single sentence?

18 COUNCILMAN GREENLEE: Yes.

19 MR. TIGER: This discussion
20 ongoing about the garages is very
21 entertaining, so, A, for the record, is
22 it better to have the car garage than the
23 truck access on Rodman Street? Of course
24 it is. However, that being said, I would
25 hope that this Committee would pay

1 11/1/11 - RULES - BILL 110341, ETC.

2 attention to the much more fundamental
3 issue of what is the justification for
4 the proposed rezoning, what community
5 need is served by this proposed spot
6 rezoning.

7 COUNCILMAN GREENLEE: Okay. I
8 hear you, except I was addressing what
9 Ms. Fitzpatrick, what she brought up. So
10 thank you.

11 COUNCILMAN KENNEY: Any other
12 questions?

13 Councilwoman Reynolds Brown.

14 COUNCILWOMAN BROWN: Point of
15 information, Mr. Chairman, to the sponsor
16 of the bill. The proposed site --

17 COUNCILMAN KENNEY: Excuse me.
18 Hold on one second.

19 Councilman DiCicco,
20 Councilwoman Reynolds Brown has a
21 question for you.

22 COUNCILWOMAN BROWN: Just
23 clarification around this parking issue.
24 The proposed development calls for how
25 many apartments?

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN DiCICCO: Thirty.

3 MS. FITZPATRICK: Seventy.

4 COUNCILMAN DiCICCO: Thirty

5 parking spaces. What was the number --

6 MR. KELSEN: It's not been

7 fine-tuned, but approximately 75 or so.

8 COUNCILWOMAN BROWN: Residents?

9 MR. KELSEN: Residential units,
10 with about 30 parking spaces.

11 COUNCILWOMAN BROWN: Okay.

12 COUNCILMAN DiCICCO: And the
13 parking spaces are only for the tenants,
14 not public parking. So it wasn't like
15 the tenants may have to go look for a
16 space in the neighborhood. It's
17 dedicated to the development.

18 COUNCILWOMAN BROWN: That's
19 what I needed to know. Okay. Thank you.

20 COUNCILMAN KENNEY: Thank you
21 very much for your testimony. Thank you.

22 David Fante, Angela Fante. Is
23 Stanley Krakower here?

24 I see him. I see you.

25 (Witnesses approached witness

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2 table.)

3 COUNCILMAN KENNEY: Whoever
4 would like to start, please identify
5 yourself for the record and proceed.

6 MR. FANTE: Good morning.

7 COUNCILMAN KENNEY: Good
8 morning.

9 MR. FANTE: My name is David
10 Fante. Good morning, Councilman Kenney
11 and the Rules Committee.

12 I'm a homeowner of 1332 Rodman
13 Street, directly behind the proposed
14 development. I am a licensed architect,
15 a member of the American Institute of
16 Architects, and I work for a large
17 architectural and engineering firm in
18 Center City. I am a member of the
19 Washington Square West Civic Association
20 and serve on the Board of Directors and
21 the Zoning and Governmental Affairs
22 Committee. In order to avoid any
23 conflict of interest, I recused myself
24 from any proceedings for this project, so
25 I speak before you today as a concerned

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neighbor of the development, not on
behalf of Wash West.

My message has not changed
since the RFP for this development was
issued: Stick to the current zoning on
the site, "R-10" on South Street, "C-4"
on Broad Street, three stories, 35 feet
on South Street, taller on Broad Street,
provide the required residential setback,
minimum of 9 feet, from the Rodman Street
properties.

Zoning codes exist to promote
the health, public health, safety, order
and general welfare by regulating and
restricting the location, size, bulk,
use, height, occupancy, population
density and site coverage of buildings.
Among other things, the code is designed
to ensure that adequate light and air are
provided for, property value is conserved
and to encourage the most appropriate use
of land.

Despite the fact that this
development is pursuing an ordinance from

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2 City Council to effectively bypass the
3 zoning process, it should be noted that
4 the Zoning Board considers these
5 criteria, among others, as justifiable
6 reasons to grant a variance: That the
7 particular physical surrounding, shape or
8 topographical conditions of the specific
9 structure or land involved would result
10 in unnecessary hardship; that the
11 variance will not substantially or
12 permanently injure the appropriate use of
13 adjacent conforming property; that the
14 grant of the variance will not impair an
15 adequate supply of light and air to
16 adjacent property.

17 We have seen this proposal
18 transform from the original six-story
19 scheme to the seven-four split scheme,
20 but it does not go far enough to maintain
21 the scale and historic character of our
22 neighborhood. Through it all, our
23 message has remained the same, three
24 stories on South, taller on Broad.

25 On numerous occasions, we have

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2 asked that the South Street portion of
3 the building be reduced from four stories
4 to three stories. To make up for the
5 loss on South Street, we have suggested
6 building taller on Broad Street. The
7 only reason given thus far as to why the
8 South Street portion of this building
9 cannot go lower than four stories is the
10 financial hardship for the developer to
11 build taller on Broad Street. Financial
12 hardship is not grounds for granting a
13 variance, and a financial hardship for
14 the developer certainly does not justify
15 the hardships imposed on us.

16 In addition, how can anyone
17 claim financial hardship when the
18 ordinance they themselves drafted for
19 City Council increases the building area
20 of the lot from the allowed 500 percent
21 to 575 percent? Apparently there's no
22 hardship to build more than what is
23 allowed on a "C-4" lot, but there is
24 hardship when it comes to being a good
25 neighbor and following rules that were

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2 established to protect the light, air,
3 space and property values of adjoining
4 properties.

5 And who benefits? We certainly
6 do not. The City does not benefit from
7 four stories on South Street. PIDC, the
8 Planning Commission and the Commerce
9 Department do not benefit from four
10 stories on South Street. The only person
11 I see benefiting from this at our expense
12 is the developer.

13 Now, let me be perfectly clear.
14 My neighbors and I are not opposed to
15 development. However, we are prepared to
16 pursue whatever means necessary to
17 protect our well-being, our investments,
18 our quality of life and our rights under
19 the zoning laws of this city. We support
20 smart development which conforms to
21 current zoning and is mutually beneficial
22 to all parties. It is not our intent to
23 stop this development, and we welcome the
24 opportunity to negotiate reasonable
25 alternatives which address our concerns.

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2 We sincerely hope that City
3 Council will do the right thing for their
4 constituents, the community members they
5 represent, and support our efforts in
6 this cause.

7 Thank you.

8 COUNCILMAN KENNEY: Thank you
9 for your testimony.

10 Whoever is next, please
11 identify yourself.

12 MRS. FANTE: Angela Fante,
13 homeowner of 1332 Rodman Street and a
14 structural engineer here in town.

15 We, the residents of the 1300
16 block of Rodman Street, urge that City
17 Council oppose this ordinance. We ask
18 nothing more than for City Council to
19 maintain current zoning on the lot behind
20 our properties, 35 foot high
21 residential-only development along South
22 Street with 9 foot setbacks between our
23 properties and "C-4" zoning along Broad
24 Street.

25 This ordinance would not only

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permit development directly behind our properties over 14 feet higher than our homes, but would change the function and density of these spaces from the intended residential zoning to a commercial usage. While a 9 foot setback is proposed, this space would be occupied by an enclosed shed-like structure for a loading zone corridor and not the open or green space, individual patio spaces intended by the current Zoning Code.

The bottom line is that the rezoning contained in this ordinance is harmful to us, the homeowners of Rodman Street, and the canyon effect that would be created in our backyards by this building looming over our homes would have a significant negative impact on our sense of space, quality of life and property values and would also negatively impact our well-being due to diminished sunlight and air. It is simply unfair to impose this change in zoning on us, the neighbors, all in the name of

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2 guaranteeing a developer's financial
3 gain. We will be punished physically and
4 financially while he reaps the benefits.
5 What sense does it make to injure a
6 neighborhood in the name of developer
7 profit?

8 My neighbors and I have been
9 involved in this process for several
10 months. We have testified before the
11 Planning Commission, we have attended
12 several presentations to the Wash West
13 Civic Association, and we have discussed
14 this project with Councilman DiCicco.
15 The question we keep asking amongst
16 ourselves is, why must we fight so hard
17 just to have the law be upheld?

18 The Zoning Code was written to
19 protect us against this exact situation,
20 and we ask that City Council seriously
21 consider the adverse effects that the
22 changes this ordinance would impose on
23 our neighborhood would have and to simply
24 uphold the law.

25 We are unyielding in resisting

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2 development higher than 35 feet behind
3 our homes, and although it is not our
4 preference, we are united as a block in
5 our commitment to taking this to the
6 highest levels necessary to maintain the
7 well-being and character of our
8 neighborhood. We are, of course, willing
9 to negotiate with the developer, but as
10 of yet, have not been formally invited to
11 do so.

12 Thank you for your time and
13 attention. We do appreciate the
14 thoughtful consideration you will give
15 towards the implications this ordinance
16 would have on our community.

17 COUNCILMAN KENNEY: Thank you
18 for your testimony.

19 Mr. Krakower, please identify
20 yourself for the record. Please pull the
21 microphone close to you.

22 MR. KRAKOWER: Thank you very
23 much, Councilman Kenney, members of the
24 Rules Committee. My name is Stanley
25 Krakower. I'm a land use and zoning

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2 lawyer, and I'm representing these
3 residents on Rodman Street, some of which
4 could not be here today, and I wonder if
5 the Committee would just permit me to ask
6 the people who are here from Rodman
7 Street who support this position and
8 opposition to this bill would just stand
9 up.

10 COUNCILMAN KENNEY: Please.

11 MR. KRAKOWER: So they could be
12 observed.

13 Those of you stand up.

14 (Some audience members
15 standing.)

16 MR. KRAKOWER: As you can see,
17 there are almost a dozen, maybe seven or
18 eight people. These are the ones who
19 could take off from work and be here.
20 All of them are not going to testify.
21 Just the people who have been listed as
22 being here to testify.

23 I think the people have come to
24 me because there are a couple of issues,
25 some of which are legal, and have asked

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2 my advice.

3 First thing I want to say is,
4 as all of them have indicated to you,
5 there is certainly a willingness to
6 continue discussions and negotiations
7 with the developer and his counsel, and
8 that we look forward to an opportunity to
9 do that. However, it must be recognized
10 that the primary issue, the most
11 difficult issue, is the one of the
12 height, the size, the density of the uses
13 on South Street, because this ordinance
14 would do two things. First of all, it
15 would change the use from an "R-10"
16 residential use to allowing commercial
17 uses. It would also significantly
18 increase the size. We're not talking
19 about a size addition of five or six
20 feet. We're talking about, as it stands
21 now with the recent reduction, of a size
22 addition increase of something like 14
23 feet, from 35 feet up to 49 feet. That's
24 two stories in additional height as of
25 now over what the Zoning Code would

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2 allow. And the problem we have, first of
3 all, is why Council is considering doing
4 this with an ordinance in the first
5 place.

6 We're talking about a total
7 area of zoning change of approximately
8 10,000 square feet. There's a map that I
9 believe is part of the submission that
10 shows that part of the lot area between
11 Broad Street, Juniper Street, Rodman and
12 South Street that is going to be changed
13 from "R-10" to "C-4." The total square
14 footage is about 10,000 square feet.
15 It's a little less. That's about the
16 size of a baseball infield, a baseball
17 infield, 90 feet by 90 feet, 8,100 square
18 feet. So you're talking about a very,
19 very small size proportionately, not only
20 in the City of Philadelphia but of this
21 neighborhood.

22 This really should have been
23 brought to the Zoning Board of Adjustment
24 on the basis for a variance. There,
25 there would have been legal standards of

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2 hardship and need, of minimum variance
3 requirements, that were they satisfied or
4 not, that could have been presented. By
5 coming here to Council for an ordinance,
6 the ability of the neighbors to have
7 input is substantially reduced, although
8 we do appreciate this hearing today.
9 This gives us the opportunity to do so.

10 But you wind up also
11 considering and we'd ask Council to
12 consider, with the assistance of the Law
13 Department, if necessary, if this isn't a
14 classic spot-zoning example of the kind
15 that the Supreme Court has repeatedly
16 says City Council should not do if what
17 you're doing is changing a relatively
18 small area of zoning to benefit one
19 party, one party being the developer.

20 The other question that's
21 involved is the question of who is the
22 community. We know that the developers
23 have been talking to members of the
24 Zoning Committee of the Wash West Civic
25 Association. The problem is, that's not

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2 really the relevant community. The
3 people who are affected are these people,
4 the dozen people that you saw stand up
5 here and the people sitting next to me,
6 who live right on Rodman Street, whose
7 properties actually are contiguous to and
8 touch the South Street properties that
9 would be rezoned. And in going through
10 to the Washington Square West Civic
11 Association, no member of the Zoning
12 Committee of the Washington Square West
13 Civic Association lives on Rodman Street,
14 except, except for Mr. David Fante, who
15 is sitting right here to my left and who
16 you've heard from.

17 So we suggest that the ability
18 to reach a possible solution, something
19 that the neighbors could live with and
20 that also the developer could live with,
21 is better reached if the negotiations
22 take place with the people who are
23 directly affected rather than a civic
24 association which may or may not have
25 full understanding of just what's

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2 involved here.

3 Now, there have been
4 modifications and we've heard about
5 those, particularly the truck versus car
6 modifications, but the problem is, that
7 alone, though it's important, is not what
8 the neighbors, at least the ones I've
9 talked to and the ones who are here
10 today, have indicated is the most
11 substantial. The most substantial issue
12 is the height, the size and the density
13 of the South Street properties.

14 The density is important too,
15 because what you're going to have there
16 are instead of "R-10," which would allow
17 approximately 10 or 11 houses, row
18 houses, you're going to have 75 to 80
19 apartments. That is a tremendous
20 difference in density. And, again, I'm
21 not talking about the car parking. I'm
22 just talking about the number of people
23 who will be involved.

24 Now you also have the height --

25 COUNCILMAN KENNEY: Can I just

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2 ask a question just from a generic
3 perspective? I understand their
4 testimony relative to the density of the
5 building and the height of the building,
6 but why having 75 units occupied as
7 opposed to 10 row houses occupied, why is
8 that a detriment to the community? Why
9 is more people living in the neighborhood
10 a detriment?

11 MR. KRAKOWER: More people
12 living there brings the added noise,
13 size, trash, all of the things that go on
14 in that block. You're also going to
15 have --

16 COUNCILMAN KENNEY: This is an
17 urban setting. I'm not arguing their
18 point. The two witnesses made the point
19 about cavern and air and light, and I
20 understand that, but you can't -- I
21 reject the argument that we want less
22 people living in Center City. I mean, I
23 don't understand that part of the
24 argument. I mean, whether they're living
25 in a structure that these folks are

1 11/1/11 - RULES - BILL 110341, ETC.

2 willing to accept or not, but the mere
3 fact of having more people living
4 downtown, where's the problem?

5 MR. KRAKOWER: Let me respond,
6 if I can, Councilman. The Zoning Code
7 itself -- by the way, this is also true
8 in the new proposed Zoning Code -- often
9 relates with density to the number of
10 people who live in a given area, in a
11 given block, in terms of the services
12 that those people require and the
13 services that those people generate in
14 terms of just having that many more
15 people there. The code in every city, by
16 the way --

17 COUNCILMAN KENNEY: But that
18 doesn't seem to have a big problem in New
19 York. I mean, the density in New York is
20 vibrant and phenomenal. I mean, I would
21 love to see a similar human density, not
22 necessarily structural density, but a
23 human density on South Broad Street in a
24 residential setting. I think that's what
25 makes a city terrific. I mean, I will

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2 reject or disagree with your assertion
3 that we don't want more people living
4 downtown. I mean, that's --

5 MR. KRAKOWER: It's not a
6 question of downtown. It's within one
7 small block, a block that -- the area
8 that's been changed is the size of a
9 baseball infield. Remember that. That's
10 what we're talking about.

11 COUNCILMAN KENNEY: All right.

12 MR. KRAKOWER: That's the size
13 of the area that's involved here.

14 COUNCILMAN KENNEY: I hear you.

15 MR. KRAKOWER: Again, we're not
16 necessarily saying that it has to be only
17 the 11. We're asking, isn't there some
18 number -- even the 75 or 80, the question
19 then becomes because you want 80 people
20 in there, you're building the places up
21 higher. You now have 59 feet of height
22 instead of 35 feet. That creates a
23 difference in light, air, ambient light
24 and the whole --

25 COUNCILMAN KENNEY: How high

1 11/1/11 - RULES - BILL 110341, ETC.

2 did you say it was?

3 COUNCILMAN DiCICCO: It's 48.

4 MR. KRAKOWER: I understand
5 from Mr. Kelsen's testimony it's 59 feet.

6 COUNCILMAN KENNEY:
7 Forty-eight.

8 MR. KRAKOWER: Oh, 48 feet.
9 I'm sorry. Yes. I had the wrong number,
10 48 feet. So from 35 to 48, that's 13
11 feet. I was thinking 14. I thought it
12 was 59.

13 COUNCILMAN KENNEY: I just want
14 to make sure the record is clear.

15 MR. KRAKOWER: But, again, even
16 at 48 feet -- and this, we are told, is a
17 great concession, when it was originally
18 produced in development I think then
19 called for 50-something feet. So the 48
20 feet or the 38 feet is a concession, and
21 we'll acknowledge that it's a concession,
22 but the question is, is it nearly enough?
23 Because the other problem you have is the
24 distance between the backs of those
25 properties and the backs of these folks'

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2 properties, they're going to be cheek to
3 cheek. They're going right up against
4 each other. There's supposed to be a 9
5 foot setback, but that 9 foot setback is
6 going to be covered and used for some
7 sort of transformation of goods or
8 properties or something. It's going to
9 be utilized. It's not going to be like a
10 garden like these people have now. They
11 have gardens for 9 feet. This is going
12 to be used for partially to assist the
13 commercial uses, as I understand it.

14 COUNCILMAN DiCICCO: No.

15 COUNCILMAN KENNEY: I'm sorry.

16 As you make assertions, Councilman wants
17 the record to be clear that there may be
18 some misunderstanding on your part what's
19 going on on Rodman Street.

20 COUNCILMAN DiCICCO: And I
21 would ask, Mr. Chairman, maybe Mr. Kelsen
22 could respond to that use of that setback
23 area. If you don't mind, why doesn't
24 Mr. Kelsen come up.

25 COUNCILMAN KENNEY: Yeah.

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2 Sir, could you please take that
3 seat there so we can --

4 COUNCILMAN DiCICCO: If I can,
5 Mr. Chairman, I just want to --

6 COUNCILMAN KENNEY: You're not
7 going to have a microphone.

8 COUNCILMAN DiCICCO: What we're
9 talking about residential development on
10 South Street, are we talking about on the
11 intersection or is he talking about this
12 area?

13 MR. KRAKOWER: The "R-10" area.

14 COUNCILMAN DiCICCO: I just
15 want to make sure.

16 MR. KELSEN: And Mr. Roller is
17 coming up as well.

18 As a result of the relocation
19 of the loading from Rodman to South
20 Street, it is necessary to have a
21 corridor created so that the goods and
22 trash can be moved to that area and from
23 that area, and in recognition of the fact
24 that the neighbors are behind it, we've
25 enclosed that area. So there is a 9 foot

1 11/1/11 - RULES - BILL 110341, ETC.

2 privacy wall. It's actually lower and
3 it's right up against -- exactly.

4 COUNCILMAN DiCICCO: This one
5 here.

6 MR. KELSEN: Mr. Roller can
7 show it in a little bit more detail.

8 So what we've done is, we have
9 created a corridor that allows us to move
10 the trash and goods through the building
11 without being disruptive of the
12 community. The wall that has been
13 proposed that abuts the Rodman Street
14 side of the property, members of Council,
15 is a masonry wall that will be greened
16 like we've done at 24th and Locust with a
17 living wall. It's actually been
18 redesigned to step down in slope so that
19 it is lower as it's up against the
20 property line on Rodman. I think it's,
21 Jerry, 6 and a half feet and then slopes
22 up to 9 feet and is roofed over.

23 I have to correct my good
24 friend Mr. Krakower's concept. We've
25 designed this in recognition of the

1 11/1/11 - RULES - BILL 110341, ETC.

2 potential new Zoning Code, which allows
3 for "R-10" structures to be 42 feet, as I
4 mentioned earlier. We're at 48 feet
5 approximately, 48, 10. I'll stipulate
6 that it's 48, 10.

7 In recognition of the Code, I
8 would also point out that "R-10"
9 currently allows for multi-family use if
10 you meet the bulking area. So this is
11 not a single-family residential zone
12 along this portion of the property.
13 "R-10" does allow multi-family and could
14 allow a density that's fairly
15 significant.

16 COUNCILMAN KENNEY: Let me just
17 ask another -- can I just ask another
18 question for my illumination. How many
19 houses are on Rodman Street?

20 MR. KRAKOWER: Are on Rodman
21 Street?

22 COUNCILMAN KENNEY: Yes.

23 MRS. FANTE: Eight directly.

24 COUNCILMAN KENNEY: This would
25 be on the north side of Rodman facing the

1 11/1/11 - RULES - BILL 110341, ETC.

2 proposed development?

3 MR. KELSEN: Well, their rear
4 yards face the proposed development.
5 They front on Rodman.

6 COUNCILMAN KENNEY: So it's the
7 south side properties that get the most
8 impact?

9 MRS. FANTE: Right.

10 COUNCILMAN KENNEY: Of the
11 south side properties, if you look -- and
12 try to follow me. If you look down South
13 Street and you go -- Mr. Roller, could
14 you just go down South Street to where
15 the lower structure starts, the roof of
16 the lower structure. How many houses,
17 how many yards are impacted from the
18 corner of South Street -- Broad Street
19 going down South to where the building
20 then lowers?

21 MR. ROLLER: There are six lots
22 and I believe one of them is vacant.

23 COUNCILMAN KENNEY: I'm trying
24 to determine how many properties are
25 impacted by the lower-rise structure as

1 11/1/11 - RULES - BILL 110341, ETC.

2 compared to the higher-rise structure.

3 That's what I'm trying to find out.

4 MRS. FANTE: None are affected
5 by the high-rise structure behind us. We
6 are specifically talking about the "R-10"
7 area.

8 COUNCILMAN KENNEY: So I
9 mentally get an idea of what the impact
10 is, you're telling me that the
11 seven-story structure does not abut any
12 of the properties on Rodman Street?

13 MR. KELSEN: Correct.

14 COUNCILMAN KENNEY: And the
15 only impact from a height issue is the
16 lower-rise structure going east?

17 MRS. FANTE: That's right.

18 COUNCILMAN KENNEY: Because,
19 honestly, I'm thinking your yard is right
20 up against the seven-story building.

21 MR. KELSEN: No.

22 COUNCILMAN KENNEY: I mean, for
23 me, that's a totally different view of
24 what --

25 MR. ROLLER: Councilman Kenney,

1 11/1/11 - RULES - BILL 110341, ETC.

2 this is the plan that shows there are
3 seven properties which abut the
4 four-story piece, plus one vacant lot.
5 Four of those are fairly short properties
6 which have a substantial yard and three
7 of them are longer properties that have
8 smaller yards. They go down to the 9
9 foot required, but the four properties
10 have a yard that's about 18 feet.

11 COUNCILMAN KENNEY: And how
12 high are the lower-rise structure
13 properties proposed, how high are they?

14 MR. KELSEN: 48, 10.

15 COUNCILMAN KENNEY: They're 48,
16 10? And what's the current code?

17 MR. KELSEN: Thirty-five.
18 Current code is 35 maximum height in
19 "R-10."

20 COUNCILMAN KENNEY: All right.
21 I'm just trying to get my head around the
22 whole thing. All right. Thank you.

23 MR. KELSEN: Thank you very
24 much.

25 COUNCILMAN KENNEY:

1 11/1/11 - RULES - BILL 110341, ETC.

2 Mr. Krakower, you need to take the
3 microphone.

4 MR. KRAKOWER: Talking about
5 multi-family dwellings on the "R-10,"
6 Peter, wasn't it true that would only be
7 available depending on the yard lot
8 space? You'd need 144 square feet, plus
9 100 feet for each family use. So if you
10 were going to have two families in there,
11 you'd need 244 square feet of yard space.

12 MR. KELSEN: Under the current
13 code.

14 MR. KRAKOWER: Under the
15 current code.

16 MR. KELSEN: But I don't think
17 they want us to do a colloquy.

18 COUNCILMAN KENNEY: We can't
19 have a colloquy without the microphone.

20 MR. KRAKOWER: Anyway, I'll
21 wrap up, because I think the point and
22 the issues have been made relatively
23 clear by all sides. Our request candidly
24 is that this Rules Committee at this
25 point table for further consideration and

1 11/1/11 - RULES - BILL 110341, ETC.

2 discussion a number of the matters that
3 have been presented. Both sides have
4 indicated a willingness to conduct
5 further talks. And on our side, we only
6 ask that the talks be conducted with the
7 people who are involved, the Rodman
8 Street residents, the some seven or eight
9 families that are involved, rather than
10 with Washington Square West. We would
11 ask that we engage in those conversations
12 without necessarily having a time
13 pressure of a Rules Committee vote and
14 then full Council vote coming up on us in
15 a hurry. We would rather do this. It's
16 an important project. It's a project
17 that we all know has been sitting for ten
18 years since the PIDC got involved. We
19 would like the vote of the Rules
20 Committee at this point to be tabled for
21 some future date that the Rules Committee
22 can select. We would think maybe a
23 couple more weeks. And then we can get
24 back to you and see, without any
25 additional pressure, if we can come up

1 11/1/11 - RULES - BILL 110341, ETC.

2 with something that everybody can live
3 with.

4 COUNCILMAN KENNEY: Thank you.

5 Just one final question. In some
6 testimony of this panel, someone said
7 that a financial hardship is not a reason
8 for a variance. Isn't it? Isn't that
9 one of the reasons given when you go to
10 the Zoning Board?

11 MR. KRAKOWER: It is if it's a
12 dimensional variance. It is not for a
13 use variance. In this case, you have
14 both. You have a use variance for
15 commercial and a dimensional variance for
16 the size of the building.

17 COUNCILMAN KENNEY: But,
18 hypothetically, if the developer had to
19 go to the Zoning Board for a variance,
20 one of the arguments they would make
21 would be a financial hardship.

22 MR. KRAKOWER: And they would
23 have to show it. They can't just claim
24 it.

25 COUNCILMAN KENNEY: My point

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2 is, that is one of the reasons that they
3 grant one.
4 MR. KRAKOWER: If they can show
5 it.
6 COUNCILMAN KENNEY: Councilman
7 Clarke.
8 COUNCILMAN CLARKE: Mr. Chair,
9 my question may actually be for members
10 of the Administration, not these
11 gentlemen, these individuals here. So it
12 can wait. I can wait if they come back
13 up.
14 COUNCILMAN KENNEY: You want
15 them now or no?
16 COUNCILMAN CLARKE: It can
17 wait.
18 COUNCILMAN KENNEY: Are you
19 finished your testimony?
20 MR. KRAKOWER: Yes, I am.
21 COUNCILMAN KENNEY: I think we
22 have two more witnesses, residential
23 witnesses, and then --
24 MR. KRAKOWER: If the Council
25 wishes, we'll leave and give the table

1 11/1/11 - RULES - BILL 110341, ETC.

2 back to Mr. Greenberger or anybody else.

3 COUNCILMAN KENNEY: Not yet.

4 MR. FANTE: Councilman Kenney,
5 may I just add one thing, please.

6 COUNCILMAN KENNEY: Yes.

7 MR. FANTE: To clarify the
8 setback that is part of this development
9 here, whether it was covered or not, it
10 was always presented as a service alley
11 to service the spaces on the ground
12 floor. Just for clarity.

13 COUNCILMAN KENNEY: Thank you.

14 MR. FANTE: Thank you.

15 COUNCILMAN KENNEY: Alexandra
16 Fazio and Brian Morris, please. They're
17 the last two I think are going to
18 testify, and then we'll bring back the
19 Administration.

20 (Witnesses approached witness
21 table.)

22 MR. MORRIS: Good morning.

23 COUNCILMAN KENNEY: Good
24 morning. Please identify yourself for
25 the record.

1 11/1/11 - RULES - BILL 110341, ETC.

2 MR. MORRIS: My name is Brian
3 Morris. I'm a homeowner at 1315 South
4 Street.

5 I'm here today to voice my
6 concern about the proposed development
7 for the northeast corner of Broad and
8 South. Having been to the Wash West
9 Zoning Committee meetings regarding
10 proposed development, it's clear to me
11 that the concerns of the adjacent
12 property owners are, for the most part,
13 being disregarded in the development
14 plan.

15 While I myself am not directly
16 affected, as I live a half block east on
17 South Street, as a concerned citizen I
18 strongly believe that certain morals
19 should be upheld. Longtime neighborhood
20 residents who have strived to improve the
21 quality of the community, and
22 specifically the adjacent property
23 owners, should not have to endure a
24 change to the current zoning which would
25 benefit the developer at their expense,

1 11/1/11 - RULES - BILL 110341, ETC.
2 especially in regard to the proposed
3 building height.

4 I would hope that the Committee
5 here today would take into consideration
6 what I believe is basic human fairness
7 and concern for your fellow woman and man
8 when making any decision.

9 Thank you.

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

12 MS. FAZIO: Good morning. My
13 name is Alexandra Fazio. I'm a resident
14 of Washington Square West, current member
15 and previous Co-Chair of the Washington
16 Square West Zoning Committee. I've been
17 asked here today to make a brief
18 statement on behalf of the neighborhood
19 zoning committee regarding the proposed
20 development at the northeast corner of
21 Broad and South Streets.

22 I'd like to thank the Rules
23 Committee for allowing us time to speak
24 today. Additionally, I'd like to thank
25 PIDC, the Planning Commission, Dranoff

1 11/1/11 - RULES - BILL 110341, ETC.

2 Properties and JK Roller Architects for
3 working with our community towards a
4 resolution to this development. I'd
5 especially like to thank our near
6 neighbors today for their significant
7 time, their passion and their thoughtful
8 comments.

9 Through our inclusion on the
10 Design Review Committee by PIDC, Planning
11 Commission intervention, as well as
12 several neighborhood community meetings,
13 we believe that this project has improved
14 greatly from that originally proposed.
15 While we understand that no solution will
16 a hundred percent satisfy any involved
17 party, we are pleased that some
18 compromise has been established and
19 hopeful that a solution that serves the
20 greater community will be found.

21 Design changes and negotiations
22 are still in progress involving our
23 community group and the developer,
24 Dranoff Properties. However, I would
25 like to note for the record today some

1 11/1/11 - RULES - BILL 110341, ETC.

2 significant design elements that have
3 been included to date or are pending
4 formalization that are and will be
5 critical to the neighborhood at large.

6 Most notably -- and some of
7 these, I apologize, will be repeats.
8 You've heard quite a bit of this before.
9 But most notably, the decrease in height
10 from six to four stories on the South
11 Street parcel now standing at 48 foot,
12 10. Ideally, the current zoning height
13 or anticipated 42 foot zoning height
14 would be preferable, but we do
15 acknowledge the vast improvement from the
16 initially proposed design.

17 Setbacks from the side --
18 excuse me; north side neighbors are
19 included in the design. All trash and
20 loading access has been relocated to
21 South Street. Only private resident
22 parking will be accessed via Rodman
23 Street.

24 And I just wanted to clarify as
25 well. From our last committee meeting,

1 11/1/11 - RULES - BILL 110341, ETC.

2 Zoning Committee meeting for the
3 neighborhood, 25 parking spaces is what
4 we were told and what the committee is
5 making their recommendation on at the
6 time.

7 The low north setback wall
8 along Rodman Street properties will
9 decrease in height to six foot, eight
10 foot -- excuse me; six foot, eight inches
11 maximum, a sloped roof of standing seam
12 metal or approved alternate will cover
13 the trash and loading rear corridor. The
14 developer is considering using a green
15 live roof for this portion as well.

16 Modifications to the South
17 Street parcels' main north wall will be
18 made in order to decrease the perceived
19 scale of the overall building. One
20 current suggestion under review by the
21 Washington Square West Civic Association
22 and the developer is to change the facade
23 material at the fourth floor to glass in
24 lieu of brick and to step that portion of
25 the facade back. I believe Mr. Kelsen

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2 has spoken to that effect, but it's not
3 shown yet in the current renderings.

4 We ask that explicit
5 sensitivity in the plan of development by
6 the Planning Commission be given to this
7 particular facade when considered by the
8 full board, full Planning Commission.

9 The installation and
10 maintenance of street trees along all
11 three property lines, the overall use of
12 high-quality, aesthetically pleasing
13 materials. Currently the proposal
14 includes brick in two colors, metal
15 panels, stone and glass. Substitutions
16 of mediocre materials such as Dryvit,
17 stucco or vinyl would be unacceptable to
18 the community.

19 Restrictions to the retail
20 uses, sensitivity to neighbors regarding
21 cleanliness of site, noise and staging
22 logistics both before and during
23 construction. Again, it's the hope and
24 intention of the Washington Square West
25 Civic Association to facilitate a

1 11/1/11 - RULES - BILL 110341, ETC.

2 mutually agreeable development proposal.

3 Our Zoning Committee will be making a
4 formal recommendation to our Civic Board
5 on Tuesday, November 8th.

6 I thank you again for your
7 time, and if you have any questions, I'd
8 be happy to take any.

9 COUNCILMAN KENNEY: Thank you
10 for your testimony. Just personally, I
11 think Dryvit ought to be banned. I hate
12 Dryvit.

13 Thank you. Any questions for
14 these witnesses?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing
17 none, thank you for your testimony.

18 Mr. Greenberger, callback.

19 DEPUTY MAYOR GREENBERGER: Yes,
20 sir.

21 COUNCILMAN KENNEY: Just
22 re-identify yourself for the record.

23 DEPUTY MAYOR GREENBERGER: Alan
24 Greenberger, Deputy Mayor for Economic
25 Development.

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN KENNEY: Councilman
3 Clarke.

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

6 This is actually not related to
7 this project specific, but more in terms
8 of process. Mr. Greenberger, you may or
9 may not know the answer to this question.
10 In terms of RFPs, is there any
11 consistency in the various government
12 entities in terms of RFPs, the language,
13 the timing, the notification from a
14 public perspective? And the reason I ask
15 you this question is that, having been
16 here for it feels like a hundred years
17 right now --

18 MR. DEPUTY MAYOR GREENBERGER:
19 Me, too.

20 COUNCILMAN CLARKE: -- every
21 now and then we have these -- you, too,
22 right? You've only been here for two
23 years. Imagine how I feel.

24 You have these developments
25 that basically we go through our process

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2 and Council, we authorize PIDC to dispose
3 of property. They do what they do, and
4 traditionally do a pretty good job, but
5 they don't really come back to us. And
6 then a project developer is selected and
7 we find out about it in this particular
8 case in a public hearing.

9 What's the public notification
10 beyond, I guess, something on the
11 Internet or what's the process? Can you
12 just tell me, just generally.

13 DEPUTY MAYOR GREENBERGER: To
14 answer that question, why don't I have
15 Tom Dalfo from PIDC --

16 COUNCILMAN CLARKE: Well, I was
17 asking --

18 DEPUTY MAYOR GREENBERGER: The
19 first question is, while there's not a
20 single template that all agencies use to
21 put a property up for RFP, there's a
22 great deal of overlap and consistency in
23 the language, but it's not to the letter.
24 And different agencies have somewhat
25 different rules depending on what the

1 11/1/11 - RULES - BILL 110341, ETC.

2 property is and what kind of property it
3 is, industrial versus commercial,
4 residential.

5 COUNCILMAN CLARKE: Right.

6 MR. DALFO: Good afternoon.

7 I'm Tom Dalfo with PIDC.

8 Councilman, to try to answer
9 your question specifically on this site,
10 let me give you a little bit of
11 background on the level of engagement
12 that PIDC --

13 COUNCILMAN CLARKE: No; just
14 generally.

15 MR. DALFO: I understand. The
16 level of engagement that PIDC conducted
17 as part of this particular project.

18 As was noted earlier, the RFP
19 was issued in November of last year to
20 solicit development proposals for this as
21 a mixed-use site, taking advantage of its
22 location on South Broad Street, its
23 proximity to the Broad Street subway
24 line. And as part of that process, we
25 generated the RFP working in conjunction

1 11/1/11 - RULES - BILL 110341, ETC.

2 with the Planning Commission and the
3 Commerce Department. We did a series of
4 sort of informal outreach efforts, one of
5 which was to the --

6 COUNCILMAN CLARKE: To the
7 community?

8 MR. DALFO: Partly. To the
9 Councilman's office, and at their
10 direction and the recommendation, we
11 reached out to the Washington West Civic
12 Association, some members of the
13 Washington Square Civic Association, and
14 had a draft of the RFP reviewed at that
15 time. So before it went out to the
16 market, we got some level of feedback and
17 input as to this is where we were
18 thinking in terms of the type of
19 development that would occur on the site.

20 Once we then --

21 COUNCILMAN CLARKE: Let me jump
22 in there. Sorry to interrupt you. So at
23 the time, what's the -- is there public
24 notification of the actual RFP beyond --
25 I'm assuming the developers, they look at

1 11/1/11 - RULES - BILL 110341, ETC.

2 this on a frequent basis, but how would a
3 person in the community, just Josephine
4 Blow, know that there's this particular
5 parcel?

6 MR. DALFO: For this RFP and
7 what PIDC will do for our traditional
8 development RFPs, we do two things. We
9 issue a legal advertisement in both the
10 Inquirer and the Tribune, as required.
11 We also post it on our website to make
12 available and let people know about it.
13 We also then have an extensive list of
14 development companies and people who work
15 with developers we've assembled over the
16 years and we'll send out what we
17 essentially call a blast e-mail to let
18 people know this opportunity exists.

19 So that's what we did last
20 November. So it was publicly advertised
21 on our website and within the newspapers
22 of record in the City of Philadelphia.

23 COUNCILMAN CLARKE: But if I'm
24 not a developer or have no development
25 interest, I wouldn't look at any of that

1 11/1/11 - RULES - BILL 110341, ETC.

2 realistically.

3 DEPUTY MAYOR GREENBERGER:

4 Well, I can't answer it on this specific
5 instance. I'd have to go back and ask
6 within the Planning Commission, but our
7 community planners in Planning will also
8 reach out to community groups and
9 development groups that are within their
10 planning responsibility to let them know
11 of significant events.

12 COUNCILMAN GOODE: Point of
13 information.

14 COUNCILMAN KENNEY: Councilman
15 Goode.

16 COUNCILMAN GOODE: Thank you,
17 Mr. Chairman.

18 Mr. Greenberger, I think
19 Councilman Clarke's original question was
20 whether there are different processes for
21 RFPs.

22 DEPUTY MAYOR GREENBERGER:

23 Right.

24 COUNCILMAN GOODE: And there is
25 a different process between governmental

1 11/1/11 - RULES - BILL 110341, ETC.

2 RFPs and quasi-governmental RFPs. In
3 terms of City RFPs, the whole process is
4 posted online; is that correct?

5 DEPUTY MAYOR GREENBERGER: I'm
6 not sure what you mean by the "whole
7 process." Could you just explain a
8 little further.

9 COUNCILMAN GOODE: There is a
10 contracts online portion on phila.gov and
11 the whole process from beginning to end
12 you can track.

13 DEPUTY MAYOR GREENBERGER: I
14 think that's correct.

15 COUNCILMAN GOODE: But that is
16 not true for this process?

17 DEPUTY MAYOR GREENBERGER:
18 Well, that's probably right.

19 COUNCILMAN GOODE: Thank you.

20 COUNCILMAN KENNEY: Councilman
21 Clarke.

22 DEPUTY MAYOR GREENBERGER: It
23 does vary.

24 COUNCILMAN CLARKE: Thank you,
25 Councilman.

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2 You were -- let me cut to the
3 chase. I'm not going to take you through
4 this. You know I'm a
5 development-friendly Councilperson. You
6 walk in my office, you see the shovels,
7 the whole nine yards.

8 DEPUTY MAYOR GREENBERGER: I've
9 seen the shovels.

10 COUNCILMAN CLARKE: And this
11 came up in different iterations before
12 about public notification for a
13 particular parcel. Would there be an
14 issue -- and that's why I asked about the
15 consistency in all the different
16 agencies, because everybody has their
17 own.

18 If there was a parcel, 50,000,
19 significantly sized, so -- you don't want
20 to nickel and dime the process -- that a
21 property is going to be sold or there's
22 an RFP issued, to post it on the site
23 say, for instance, similar to a zoning
24 notice. Once there's a zoning -- the
25 development is going to be done in terms

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2 of variance. So the person who lives in
3 the neighborhood is not going to access
4 all these various developer-interest
5 websites and other activities, would know
6 that this parcel is going to be sold,
7 these are the parameters of the RFP and,
8 at a minimum, they would know what
9 potentially is happening in the
10 neighborhood.

11 DEPUTY MAYOR GREENBERGER:

12 Yeah, I would support that.

13 COUNCILMAN CLARKE: You can

14 support something like that?

15 DEPUTY MAYOR GREENBERGER:

16 Absolutely. I don't think there's any
17 harm in putting that kind of information
18 out there in addition to all the other
19 pieces that we do. Absolutely.

20 COUNCILMAN CLARKE: Okay. I'm

21 just saying, because a lot of times
22 people -- we're sitting here and some
23 people, they probably knew about it, and
24 I know Councilman DiCicco does a great
25 job with the community meetings. We

1 11/1/11 - RULES - BILL 110341, ETC.

2 probably have more community people in
3 the public hearings relating to things in
4 the district than any other Council
5 district. So it's clear that he does
6 significant outreach. But I was thinking
7 of early on in the process if there's
8 some way that we can let people know --

9 DEPUTY MAYOR GREENBERGER: I'd
10 be happy to discuss that further with
11 you, but I think that's something we
12 could just effect. That's a reasonable
13 request.

14 COUNCILMAN CLARKE: All right.
15 Thank you.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 MR. DALFO: If I could just
19 sort of note the additional outreach we
20 did, because I think at some level,
21 Councilman, we did that.

22 COUNCILMAN CLARKE: I don't --
23 don't feel defensive. I'm just trying to
24 figure out a way to improve a process.

25 MR. DALFO: No, and I

1 11/1/11 - RULES - BILL 110341, ETC.

2 appreciate that, and I think that we're
3 always looking for ways to improve the
4 process as well, but I think just for the
5 Committee's sort of own information, I
6 think it's worthwhile to note the amount
7 of engagement that we attempted to do as
8 part of this process. And I noted before
9 we issued the RFP, drafts were reviewed
10 by members of the community.

11 Secondly, when we solicited
12 proposals and we got to the interview
13 stage, members of the Washington West
14 Civic Association were present at part of
15 that interview process. Subsequently, we
16 formed a Design Review Advisory
17 Committee. Once again, members of the
18 Washington West Civic Association were
19 members of that committee, some of which
20 were present here today, for at least
21 three of the meetings that we've had.
22 And related to that, the developer has
23 had at least three communications and
24 presentations before the Washington West
25 either the Zoning Committee or the

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2 general membership committee.

3 So this is a project that we
4 tried to let people know about ahead of
5 time. We want to make sure people are
6 engaged. We want to make sure that
7 they're not surprised by significant
8 development of any scale in their
9 community.

10 My point here is, there was a
11 request for a continuance and further
12 discussion. I'm not sure what that's
13 going to yield at this point. There's
14 been extensive amount of discussion on
15 there. We would ask that the Committee
16 consider the bill, consider it favorably.
17 And I think the developer has made
18 significant concessions to the community,
19 and obviously that's somewhat of some
20 debate from some members of the
21 community, but I'm not sure at this point
22 what additional engagement and
23 communication and talk is really going to
24 yield.

25 Thank you for your time.

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2 COUNCILMAN CLARKE: Thank you.

3 COUNCILMAN KENNEY: Thank you.

4 Councilman DiCicco.

5 COUNCILMAN DiCICCO: Just a
6 point of information. In this particular
7 case and other matters where I had
8 dealings with PIDC, once PIDC -- and
9 correct me if I'm wrong, Mr. Dalfo -- has
10 done its due diligence on a particular
11 parcel, they contacted my office to let
12 me know that this is something that they
13 were thinking of doing, would I have any
14 support or objection to this type of
15 proposed development occurring at this
16 site, and I basically would sign off on
17 that, with the understanding that they
18 begin that process of meeting with the
19 community groups. So it starts at my
20 level, a district Council level, way
21 before it gets to this, and then a
22 developer is selected and then the rest
23 of the process, which we are facilitating
24 today.

25 COUNCILMAN CLARKE: I

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2 understand that, but that's why I asked
3 the initial question about consistency in
4 the RFP process. Where PIDC might do
5 that, another agency may not. Some
6 people just simply post it online. I've
7 gotten people come to me -- and I'm not
8 going to say the agency -- said, Well, I
9 gave a deposit on a parcel of X agency to
10 buy it. And then I'm forced to have to
11 either deny introducing the ordinance to
12 dispose of it or accept it without having
13 appropriate community intervention. So
14 that's why I'm just trying to get some
15 kind of consistency in some way, shape or
16 form; that's all.

17 COUNCILMAN KENNEY: Thank you
18 very much.

19 DEPUTY MAYOR GREENBERGER:
20 Mr. Chairman, if I could add one comment.

21 COUNCILMAN KENNEY: Yes.

22 DEPUTY MAYOR GREENBERGER: Just
23 one.

24 COUNCILMAN KENNEY: Always quit
25 when you're ahead.

1 11/1/11 - RULES - BILL 110341, ETC.

2 I'm just kidding. Please.

3 DEPUTY MAYOR GREENBERGER: I
4 just want to further Mr. Dalfo's point.
5 I think it's more than just no purpose
6 served by delaying this. I don't know
7 what's in the developer's head in terms
8 of their own timing, but delaying has a
9 huge negative impact on development in
10 the City. For private sector, time is
11 money, and it's important to move on with
12 this. A lot of concessions have been
13 made, and I think this is a very strong
14 project.

15 COUNCILMAN KENNEY: Okay.

16 Thank you. Thank you for your testimony.

17 That should conclude -- we've
18 had -- we could go on obviously forever
19 if we wanted to go back and forth, so
20 we're going to have to end it at some
21 point.

22 Anybody who hasn't testified
23 would like to testify on this bill?

24 (No response.)

25 COUNCILMAN KENNEY: Seeing

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2 none, we will now move to Bill No.

3 110563, an ordinance amending Title 14 of

4 The Philadelphia Code, entitled "Zoning

5 and Planning," by amending Section

6 14-1604, entitled "Outdoor Advertising

7 and Non-Accessory Advertising Controls,"

8 by permitting certain non-accessory

9 outdoor advertising signs within the area

10 bounded by 7th Street, Spring Garden

11 Street, 6th Street, and Willow Street,

12 under certain terms and conditions.

13 Mr. Greenberger, please

14 identify yourself for the record.

15 DEPUTY MAYOR GREENBERGER: Alan

16 Greenberger, Deputy Mayor for Economic

17 Development and Chairman of the

18 Philadelphia City Planning Commission.

19 Good morning, Mr. -- or good afternoon --

20 COUNCILMAN KENNEY: Good

21 afternoon.

22 DEPUTY MAYOR GREENBERGER: --

23 Mr. Chairman. Got it right.

24 I'm here to testify on Bill No.

25 110563, which was introduced into City

1 11/1/11 - RULES - BILL 110341, ETC.

2 Council on September 8th, 2011.

3 This bill amends Section
4 14-1604 of a section called "Outdoor
5 Advertising and Non-Accessory Advertising
6 Controls." The bill would permit one
7 static or digital mesh wall wrap
8 non-accessory outdoor advertising sign
9 per building in an area bounded by 7th
10 Street, Spring Garden Street, 6th Street
11 and Willow Street. The conditions of the
12 bill require the sign face to contain an
13 area no less than 7,000 square feet and
14 no more than 10,000 square feet.
15 Additionally, the bottom of the sign
16 shall be at least 30 feet above grade and
17 the top of the sign no more than 110 feet
18 above grade. The bill also proposes the
19 building on which the sign would be
20 placed would need to be at least 70 feet
21 in height, with a minimum floor area of
22 100,000 square feet, as well as a minimum
23 public street frontage of 150 feet.
24 Additionally, the building may not be in
25 an historic building listed as such on

1 11/1/11 - RULES - BILL 110341, ETC.

2 the National Register of Historic Places
3 or on the Philadelphia Register of
4 Historic Places. Lastly, the building
5 may not be a parking garage or a building
6 where more than 50 percent of the floor
7 area of its above-ground structure is a
8 parking garage.

9 The Planning Commission at its
10 meeting of October 18th, 2011 recommended
11 that this bill not be approved. The
12 Commission expressed several reasons for
13 their recommendation. Among them, unlike
14 the granting of large format signs for
15 Market Street East for which developers
16 are required to make a substantial
17 investment in the public character of a
18 property, this entitlement requires
19 nothing of a property owner. The
20 Commission believes that the use of large
21 format signs or building wraps in any
22 area of the City should be strategic and
23 always tied to larger development goals.

24 Secondly, an excessive number
25 of outdoor non-accessory signs in the

1 11/1/11 - RULES - BILL 110341, ETC.

2 City, without careful regulation, can
3 contribute to the appearance of
4 deterioration of commercial and
5 industrial areas, negatively impacting
6 the economic viability of these areas.

7 And, third, by allowing
8 buildings to become sign platforms
9 without other development requirements,
10 property owners will lose incentive to
11 appropriately reuse, develop or maintain
12 their structures.

13 Furthermore, application to the
14 Zoning Board of Adjustment for a wall
15 wrap that had existed for some time at
16 this location was rejected by the Board
17 and their decision was subsequently
18 affirmed by both the Common Pleas and
19 Commonwealth Courts.

20 Lastly, speaking as Deputy
21 Mayor on behalf of the Administration, we
22 feel strongly that large format signs or
23 building wraps should only be considered
24 in conjunction with broader development
25 goals and should not be granted to

1 11/1/11 - RULES - BILL 110341, ETC.

2 building owners on a case-by-case basis
3 absent those development goals.

4 That's the conclusion of my
5 testimony. I'd be happy to answer
6 questions.

7 COUNCILMAN KENNEY: Thank you.

8 Councilman DiCicco.

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

11 Good afternoon,
12 Mr. Greenberger. I was looking for your
13 testimony. I don't see it. You
14 reference the recent sign legislation we
15 did for Market Street.

16 DEPUTY MAYOR GREENBERGER: Yes.

17 COUNCILMAN DiCICCO: And there
18 was some obviously requirement from those
19 building owners to reinvest. Do you --
20 and if you don't have the answer, it's
21 not a leading question. It's a
22 straight-out question.

23 The area where this wall wrap
24 is being proposed, number of vacant
25 former industrial buildings, factories,

1 11/1/11 - RULES - BILL 110341, ETC.

2 could you envision a similar model for
3 this area that we did on Market Street
4 where building owners would be required
5 to do some reinvestment in their
6 properties and/or the community in which
7 they're located?

8 DEPUTY MAYOR GREENBERGER: I
9 think there's probably a number of areas
10 in the City where the model could be
11 considered. Right now I don't have a
12 strong feeling that this is one of them.
13 When the Market Street sign bill came up,
14 I think, Councilman Clarke, you asked me
15 a similar question about North Broad
16 Street, and I think we'd want to look at
17 this on a very case-by-case basis in
18 terms of an area and measure the value of
19 the tool against the likely results and
20 kind of redevelopment that we're looking
21 for.

22 So should it be on the table as
23 a tool? Yes, I think so, but I think you
24 want to look at it area by area and
25 understand what you get for that.

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2 COUNCILMAN DiCICCO: And you
3 have not looked at it as that type of an
4 area?

5 DEPUTY MAYOR GREENBERGER: No.
6 We've certainly not looked at this area,
7 no.

8 COUNCILMAN DiCICCO: So you
9 could be for it; you could be against it
10 even after you looked at it, correct?

11 DEPUTY MAYOR GREENBERGER:
12 Right. But we haven't looked at this.
13 It never came up as a consideration.

14 COUNCILMAN DiCICCO: Thank you.
15 No further questions.

16 COUNCILMAN KENNEY: Thank you.

17 Any more questions for
18 Mr. Greenberger?

19 (No response.)

20 COUNCILMAN KENNEY: Thank you
21 very much.

22 DEPUTY MAYOR GREENBERGER:
23 Thank you.

24 COUNCILMAN KENNEY: Mike
25 Berman, Terry Graboyes, Steve Christini

1 11/1/11 - RULES - BILL 110341, ETC.

2 and Mike Lemon.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN KENNEY: Whoever
6 would like to begin, please identify
7 yourself for the record.

8 MR. BERMAN: Good morning.

9 COUNCILMAN KENNEY: Good
10 morning -- it's afternoon.

11 MR. BERMAN: My name is Myron,
12 known as "Mike," Berman and I am the
13 Managing Partner of Callowhill Center
14 Associates. Committee members, I'd like
15 to thank you for the opportunity to
16 provide this testimony today.

17 I have with me today Terry
18 Graboyes, Graboyes Commercial Window
19 Company, who has been a tenant in the
20 building that we own from prior to the
21 sign going up many years ago, and Mike
22 Lemon with Mike Lemon Casting, who
23 likewise has been a tenant in the
24 building and was a tenant at the time the
25 sign was up. Steve Christini could not

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2 be with us today.

3 I am a native Philadelphian, a
4 graduate of Kirkbride School, Furness
5 Junior High, Southern High and Temple. I
6 organize real estate investments. Some
7 of the investments are Campus Park and
8 Ride and Pennsy Flea Market in Southwest
9 Philadelphia, Convention Center Parking
10 near Broad and Cherry and the Callowhill
11 Center Building at 7th and Callowhill.

12 The subject legislation
13 concerns the block between 6th Street and
14 7th Street and Willow Street and Spring
15 Garden Streets. My partnership acquired
16 what is the largest property on this
17 block in 1986. The building had been the
18 School District warehouse. At the time
19 we acquired it, it had broken windows.
20 The building systems were not
21 operational. The Vine Street Expressway
22 was still a dream. Many surrounding
23 buildings were in a similar state of
24 blight. There was no pedestrian traffic
25 during the day and no evening activity.

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2 Following the redevelopment of
3 our building, other buildings in the area
4 were renovated. The area has become a
5 nightclub and entertainment district.
6 Some of the people there are the Electric
7 Factory; Shampoo; JD McGillicuddy's; 90
8 Degrees; 1812 Productions, a theatre
9 group; Mike Lemon Casting, theatrical
10 casting; OK Players, which is The Roots;
11 Barbara Sandonato Ballet; Larry Gold
12 Music, the Studio, which is a recording
13 studio; School of Rock and many others.
14 Organizations including the Red Cross
15 Regional Blood Center, Philadelphia
16 Traffic Court, several union headquarters
17 also have located to the neighborhood.

18 This legislation will allow the
19 placement of a wall wrap sign in this
20 entertainment district. Such larger
21 signs are appropriate and frequently
22 found in large urban centers. They
23 complement the vibrancy and activity in
24 these districts. Such wall wrap signs
25 also generate additional cash flow that

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2 allow for buildings to be renovated,
3 maintain underperforming buildings. A
4 wall wrap sign previously existed on the
5 Callowhill Center Building between 1997
6 and 2003, and that is a picture of what
7 the sign looked like when it was up.

8 The sign came down, was removed
9 after a prolonged battle with SCRUB, who
10 sought to reverse and successfully
11 reverse a ZBA variance that had been
12 obtained. A second application to the
13 ZBA was filed, was denied and denied by
14 the appellate courts. During the five
15 years that the sign was up, there was
16 never an allegation that it caused any
17 traffic accidents or endangered the
18 public in any way. The neighborhood
19 thrived during those years in every way.

20 A little bit about myself and
21 my partnerships in the communities. My
22 affiliates and I have supported many
23 community organizations with four- and
24 five-figure donations totalling more than
25 \$200,000. We've donated 280 third grade

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2 classroom libraries to the School
3 District of Philadelphia. Through the
4 Children's Literacy Initiative, we
5 donated over 1,600 books to the Fell
6 Elementary School. We've donated to the
7 LaSalle Academy classroom libraries for
8 grades 1 through 6, supported the
9 Seamen's Church Institute, the Vare
10 Recreation Center, the Splash Program,
11 Citizens Crime Commission, St.
12 Augustine's Church in Old City, South
13 Philadelphia High School Scholarship
14 Program and other causes, the Greater
15 Philadelphia Urban Coalition.

16 If this legislation is passed,
17 Callowhill Center intends to put up a
18 wall wrap non-accessory advertising sign
19 and contribute 20 percent of the revenue
20 to the City of Philadelphia Recreation
21 Advisory Council earmarked for the
22 program for teen camps. That is what we
23 suggest. It could go to another
24 community activity, but that is one that
25 we've researched and suggested.

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2 We project that the stabilized
3 contribution will be a hundred thousand
4 dollars a year.

5 Currently, there is only one
6 rec center that has a teen camp and there
7 is a need for 11 more. The cost of
8 creating teen camps is \$9,000 each per
9 year. The projected cash revenue of a
10 hundred thousand dollars can support 11
11 more teen camps. Teen camps enroll 40
12 teenagers each. Overall, this community
13 benefit will provide teen camps
14 experience for 440 teenagers each year.

15 The above information -- this information
16 was obtained from PRAC, the Recreation
17 Advisory Council.

18 Providing teen camps is
19 especially timely because this addresses
20 one of the problems of flash mobs.

21 I would like to note that in
22 2005 we were the first corporate
23 contributor to the Vare Recreation
24 Center. Our contributions were used to
25 sponsor night basketball. We have been

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the longest and one of the largest contributors to Vare. The program had 220 participants this year, and over the course of the program has benefited 650 young people. We know firsthand the tremendous benefit to our city from making recreation programs such as the teen camps available to young people.

A sign pursuant to this legislation would have revenue of \$500,000 a year, which would generate City sales taxes and also would enhance the value of the property for real estate tax assessment. I ask for your support of this legislation.

COUNCILMAN KENNEY:

Councilmember Goode.

COUNCILMAN GOODE: Thank you, Mr. Chairman.

Mr. Berman, thank you for your philanthropic interest in the City of Philadelphia. Did you receive any tax benefits for your charitable donations?

MR. BERMAN: You do receive tax

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2 benefits, yes, sir.

3 COUNCILMAN GOODE: Thank you.

4 COUNCILMAN KENNEY: Councilman
5 Greenlee.

6 COUNCILMAN GREENLEE:

7 Mr. Berman, real quickly, do you plan on
8 having any kind of lighting or digital,
9 or what's your plan, other than how it
10 looks now?

11 MR. BERMAN: We will do what is
12 commercially viable at the time. At this
13 time, what's viable is the static sign,
14 but if there's a time when the electronic
15 becomes viable, that has many advantages.

16 COUNCILMAN GREENLEE: Okay.

17 All right. Thank you.

18 COUNCILMAN KENNEY: Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: Good
21 afternoon, Mr. Berman. You mention the
22 revenue stream of a hundred thousand
23 dollars, but when we met, did we not talk
24 about a 20 percent of whatever the
25 revenue was as that contribution?

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2 MR. BERMAN: Yes, sir,
3 Councilman, and that's what it would be.
4 But we estimate it to be initially about
5 a hundred thousand dollars.

6 COUNCILMAN DiCICCO: But it
7 could be --

8 MR. BERMAN: Certainly if
9 digital became viable, that could
10 increase it dramatically.

11 COUNCILMAN DiCICCO: So if it
12 was a million dollars a year of revenue,
13 it would be 20 percent of the million?

14 MR. BERMAN: That's correct.

15 COUNCILMAN DiCICCO: Thank you.

16 COUNCILMAN KENNEY: Thank you.
17 Anyone else at the table like
18 to offer anything, or no? You don't have
19 to. If you want to. You have to pull
20 the microphone and identify yourself.

21 MS. GRABOYES: You know I don't
22 need a microphone.

23 COUNCILMAN KENNEY: Well, you
24 have to identify yourself for the record.

25 MS. GRABOYES: But I am one --

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2 COUNCILMAN KENNEY: Terry, you
3 have to formally identify yourself for
4 the record.

5 MS. GRABOYES: I'm Terry
6 Graboyes. I own Graboyes Commercial
7 Window Company, and we have been in the
8 Callowhill Center for just about 20
9 years, and I think we've got another 120
10 on our lease. But it's clearly our home
11 and we love the building. We love the
12 location, and, quite frankly, the wall
13 wrap was fun. We loved it. We thought
14 it added to the excitement in the area
15 and that it not took away from the fabric
16 of the funky neighborhood that we're in,
17 but it actually added to it. And I think
18 I speak for all of the tenants that --
19 none of the tenants had any objections to
20 it. I mean, it does cover some of my
21 beautiful windows, but, you know, you got
22 to have a give and take.

23 But truly, I just can't even
24 imagine anybody being opposed to it. The
25 advertising was never shlocky. It was

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2 always professional. It wasn't, you
3 know, magic marker kind of take to the
4 Phillies kind of sign. And I think
5 speaking for the tenants and the folks in
6 that area and now with McGillicuddy's in
7 there and a lot of activity at night,
8 it's a much safer neighborhood. I
9 certainly feel safer working at night in
10 that building than I ever did before, and
11 I think the wall wrap just adds to the
12 excitement of both the building and the
13 neighborhood.

14 COUNCILMAN KENNEY: Thank you.

15 Councilwoman Brown.

16 COUNCILWOMAN BROWN: Good
17 morning. Are there any vacancies
18 currently in your building?

19 MR. BERMAN: Yes, there are.
20 We have -- we, frankly, always had a
21 significant vacancy. Vacancy is about 30
22 percent. And we cater to businesses,
23 small businesses. I guess we could have
24 converted to condos, but businesses need
25 a place to operate, too, and we provide a

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2 good home to businesses. We continually
3 try to keep the occupancy higher, but
4 that's about what we have now.

5 COUNCILWOMAN BROWN: What I was
6 struck by is the -- I don't know what the
7 percentage is, but the number of emerging
8 and/or small arts and cultural
9 organizations. And what I know was
10 discussed ad nauseam under the former
11 Administration was talking with
12 interested developers who would -- this
13 is something that's in practice in
14 Atlanta, where there is a confluence of
15 arts and cultural organizations, both
16 performers and those who provide
17 services, and they actually operate much
18 like the Enterprise Center in West
19 Philadelphia where you share the admin
20 costs and you have them all hubbed in one
21 place and they get a chance to feed off
22 of each other. So I raise that purely as
23 an idea that was explored during the last
24 Administration, but we couldn't get
25 anchored to it.

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2 MR. BERMAN: Well, let me
3 respond, Councilwoman. In a sense, we
4 have a critical mass of arts and cultural
5 people in the building, and that happened
6 just in the natural course of things.
7 First the Electric Factory, and Mike
8 Lemon goes way back in that, and we've
9 had acting schools. We have a theatre
10 group, 1812. Those organizations that I
11 named are mostly in our building. And I
12 think when Mike Lemon testifies, he would
13 have something to say about bringing
14 together, because that's something that
15 he does, brings together various people
16 as kind of an incubator.

17 COUNCILWOMAN BROWN: That's the
18 word I was searching for, incubator. And
19 so let me suggest, purely as a
20 suggestion, to reach to the Greater
21 Philadelphia Cultural Alliance, which is
22 looking for a developer or an interested
23 party who gets it in terms of what that
24 kind of critical mass means for a
25 community and explore with them that

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2 possibility, especially or at least
3 acknowledging that there are vacancies.

4 MR. BERMAN: We will do that,
5 Councilwoman.

6 COUNCILWOMAN BROWN: Lastly,
7 how did those X number of civic
8 organizations get so lucky to be
9 considered for your hit list?

10 MR. BERMAN: We're out there
11 every day talking to people, meeting
12 people. And in the Grays Ferry area, we
13 have a major property there. That's the
14 Campus Park and Ride and the Pennsy Flea
15 Market, but I have ties to lots of
16 neighborhoods. I was born and raised at
17 7th and Morris. The property in Grays
18 Ferry, Morris Street goes right through
19 it, and this property is on 7th Street.
20 So I'm connected.

21 COUNCILWOMAN BROWN: Got it.
22 Okay. Thank you for your testimony.

23 Thank you, Mr. Chairman.

24 COUNCILMAN KENNEY: You're
25 welcome.

1 11/1/11 - RULES - BILL 110341, ETC.

2 Councilmember Goode.

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

5 Just very briefly, Mr. Berman.
6 Following up on Councilman DiCicco's
7 question about whether it is in fact 20
8 percent or a hundred thousand dollars a
9 year, I understand the projected revenue
10 is \$500,000. That's why you used a
11 hundred thousand dollar figure. I guess
12 my question really is, how is the 20
13 percent memorialized with respect to this
14 legislation?

15 MR. BERMAN: Well, I don't
16 believe it's in the -- I don't think it
17 was appropriate -- I was told it was not
18 appropriate to put directly in the
19 legislation, but we will memorialize it
20 any way that you would wish. We have a
21 long track record, so it's something we
22 want to do, and we're happy to
23 memorialize it in any way that's
24 appropriate, if that's what the Council
25 wishes.

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2 COUNCILMAN GOODE: I guess the
3 second question is, when will the 20
4 percent be memorialized?

5 MR. BERMAN: We're prepared to
6 do it immediately, if that's an
7 acceptable use.

8 COUNCILMAN GOODE: Thank you.

9 MR. BERMAN: We don't want to
10 dictate the use.

11 COUNCILMAN GOODE: Thank you,
12 Mr. Chairman.

13 COUNCILMAN KENNEY:
14 Councilmember Greenlee.

15 COUNCILMAN GREENLEE: Very
16 quickly. Thank you, Mr. Chairman.

17 Ms. Graboyes mentioned the
18 tenants or residents of the building
19 certainly had no complaint with the wall
20 wrap. If you're aware, during this time,
21 obviously SCRUB was opposing and there
22 was entities right outside the immediate
23 area opposing it. Were there any -- did
24 you receive complaints from property
25 owners in the immediate area while the

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2 wall wrap was up? Did you have any
3 opposition from immediate residents, that
4 you're aware of?

5 MR. BERMAN: No.

6 COUNCILMAN GREENLEE: Okay.

7 All right. Thank you.

8 COUNCILMAN KENNEY: Just let me
9 just say for the record, I mean, I really
10 am appreciative of your charitable giving
11 and I think it's important that corporate
12 and commercial people do charitably give.

13 If I'm voting one way or the
14 other on this bill, I'm not voting on it
15 based on that representation. If this
16 wall wrap is a help in maintaining a
17 vibrant business at that location, if the
18 wall wrap is helpful in bringing energy
19 and vibrance to a cultural and commercial
20 strip that needs some continued life
21 pushed into it, that's why I'll be voting
22 that way.

23 I do appreciate you raising
24 your involvement in the community. I
25 think it's important that businesspeople

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2 do that, but it will have nothing
3 whatsoever to do with how I vote on this
4 particular bill. And I'm speaking for
5 myself, and I suspect that a large number
6 of us here, if not all of us here, feel
7 the same way, and they could express
8 themselves either way, but I don't want
9 to get to the point where we're trading
10 that way. It's either good for the
11 building, good for the community and good
12 for the strip, and that we'll vote yes or
13 no. And, again, I applaud you for your
14 charitable work, but it will have nothing
15 whatsoever to do with the passage of this
16 bill.

17 Councilman Goode.

18 COUNCILMAN GOODE: I totally
19 concur with the Chairman's remarks. I
20 was voting against the bill anyway, so I
21 just wanted to address that part of your
22 testimony.

23 COUNCILMAN KENNEY: Did I see
24 any other lights on?

25 Mr. Lemon, do you just want to

1 11/1/11 - RULES - BILL 110341, ETC.

2 add a few.

3 MR. LEMON: Yeah. I'll throw
4 in my two cents. Mike Lemon from Mike
5 Lemon Casting.

6 First of all, I want to commend
7 you. I didn't know what City Council did
8 until today.

9 COUNCILMAN KENNEY: Neither do
10 we.

11 MR. LEMON: It's been --

12 COUNCILMAN KENNEY: I'm just
13 kidding. Over here, I'm just kidding. I
14 kid. I kid.

15 Thank you.

16 MR. LEMON: Yeah. I've been in
17 the building for 18 years. I was
18 actually there before the Electric
19 Factory, and I have seen a lot of
20 entertainment and creative artists come
21 into the buildings since I arrived, and
22 there's been a lot of thriving energy and
23 activity in the building over time.

24 When the banner went up in the
25 late '90s, my clients who came to the

1 11/1/11 - RULES - BILL 110341, ETC.

2 building responded in a positive way. My
3 producers, directors all said, Cool.

4 Nobody ever said, Boy, that's an eyesore,
5 that's a distraction. If you actually
6 look at the picture there, I mean, that's
7 an aesthetically pleasing sign, and over
8 the course of those years, we probably
9 had a dozen, 12 to 15 different banners
10 up. I'd say there was only one I didn't
11 like myself personally. The rest of them
12 were all very aesthetically pleasing.

13 And the building benefited. The building
14 benefited from it. The lobby was redone
15 on the south side, and I know that was as
16 a direct result of the income that was
17 generated from the banner, and my clients
18 commented on that as well. I actually
19 had one client say to me that he felt
20 better about bringing his client to my
21 building seeing that there were
22 improvements being made in the building,
23 because it's an incredible location, but
24 it's an old building. So seeing those
25 improvements made and I'm confident,

1 11/1/11 - RULES - BILL 110341, ETC.

2 knowing Mike, that improvements would be
3 made -- continue to be made in the
4 building should those funds become
5 available due to the banner.

6 COUNCILMAN KENNEY: Thank you
7 very much for your testimony.

8 MR. LEMON: Thank you very
9 much.

10 COUNCILMAN KENNEY: I -- you're
11 finished. Thank you.

12 Mr. Greenberger, can I just
13 have you back for a second.

14 (Witness approached witness
15 table.)

16 COUNCILMAN KENNEY: Do you
17 happen to know whether or not -- what's
18 the name? I'm sorry. What was the name
19 of the building?

20 DEPUTY MAYOR GREENBERGER: I
21 always think of it as Electric Factory.
22 Which building are we talking about?

23 COUNCILMAN KENNEY: This
24 building here in the picture.

25 DEPUTY MAYOR GREENBERGER: I

1 11/1/11 - RULES - BILL 110341, ETC.

2 don't know what the name of it is.

3 COUNCILMAN KENNEY: Callowhill
4 Center Associates.

5 DEPUTY MAYOR GREENBERGER:

6 Right. Okay.

7 COUNCILMAN KENNEY: If there
8 were a sign that size that said
9 Callowhill Center Associates, would it be
10 legal?

11 DEPUTY MAYOR GREENBERGER: I
12 suspect not given the size. It would be
13 legal as an accessory sign, however, if
14 that's what you're getting at. I'm not
15 sure about the size, though.

16 COUNCILMAN KENNEY: Well, let's
17 stipulate for a moment that the size is
18 not an issue.

19 DEPUTY MAYOR GREENBERGER:

20 Okay.

21 COUNCILMAN KENNEY: And he
22 wanted to put Callowhill Center
23 Associates on the sign. We wouldn't be
24 sitting here.

25 DEPUTY MAYOR GREENBERGER: I

1 11/1/11 - RULES - BILL 110341, ETC.

2 think that's right, if size was not an
3 issue.

4 COUNCILMAN KENNEY: Stipulate
5 size aside. We could figure out --

6 DEPUTY MAYOR GREENBERGER: I
7 think that's right. An accessory sign
8 would be legal.

9 COUNCILMAN KENNEY: So from an
10 aesthetic standpoint, from people who
11 have complaints about it, it still would
12 be a legal sign. The only difference is,
13 it's a perhaps aesthetically pleasing
14 Banana Republic ad.

15 DEPUTY MAYOR GREENBERGER:
16 Yeah. And I'm not here to argue about
17 the aesthetics of it. I think some wall
18 wraps look great. I don't make the SCRUB
19 argument in this case. I'm making the
20 argument about strategic benefit for the
21 City, which --

22 COUNCILMAN KENNEY: And that's
23 a legitimate position and I'm considering
24 it and thinking about it.

25 DEPUTY MAYOR GREENBERGER: But

1 11/1/11 - RULES - BILL 110341, ETC.

2 I'm not making the aesthetic argument.

3 COUNCILMAN KENNEY: Because
4 we've been through this as long as I've
5 been here relative to signage. I mean,
6 we don't have -- and we were laughing
7 with Councilman Greenlee earlier. We
8 don't have European style public toilets
9 in our city like Paris because people
10 don't want signage on the thing which
11 pays for the toilet. So we'd rather go
12 without them than to have, God forbid,
13 signage on them.

14 DEPUTY MAYOR GREENBERGER: And
15 I think that's a mistake, but yes.

16 COUNCILMAN KENNEY: No kidding.
17 And we go back and forth at
18 this signage all the time. We could
19 argue about signage next to I-95. Now,
20 if I took all of the signage down from
21 I-95, I-95 would still be an ugly,
22 invasive structure that ripped through a
23 neighborhood that's there now and we're
24 stuck with it.

25 DEPUTY MAYOR GREENBERGER:

1 11/1/11 - RULES - BILL 110341, ETC.

2 Correct.

3 COUNCILMAN KENNEY: And from an
4 aesthetic standpoint, it's very
5 subjective, because you could have this
6 argument what looks good and what
7 doesn't, but if -- the thing that I get
8 frustrated with is that a sign that size,
9 albeit we're stipulating size is okay,
10 that would be okay, but this is not, that
11 generates revenue for the building, for
12 its improvements and maintenance, perhaps
13 creates a vibe that particular strip is
14 looking to create, and it's always
15 pulling teeth. So, I mean, I just want
16 to -- other than the size, if it said
17 Callowhill Central Associates, it would
18 be okay.

19 DEPUTY MAYOR GREENBERGER:

20 Right.

21 COUNCILMAN KENNEY: Okay.

22 Thank you.

23 Anyone else while

24 Mr. Greenberger is up here?

25 (No response.)

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN KENNEY: Thank you.

3 DEPUTY MAYOR GREENBERGER:

4 Thank you.

5 COUNCILMAN KENNEY: Stephanie

6 Kindt and Robert Catell, please.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN KENNEY: Please
10 identify yourself for the record and
11 proceed.

12 MS. KINDT: Hi. My name is
13 Stephanie Kindt. I'm the staff attorney
14 with SCRUB, the Public Voice for Public
15 Space, and I did bring just a few slides
16 which show some of the pictures of the
17 signage from the past.

18 I'll be brief.

19 So you can see this is the wall
20 wrap as it existed about ten years ago.
21 In the materials that you have from
22 SCRUB, there is a case history that shows
23 this has been since 1999, this current
24 property owner has been trying to
25 establish signage on this property. At

1 11/1/11 - RULES - BILL 110341, ETC.

2 the end of my testimony, I also have a
3 letter from the Northern Liberties Civic
4 Association, which he has -- they were
5 unable to -- they all work. They were
6 unable to attend, but they have been
7 opposed to this for the past decade, and
8 I have a letter to be read in.

9 The next slide is a map of the
10 block that this legislation would cover,
11 and it would allow wall wraps on not just
12 this building but other buildings. And
13 to the north on Spring Garden Street, we
14 have the Edgar Allan Poe Museum, the
15 German Society, the Latvian Society. All
16 of those folks had no idea this
17 legislation was coming through. None of
18 them have any idea that this is
19 happening, and all of them would be
20 opposed.

21 Because there's no zoning
22 process, there was no variance process,
23 no public notice requirement was made.
24 So no one in this surrounding area,
25 including the Electric Factory Outlet,

1 11/1/11 - RULES - BILL 110341, ETC.

2 the Red Cross or the School of Rock, have
3 even been notified that this is
4 occurring. They could all be opposed.

5 Understandably, Mr. Berman is
6 wonderful in his offer to donate money
7 from the sign, but, again, it does
8 definitely feel like the City skyline is
9 for sale, and it just -- the benefit back
10 just isn't there.

11 SCRUB conducted research this
12 summer. That's also part of your packet.
13 The last 12 pages of your packet includes
14 research done on the impact on property
15 values regarding signage. If you even
16 live within a census tract and a
17 billboard exists within that census
18 tract, your property value goes down
19 \$1,000. If you live close enough, it
20 could go down as much as 30 percent.

21 We're not helping this area.
22 We're hurting it, and there's research to
23 demonstrate that.

24 So this is what it could look.
25 We have absolutely no control over the

1 11/1/11 - RULES - BILL 110341, ETC.

2 content once the sign is approved. It
3 could be anything, Maker's Mark,
4 whatever.

5 COUNCILMAN KENNEY: Excuse me.

6 I just need to interrupt for a second,
7 because I want to make sure the record is
8 clear on what's able to be advertised and
9 not. It's my understanding that there's
10 been some prohibition on alcohol and
11 cigarette advertising.

12 MS. KINDT: There wasn't any
13 prohibition in the bill as it's written
14 right now.

15 COUNCILMAN KENNEY: Generally.

16 MS. KINDT: Generally?

17 COUNCILMAN GREENLEE: Yes.

18 COUNCILMAN KENNEY: Yes.

19 You're not allowed to advertise alcohol
20 or cigarettes --

21 MS. KINDT: It's a First
22 Amendment issue.

23 COUNCILMAN KENNEY: I would --
24 did Mr. Greenberger leave?

25 MS. KINDT: You're opening

1 11/1/11 - RULES - BILL 110341, ETC.

2 yourself up to litigation on several
3 levels.

4 COUNCILMAN KENNEY: Well, we're
5 always opening ourselves up to
6 litigation. It's part and parcel of what
7 we do.

8 (Witness approached witness
9 table.)

10 MR. KRAMER: Bill Kramer from
11 the Planning Commission.

12 With regard to that, the only
13 one I'm aware of is, there was a
14 prohibition for alcohol and tobacco
15 advertising that was agreed to by the
16 industry within a certain distance -- and
17 I want to say 500 feet -- of schools.
18 That's what I believe it was. That's the
19 only one in the Code that I'm aware of.

20 COUNCILMAN KENNEY: Thank you.

21 Please proceed.

22 MS. KINDT: Yes. So if you
23 pass this legislation, I mean, no one in
24 the area knows it's even happening. So
25 the properties that Mr. Berman mentioned,

1 11/1/11 - RULES - BILL 110341, ETC.

2 like the Red Cross, the Electric Factory,
3 the School of Rock, we don't even know if
4 they want this. They've not even been
5 notified.

6 There's been \$1.9 million
7 spent, 112 community meetings in crafting
8 our city's Zoning Code. We're basically
9 ignoring that work. We are looking right
10 now very carefully, hundreds of
11 volunteers, high paid, very amazingly
12 brilliant people are looking at these
13 issues and determining what's best for
14 our city. As Mr. Greenberger said, this
15 is not in the strategic best interest of
16 the City.

17 Who is impacted? Society Hill,
18 Northern Liberties, amazing
19 institutions --

20 COUNCILMAN KENNEY: I'm sorry.
21 Society Hill?

22 MS. KINDT: Society Hill is
23 within their boundaries, it's their
24 district.

25 COUNCILMAN KENNEY: But

1 11/1/11 - RULES - BILL 110341, ETC.

2 realistically impacted?

3 MS. KINDT: A 10,000 square
4 foot digital billboard would be visible
5 for --

6 COUNCILMAN KENNEY: Where do we
7 get the digital billboards at?

8 MS. KINDT: It's in the bill.

9 COUNCILMAN KENNEY: I mean,
10 Northern Liberties obviously and the rest
11 of them, I understand, but Society Hill
12 has got Old City between it. How is it
13 impacted?

14 MS. KINDT: If it's that big,
15 they'll be able to see it, absolutely.

16 COUNCILMAN KENNEY: All right.
17 Okay. Go ahead.

18 MS. KINDT: And then just in
19 conclusion, I have a letter from Northern
20 Liberties that I'd like to read in.

21 Dear Rules Committee members,
22 I'm writing in strong opposition to Bill
23 110563 -- this letter is from Matt
24 Ruben -- which would legalize large wall
25 wrap billboard advertising along the Vine

1 11/1/11 - RULES - BILL 110341, ETC.

2 Street corridor. Our understanding is
3 that this bill is intended to legalize
4 such advertising on a particular owner's
5 building.

6 The Northern Liberties
7 Neighbors Association has in the past
8 been approached by this owner, who has
9 asked us to push the City to legalize his
10 billboard in exchange for a monetary
11 donation to our association. We
12 declined, because the offer was improper
13 and because the community sentiment is
14 overwhelmingly opposed to billboards.

15 The Northern Liberties
16 Association stands with civic leaders in
17 Old City and Callowhill who are opposed
18 to this bill and with the Philadelphia
19 City Planning Commission, which also
20 voted unanimously to oppose it. Please
21 do not pass this bill out of Committee.

22 Thank you for your
23 consideration.

24 That concludes my testimony.

25 COUNCILMAN KENNEY: Sir, could

1 11/1/11 - RULES - BILL 110341, ETC.

2 you please identify yourself for the
3 record and proceed.

4 MR. CATELL: My name is Robert
5 Catell. I'm a retired architect and
6 community planner that lives in Old City.

7 I think everybody's goal is to
8 improve the neighborhood around the
9 building, and I think putting up
10 obnoxious billboards like this is just
11 going to do the opposite. It's going to
12 make the neighborhood worse.

13 One of the reasons for
14 proposing to put up the obnoxious
15 billboards was to attract other
16 businesses. Strip clubs and nightclubs,
17 the rowdy bars that this sort of
18 advertising attracts is not what the
19 neighborhood needs and that's not what
20 Old City wants.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Councilmember Goode.

24 Hold on.

25 COUNCILMAN GOODE: I actually

1 11/1/11 - RULES - BILL 110341, ETC.

2 have a question for Mr. Berman.

3 COUNCILMAN KENNEY: Mr. Berman.

4 I'm sorry. Mr. Berman.

5 (Witness approached witness

6 table.)

7 COUNCILMAN KENNEY: Councilman

8 Goode.

9 COUNCILMAN GOODE: Mr. Berman,

10 good afternoon again. Is the \$500,000 in

11 revenue based upon a static wall wrap or

12 a digital wall wrap?

13 MR. BERMAN: It's based upon a

14 static wall wrap. That's based on our

15 experience when we had the sign up.

16 COUNCILMAN GOODE: Thank you.

17 COUNCILMAN KENNEY: Thank you.

18 Anyone else to testify on this

19 bill?

20 Please come forward.

21 (Witness approached witness

22 table.)

23 MR. THOM: Richard Thom, Chair

24 of the Developments Committee, Old City

25 Civic Association.

1 11/1/11 - RULES - BILL 110341, ETC.

2 By way of introduction,
3 Mr. Chairman, as you know, I've been
4 always proactive. I'd be happy to draft
5 legislation that would ban Dryvit.

6 COUNCILMAN KENNEY: Thank you.

7 MR. THOM: If you'd like to
8 contact my office.

9 COUNCILMAN KENNEY: Send it on.

10 MR. THOM: I will.

11 COUNCILMAN KENNEY: And vinyl
12 siding on the front. Vinyl siding on the
13 front. Anything other than the yard, the
14 vinyl siding has got to go.

15 MR. THOM: Anyway -- and fake
16 brick, but we'll get there.

17 The Developments Committee of
18 the Old City Civic Association has voted
19 to oppose this legislation. For 35
20 years, Old City Civic has opposed all
21 non-accessory outdoor advertising signs,
22 and for the last 25 years, we have
23 successfully fought similar signs in
24 court and have prevailed prior to even
25 the existence of SCRUB.

1 11/1/11 - RULES - BILL 110341, ETC.

2 But setting that aside for the
3 moment, one of the issues that's been
4 very germane to this case, situation, and
5 as mentioned in the preamble of the bill
6 is that it's promoting an entertainment
7 district. As Councilman DiCicco is well
8 aware, we already have an entertainment
9 district in Old City. It is defined in
10 the 1987 master plan for Center City, as
11 created by Geddes, Brecher, Qualls,
12 Cunningham. It's the only master plan
13 currently adopted by this Council for the
14 district, and it specifically identifies
15 an entertainment zone south of Market
16 Street.

17 We don't think we need a second
18 entertainment zone. We don't think that
19 a non-accessory billboard sign is going
20 to promote that. In fact, it's already,
21 by Mr. Berman's own testimony, has
22 already sort of grown up up there.

23 But in addition, in the last
24 three to five years, we've seen two large
25 residential projects go north of there.

1 11/1/11 - RULES - BILL 110341, ETC.

2 We see the Callowhill district, now it is
3 no longer an industrial RDA property
4 zone, as being a logical location for
5 mixed-use development north of the Vine
6 Street Expressway, and it has already
7 begun to happen. And I stress the mixed
8 use part, because the largest proposals
9 that we've seen have been for residential
10 uses. That's the first point.

11 The second point is that at the
12 same Planning Commission meeting that
13 this project, this ordinance, was
14 considered by the Planning Commission,
15 although not voted, it was advised by the
16 staff that an RFP is about to be issued
17 for re-master planning this area,
18 basically the former RDA district, and
19 Old City is very interested in having
20 this re-master planned and remapped as
21 part of the remapping process. We
22 believe that what will come out of this
23 process is an encouragement to encourage
24 the mixed-use residential, along with
25 other commercial uses, such as the

1 11/1/11 - RULES - BILL 110341, ETC.
2 Federal Building at 3rd and Spring
3 Garden. And so that we don't see the
4 inclusion of oversized, over-scale
5 billboards that could be digitized in the
6 future, illuminated around the clock as
7 an asset to an area that we believe will
8 become a logical growth area for Center
9 City. This is not a positive step for
10 this area, and we'd like to see anything
11 that was ever considered by this to
12 happen after the master planning process
13 by the Planning Commission.

14 Thank you.

15 COUNCILMAN KENNEY: Thank you
16 for your testimony.

17 COUNCILWOMAN BROWN: Questions.

18 COUNCILMAN KENNEY: No
19 questions. Thank you.

20 COUNCILWOMAN BROWN:
21 Mr. Chairman?

22 COUNCILMAN KENNEY: Oh, I'm
23 sorry. I thought you said no.
24 Councilwoman Brown.

25 COUNCILWOMAN BROWN: Could we

1 11/1/11 - RULES - BILL 110341, ETC.

2 please invite back up the representatives
3 of SCRUB?

4 COUNCILMAN KENNEY: Sure.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY:

8 Councilwoman Brown.

9 COUNCILWOMAN BROWN: You
10 mention in your testimony in representing
11 those to whom you stipulated, at one
12 point you said they would be opposed and
13 then in another point you said they could
14 be opposed.

15 MS. KINDT: There are many
16 residents who don't know -- not
17 residents. Organizations. So I've
18 spoken to the German Society, who are
19 very much opposed. They couldn't make it
20 today. He had another commitment. The
21 German Society is opposed. The Latvian
22 Society is opposed. The Edgar Allan Poe,
23 they are extremely concerned, but have
24 not -- I haven't spoken to them. I'm
25 still waiting to hear back. They wanted

1 11/1/11 - RULES - BILL 110341, ETC.

2 more information immediately.

3 COUNCILWOMAN BROWN: And they
4 are opposed for what reasons?

5 MS. KINDT: The same reasons
6 that were stated before. There are
7 amazing impacts that we're not
8 considering. So if we want to create an
9 entertainment district, we should take
10 into consideration the Sixth Police
11 District. Have they been notified? I
12 mean, if this is going to become an
13 entertainment district with a lot more
14 people, I think there at least should
15 have been maybe one or two public or
16 community meetings so that you could
17 gauge what do the organizations that are
18 situated here, what do they want, what's
19 their input back and forth.

20 COUNCILWOMAN BROWN: Point of
21 information, sponsor of the bill. Is
22 this an entertainment district bill or is
23 this a wall wrap?

24 COUNCILMAN DiCICCO: It's a
25 wall wrap bill. I mean, there's been

1 11/1/11 - RULES - BILL 110341, ETC.

2 references made by Mr. Berman and others
3 that this building and other buildings in
4 the area have evolved into more of an
5 entertainment venue.

6 COUNCILMAN KENNEY: Or cultural
7 venue.

8 COUNCILMAN DiCICCO: Cultural
9 venue. I don't know what the future
10 brings. I've certainly been an advocate
11 for development as it relates to
12 residential development. There have been
13 a few buildings not far from this
14 building that have been converted. I
15 think all of that will be market driven.
16 Mr. Berman may at some point in the
17 future and his associates decide that
18 it's more advantageous to create a
19 condominium building as opposed to a
20 retail or commercial building. That's
21 going to be market driven. A master plan
22 will speak to what we may think as a city
23 this area should be developed and could
24 be developed, but those are market forces
25 that are going to make it happen.

1 11/1/11 - RULES - BILL 110341, ETC.

2 There's still -- despite the
3 fact that we've had in my district alone
4 over 16,000 additional people have moved
5 in over the last ten years, there's still
6 numerous vacant buildings in areas like
7 this.

8 I'm not opposed to having a
9 second entertainment district. I always
10 reference my oldest boy who lives in
11 Manhattan. There are entertainment
12 districts all over the neighborhood, all
13 over Manhattan. The Meat Packing
14 District, which was once a meat packing
15 district, is now a great entertainment
16 venue.

17 So I don't know what the future
18 will bring in the next -- my successor,
19 along with, I guess, Councilman Clarke,
20 whose district borders this, will make
21 those decisions going forward.

22 COUNCILWOMAN BROWN: So --

23 COUNCILMAN DiCICCO: And wall
24 wraps and signs, they're not going to
25 benefit -- the picture that is always

1 11/1/11 - RULES - BILL 110341, ETC.

2 painted is that everybody is going to do
3 this. It doesn't always work that way.
4 Advertisement is going to work where it's
5 visible and has a revenue stream that
6 could be generating revenues for that
7 particular property. You can't just put
8 it anywhere, because people aren't going
9 to want to advertise just any place.
10 This has -- the site view on this, if I'm
11 not mistaken, is more visible from the
12 676 corridor --

13 MS. KINDT: We have --

14 COUNCILMAN DiCICCO: -- than
15 probably anywhere else.

16 MS. KINDT: Which I should also
17 mention is a federal highway. So this is
18 also in violation of the Federal Highway
19 Beautification Act.

20 COUNCILMAN DiCICCO: I don't
21 know --

22 MS. KINDT: We're again risking
23 10 percent of our funds. PennDOT and Ms.
24 Christiansen are extremely concerned. I
25 actually owe a call back to Mr. Kressler

1 11/1/11 - RULES - BILL 110341, ETC.

2 at PennDOT.

3 COUNCILMAN KENNEY: I'm sorry.

4 Let me interrupt you. If those two
5 individuals were extremely concerned,
6 don't you think they'd be here? Because
7 obviously they know about --

8 MS. KINDT: They're not aware.
9 How would they be aware?

10 COUNCILMAN KENNEY: Excuse me.
11 How could they be extremely concerned if
12 they're not aware?

13 MS. KINDT: Because
14 Philadelphia --

15 COUNCILMAN KENNEY: No.
16 Answer --

17 MS. KINDT: -- through a
18 certification agreement --

19 COUNCILMAN KENNEY: Listen,
20 listen --

21 MS. KINDT: -- has agreed to
22 police its own self.

23 COUNCILMAN KENNEY: Hold on.
24 Hold on.

25 MS. KINDT: We are certified

1 11/1/11 - RULES - BILL 110341, ETC.

2 to --

3 COUNCILMAN KENNEY: You have --

4 MS. KINDT: -- regulate our own
5 self, because we have a zoning code.

6 COUNCILMAN KENNEY: You have
7 certainly followed in Mary Tracy's
8 footsteps, because you continually talk
9 over everyone. But other than that, let
10 me just say, when you make a statement,
11 you make a statement that someone is
12 concerned about something and then you
13 tell me that they're not aware of it,
14 that's a little bit hard to understand.
15 If they were that concerned about it,
16 they have a large enough organization
17 that if they can't come here themselves,
18 they would certainly send someone to
19 express their severe concern.

20 MS. KINDT: It's not their
21 role. It's yours.

22 COUNCILMAN KENNEY: My role to
23 do what?

24 MS. KINDT: Enforce the laws of
25 the City, the Philadelphia Zoning Code.

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN KENNEY: No matter
3 how we vote on this, you can't testify
4 here and tell me that someone is
5 concerned about something and then in the
6 next sentence tell me they're not aware
7 of it. It doesn't make any sense. I
8 mean, let's keep the record kind of real.
9 If those folks are that concerned about
10 it, I'm sure they'd be here or they'd
11 send somebody, because I'm sure PennDOT
12 has a lot of people they can send to
13 voice their opposition.

14 So SCRUB is against it. The
15 folks who have testified against it are
16 against it. They have every right to
17 express that, but you can't be expressing
18 other people's opinions when you don't
19 know what they are.

20 MS. KINDT: That's fine. Thank
21 you, Councilman Kenney.

22 COUNCILMAN KENNEY: That's all
23 I'm saying. Thank you.

24 COUNCILWOMAN BROWN: So you
25 represent whom here today in addition to

1 11/1/11 - RULES - BILL 110341, ETC.

2 SCRUB officially?

3 MS. KINDT: Officially? I read
4 the letter from Matt Ruben from Northern
5 Liberties, but SCRUB, we have members
6 across the City, thousands of members.

7 COUNCILWOMAN BROWN: And whom
8 do you represent of those organizations
9 you stipulated that could be opposed or
10 would be opposed?

11 MS. KINDT: Do you mean from a
12 legal perspective, like they've hired me
13 as their attorney?

14 COUNCILWOMAN BROWN: Yes.

15 MS. KINDT: No one.

16 COUNCILWOMAN BROWN: Thank you
17 for your testimony.

18 Thank you, Mr. Chairman.

19 COUNCILMAN KENNEY: Any other
20 questions?

21 (No response.)

22 COUNCILMAN KENNEY: Thank you.
23 Anyone else to testify on the
24 bill?

25 (No response.)

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN KENNEY: We're going
3 to take a short five-minute recess to
4 talk about -- five-minute break, not
5 recess.

6 (Pause.)

7 COUNCILMAN KENNEY: Could we
8 have your attention, please.

9 That will conclude the public
10 hearing of the Rules Committee, and the
11 Chair recognizes Councilmember Greenlee
12 for a motion on Bill No. 110341. I'm
13 sorry. The Chair recognizes
14 Councilmember Greenlee for the approval
15 of the amendment of Bill No. 110341.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. Chairman. I move that the
18 amendment to Bill No. 110341 be approved.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and
21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are
25 none opposed. The amendment passes.

1 11/1/11 - RULES - BILL 110341, ETC.

2 The Chair recognizes
3 Councilmember Greenlee on the amended
4 bill.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. Chairman. I move that Bill No.
7 110341, as amended, be reported out of
8 this Committee with a favorable
9 recommendation and that the rules of
10 Council be suspended to allow for first
11 reading at our next session of Council.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: Moved and
14 seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are
18 none opposed. Bill No. 110341, as
19 amended, will report out of this
20 Committee favorably and a request made
21 for a rules suspension to allow first
22 reading at our next Council session.

23 The Chair recognizes
24 Councilmember DiCicco to offer and
25 explain the amendment to Bill No. 110563.

1 11/1/11 - RULES - BILL 110341, ETC.

2 COUNCILMAN DiCICCO: Thank you,
3 Mr. Chairman. A copy of the amendment
4 has been circulated to all members of
5 this Committee. The purpose of this
6 amendment is to memorialize in the
7 legislation that the wall wrap shall not
8 display any commercial advertising for
9 tobacco products or alcohol beverages.

10 COUNCILMAN KENNEY: Are you
11 offering that motion?

12 COUNCILMAN DiCICCO: So I offer
13 the adoption of the amendment.

14 (Duly seconded.)

15 COUNCILMAN KENNEY: The
16 amendment has been moved and seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN KENNEY: Are there
20 any opposed?

21 (No response.)

22 COUNCILMAN KENNEY: There are
23 none opposed. The amendment to Bill No.
24 110563 is approved.

25 The Chair recognizes

1 11/1/11 - RULES - BILL 110341, ETC.

2 Councilmember DiCicco on the amended
3 bill.

4 COUNCILMAN DiCICCO: Thank you,
5 Mr. Chairman. I move that Bill No.
6 110563, as amended, be reported out of
7 this Committee with a favorable
8 recommendation and that the rules of
9 Council be suspended so as to permit
10 first reading at our next regular session
11 of Council.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: It's moved
14 and seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: Are there
18 any opposed? There are none --

19 COUNCILMAN GOODE: Nay.

20 COUNCILMAN KENNEY: I'm sorry
21 about that. There's one opposed. Let
22 the record reflect that Councilmember
23 Goode voted no on moving the bill out of
24 Committee, but the bill will -- I'm
25 sorry. Let me take the vote over again.

1 11/1/11 - RULES - BILL 110341, ETC.

2 All in favor of reporting the
3 amended bill out favorably with a rules
4 suspension?

5 (Aye.)

6 COUNCILMAN KENNEY: One
7 opposed, Councilman Goode. The ayes have
8 it. Bill No. 110563, as amended, will be
9 reported out of this Committee favorably
10 and a request made for rules suspension
11 to allow first reading at our next
12 Council session.

13 The Chair recognizes
14 Councilmember DiCicco for a motion on
15 Bill No. 110670.

16 COUNCILMAN DiCICCO: Thank you,
17 Mr. Chairman. I move that Bill No.
18 110670 be reported out of this Committee
19 with a favorable recommendation and that
20 the rules of Council be suspended so as
21 to permit first reading at our next
22 regular session of City Council.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: Moved and
25 seconded.

1 11/1/11 - RULES - BILL 110341, ETC.

2 All in favor?

3 (Aye.)

4 COUNCILMAN KENNEY: Are there
5 any opposed?

6 (No response.)

7 COUNCILMAN KENNEY: There are
8 none opposed. Bill No. 110670 will
9 report out of this Committee with a
10 favorable recommendation and a request
11 made for a rules suspension to allow
12 first reading at our next Council
13 session.

14 Thank you for your attendance.
15 Have a nice day.

16 (Committee on Rules concluded
17 at 1:25 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 1, 2011, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

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