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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, December 7, 2009
10:10 a.m.

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9 PRESENT:

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

13

14 BILL 090735 - An ordinance to amend the
15 Philadelphia Zoning Maps by changing the
16 zoning designations of certain areas of land
located within an area bounded by Market
Street, 48th Street, Haverford Avenue and 49th
Street.

17

18 BILL 090851 - An ordinance authorizing the
19 Commissioner of Public Property on behalf of
the City to execute and deliver a deed
conveying fee simple title to certain parcels
of land, located at 745-47 North 19th
20 Street...

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23 V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
24 1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
25 215.561.2220 215.567.2670

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

4

Committee on Rules is now in session. We

5

have a quorum with Councilmembers Clarke,

6

Greenlee, Donna Read Miller and

7

Councilman Goode.

8

The first bill for

9

consideration today is Bill No. 090735,

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which is an ordinance to amend the

11

Philadelphia Zoning Maps by changing the

12

zoning designations of certain areas of

13

land located within an area bounded by

14

Market Street, 48th Street Haverford

15

Avenue and 49th Street.

16

Mr. Kramer, please.

17

(Witness approached witness

18

table.)

19

COUNCILMAN KENNEY: Please

20

identify yourself for the record.

21

MR. KRAMER: Good morning,

22

Councilman Kenney. This is Mr. Kramer,

23

Philadelphia City Planning Commission,

24

Division Director of the Development

25

Planning. I am here today to testify on

12/7/09 - RULES - BILLS 090735 & 090851

Bill No. 090735, which was introduced by
Councilmember Blackwell October 22, 2009.

Bill No. 090735 amends the
Philadelphia Zoning Maps for an area
bounded by Market Street, 48th Street,
Haverford Avenue and 49th Street. This
block is currently zoned "R-4"
Residential and is proposed to be rezoned
to partly "C-3" Commercial and partly
"IDD" Institutional Development District.
The portion of the block to be rezoned to
"C-3" Commercial is the frontage along
Market Street between 48th and 49th
Street. On the property is an existing
drugstore at the corner of 49th and
Market and the rest of the property is
vacant land. The change to the "C-3"
Commercial designation is consistent with
the level of density that should be
developed here given the proximity of
public transportation.

The remainder of the block is
the site of the Kirkbride Center, which
is being proposed to be rezoned to a

1 12/7/09 - RULES - BILLS 090735 & 090851
2 zoning designation of "IDD" Institutional
3 Development District. At this time,
4 there are no new structures being
5 proposed. The Center is proposing to
6 update and to add to the surface parking
7 being provided on the site. The current
8 uses on the site include several forms of
9 providing services for mental well-being
10 of individuals and their families,
11 including both health and educational
12 services.

13 At the time of the introduction
14 of Bill 090735, the Master Plan that is
15 indicated in Section 2 of the bill was
16 not available. Accordingly, I
17 respectfully request that the bill be
18 amended to include a copy of the Master
19 Plan as Exhibit "A."

20 This has been submitted
21 previously.

22 The City Planning Commission is
23 scheduled to consider Bill No. 090735 at
24 its meeting of December 8, 2009. The
25 bill will be presented with a staff

1 12/7/09 - RULES - BILLS 090735 & 090851
2 recommendation of approval.

3 That is the conclusion of my
4 testimony. I'd be happy to answer any
5 questions you may have.

6 COUNCILMAN KENNEY: Thank you
7 very much. As a result of your
8 testimony, I understand that there's no
9 new construction or nothing really is
10 going to change on the parcel?

11 MR. KRAMER: Correct.

12 COUNCILMAN KENNEY: What is the
13 purpose of the "IDD"? Is it for future
14 development?

15 MR. KRAMER: Not so much for
16 future development, but to be more
17 consistent with the types of uses that
18 are currently ongoing on the site, which
19 are not necessarily those permitted under
20 the "R-4" designation.

21 COUNCILMAN KENNEY: And who
22 requested the change?

23 MR. KRAMER: The Center itself.

24 COUNCILMAN KENNEY: And who
25 brought to their attention that they may

1 12/7/09 - RULES - BILLS 090735 & 090851

2 not be in conformance?

3 MR. KRAMER: That I wouldn't
4 know. Mr. Fleming is here. He might be
5 able to tell you that, but I don't know.

6 COUNCILMAN KENNEY: Any
7 questions for Mr. Kramer?

8 (No response.)

9 COUNCILMAN KENNEY: Is there
10 anyone else to testify on this bill?

11 (No response.)

12 COUNCILMAN KENNEY: Is there
13 anyone here from Kirkbride?

14 Please.

15 MR. KRAMER: If I may,
16 Mr. Christmas earlier asked me to request
17 for a suspension of rules on this bill.

18 COUNCILMAN KENNEY: Yes. Thank
19 you.

20 (Witness approached witness
21 table.)

22 COUNCILMAN KENNEY: Good
23 morning. Please identify yourself for
24 the record and just try to give us a
25 little bit of a background as to how you

1 12/7/09 - RULES - BILLS 090735 & 090851

2 got to the table here this morning.

3 MR. FLEMING: My name is John
4 Fleming. I'm a Director of the Kirkbride
5 Center in West Philadelphia.

6 To give you a little bit of a
7 history of the campus, the campus is the
8 probably second oldest mental health
9 campus in the country. It precedes the
10 Zoning Code. And since my tenure about a
11 year ago, since my father died -- he was
12 CEO of the corporation -- we have -- and
13 have a real estate background, we strove
14 to clarify that for a number of reasons.
15 One, for the Planning Commission and the
16 City of Philadelphia itself and for our
17 uses, which is behavioral health and
18 social services. We want to be in
19 compliance with all L&I issues and for
20 our third-party tenants, which serve the
21 community. So it's really basically
22 updating the zoning to what we are and
23 have always been.

24 COUNCILMAN KENNEY: Now, you
25 brought this to the attention of the

1 12/7/09 - RULES - BILLS 090735 & 090851
2 government or the government brought it
3 to your attention?

4 MR. FLEMING: We brought it to
5 the attention of the government.

6 COUNCILMAN KENNEY: Okay.
7 Great. Thank you.

8 Any questions for this witness?

9 (No response.)

10 COUNCILMAN KENNEY: Seeing
11 none, anyone else to testify on this
12 bill?

13 (No response.)

14 COUNCILMAN KENNEY: Seeing
15 none, we will now move to Bill No.
16 090851, which is an ordinance authorizing
17 the Commissioner of Public Property on
18 behalf of the City to execute and deliver
19 a deed conveying fee simple title to
20 certain parcels of land, located at
21 745-47 North 19th Street; 801-35 North
22 19th Street; 1825-45 Wylie Street; and
23 1851 Wylie Street; amending the
24 Philadelphia Zoning Maps by changing the
25 zoning designations of certain areas of

1 12/7/09 - RULES - BILLS 090735 & 090851
2 land located within an area bounded by
3 19th Street, Vineyard Street, Cameron
4 Street, Francis Street, Shirley Street;
5 and amending Section 14-1402 of the
6 Zoning Code, entitled "Parking in
7 Residential Districts," all under certain
8 terms and conditions.

9 Please identify yourself for
10 the record, whoever is going to go first.

11 DEPUTY COMMISSIONER HERZINS:

12 Good morning, Chairman and members of the
13 Committee on Rules. My name is John
14 Herzins. I am Deputy Commissioner of
15 Public Property. I'm here today to
16 testify in support of the Bill No.
17 090851.

18 A request for proposals was
19 issued by the Office of Housing and
20 Community Development for the development
21 of the above-referenced parcels of land
22 into market-rate and affordable
23 homeownership units. Cameron Square
24 Development was selected to construct, at
25 a minimum, a 69-unit homeownership

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2 development, with a requirement of seven
3 of the units will be affordable for
4 households earning less than 150 percent
5 of the area median income. The \$900,000
6 proceeds of the sale will be deposited
7 into the General Fund.

8 Public Property supports this
9 measure and, accordingly, I respectfully
10 ask that City Council approve Bill No.
11 090851.

12 I am requesting a suspension of
13 the rules so as to allow for first
14 reading at the next session of Council.

15 Thank you. I'll be happy to
16 answer any questions you may have.

17 COUNCILMAN KENNEY: Thank you
18 very much.

19 Anyone else who wants to give
20 testimony before we open to questions?
21 And also, I believe there's a proposed
22 amendment, if someone wants to describe
23 the purpose of that amendment for the
24 record.

25 MR. KRAMER: Good morning,

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2 Councilman Kenney, members of the Rules
3 Committee. I am William Kramer, Division
4 Director of the Development Division of
5 the Philadelphia City Planning
6 Commission. I am here to testify on Bill
7 No. 090851, which was introduced by
8 Councilmember Clarke November 13, 2009.

9 Bill No. 090851 authorizes the
10 Commissioner of Public Property, on
11 behalf of the City, to execute and
12 deliver a deed conveying fee simple title
13 to certain parcels of land located at
14 745-47 North 19th Street, 801-35 North
15 19th Street, 1825-45 Wylie Street and
16 1851 Wylie Street. It further amends the
17 Philadelphia Zoning Maps by changing the
18 zoning designations of certain areas of
19 land within the area bounded by 19th
20 Street, Vineyard, Cameron, Francis Street
21 and Shirley Street, as well as amending
22 14-1402 of the Philadelphia Zoning Code,
23 entitled "Parking in Residential
24 Districts," all under certain terms and
25 conditions.

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2 The properties being conveyed
3 are located in the block bounded by 19th
4 Street, Vineyard Street, Cameron Street
5 and Wylie Street. This block will also
6 be rezoned from an existing zoning
7 designation of "G-2" General Industrial
8 to zoning designations of partly "R-10B"
9 Residential and partly "RC-4"
10 Residential. Additionally, this bill
11 will rezone the adjacent block bounded by
12 Shirley Street, Wylie Street, Cameron
13 Street and Francis Street from a zoning
14 designation of "R-5" Residential to a
15 zoning designation of "REC" Recreational.
16 All properties are located in the
17 Francisville neighborhood.

18 The project is in response to a
19 City-issued, publicly advertised and
20 competitive request for proposal for the
21 development of market-rate and affordable
22 housing on City-owned land within the
23 Francisville neighborhood. This
24 applicant will be purchasing the land
25 from the City of Philadelphia and the

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2 proposed zoning changes to the land will
3 facilitate the development.

4 The properties being purchased
5 are currently vacant land or have vacant
6 structures on the land, while the
7 property to the south is the Francisville
8 Playground. The owner proposes to
9 construct single-family row houses along
10 19th Street, Vineyard and Cameron Street
11 with a parking lot in the center of the
12 property. They also propose to build a
13 four-story condominium building with 92
14 residential units, combined with the
15 first floor basic service commercial with
16 underground parking. The property in the
17 block bounded by Shirley Street, Wylie
18 Street, Cameron Street and Francis Street
19 is the Francisville Playground, which
20 will remain in City ownership and will be
21 rezoned to a "REC" Recreation zoning
22 designation consistent with its current
23 use.

24 As a result of continuing
25 design efforts on the part of the

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2 developer, the bill requires an amendment
3 which has two aspects to it. One is for
4 the removal of relief from the parking
5 regulations. The other is for a small
6 change in the proposed Zoning Map to
7 allow for an increase in the amount of
8 the site to be zoned to "RC-4"
9 Residential.

10 In other words, the Section
11 14-1402 relief is being eliminated from
12 the bill and there are some minor changes
13 to the maps to facilitate additional -- a
14 change to the way they were going to
15 enter the building.

16 The Philadelphia City Planning
17 Commission is scheduled to consider Bill
18 No. 090851 at its meeting of December 8,
19 2009. This bill will be represented with
20 a staff recommendation of approval.

21 That is the conclusion of my
22 testimony. I'll be happy to answer any
23 questions you may have.

24 COUNCILMAN KENNEY: Thank you
25 very much for your testimony.

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2 Ms. McColloch, do you have
3 anything to add?

4 MS. MCCOLLOCH: I don't need to
5 go through -- my name is Deborah
6 McColloch. I'm the Director of Housing.

7 There's no need for me to
8 repeat the entire explanation. The
9 Office of Housing and Community
10 Development is the agency that issued the
11 request for proposals. We've worked
12 closely with Councilman Clarke's office
13 to identify appropriate residential use
14 for this parcel, and we support the bill.

15 COUNCILMAN KENNEY: Thank you
16 very much.

17 Councilman Clarke, do you have
18 anything to add?

19 COUNCILMAN CLARKE: Thank you,
20 Mr. Chairman.

21 Good morning. First, I'd just
22 like to say thank you for your support.
23 There is a couple things I'd like to
24 bring to the individual's attention.
25 This particular bill is probably a little

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2 different than we traditionally do
3 things, in that it is a disposition bill
4 in addition to a zoning bill. One of the
5 things that we've been talking to
6 Planning and Public Property about over
7 the years is an attempt to expedite the
8 development process, particularly when
9 it's publicly owned land.

10 What we found out, that in
11 certain instances, we, the City, we sell
12 a property to a developer or an
13 individual and basically say, Thank you
14 very much for your money. It's then your
15 responsibility to go get zoning. And too
16 often the ability to get zoning is either
17 cumbersome, lengthy or in some instances
18 they don't ever get it at all.

19 And so what we're trying to do,
20 in the event that there's a consensus
21 among all parties involved, is just
22 consolidate both the zoning and the
23 disposition and, therefore, the
24 individual developer gets a parcel of
25 land that's ready to go and hopefully we

1 12/7/09 - RULES - BILLS 090735 & 090851
2 can have the ribbon cutting ceremony next
3 year.

4 Councilman.

5 COUNCILMAN GREENLEE: I'm
6 there.

7 COUNCILMAN KENNEY: I guess
8 it's easier for us to get a quorum.

9 COUNCILMAN CLARKE: There you
10 go. I didn't want to say that,
11 Councilman, but that's the other part.

12 One quick question, though.
13 This is a member from the development
14 team. During the course of the
15 discussion about the parking relief, I
16 had asked that we have a one-for-one
17 parking requirement, and I know that
18 there is the ability to get relief as a
19 result of placements of bicycle racks.
20 In a recent e-mail I got, extremely
21 recent, it said that the development team
22 can in fact reach a one-for-one, but how
23 or is it required to be as a part of the
24 amendment, relieving the parking
25 requirements?

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2 MR. KRAMER: The answer to that
3 is that the removal of the -- by amending
4 the bill to remove the relief of parking
5 requirements means that in this instance,
6 in order to get a zoning permit, they
7 have to meet the contention -- or the
8 conditions of the Zoning Code, which
9 would require the one-to-one parking, or
10 you can eliminate some of that by
11 providing bike parking, the specific
12 numbers of which I don't have, but they
13 would have to meet that section of the
14 Code at this point, and that's the
15 one-to-one parking ratio.

16 COUNCILMAN CLARKE: All right.
17 So the new amendment by essentially
18 removing that relief from parking will
19 accomplish the most recent commitment by
20 the development team?

21 MR. KRAMER: Correct. Yes,
22 sir.

23 COUNCILMAN CLARKE: All right.

24 I'll wait. I know we have an
25 issue with the Community Benefits

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2 Agreement. I'll wait until the
3 development team gets up to speak about
4 that.

5 COUNCILMAN KENNEY: Any member
6 of the Committee have any questions or
7 comments of this panel?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing
10 none, thank you very much.

11 Is there anyone else to testify
12 on the bill?

13 Please come forward.

14 (Witness approached witness
15 table.)

16 COUNCILMAN KENNEY: Good
17 morning. Please identify yourself for
18 the record.

19 MR. MALLOY: Good morning,
20 Mr. Chairman, Councilman Kenney. Good
21 morning, members of City Council. My
22 name is Mike Malloy. Thank you for
23 allowing me to testify this morning, and
24 a special thanks to Councilman Greenlee
25 and Councilman Clarke for introducing

1 12/7/09 - RULES - BILLS 090735 & 090851

2 Bill 090851.

3 My name is Mike Malloy. I'm
4 general counsel of a company called The
5 Hankin Group, and the principals of The
6 Hankin Group control a company called
7 Cameron Square Neighborhood Development,
8 LP, which is the developer for and the
9 party that will purchase the land from
10 the City that we're speaking about, the
11 City-owned property that's part of the
12 current rezoning bill.

13 Cameron Square, along with Sam
14 Sherman Associates and the Dale
15 Corporation, submitted the winning bid on
16 the 19th and Wylie homeownership
17 development request for proposal issued
18 by the Philadelphia Office of Housing and
19 Community Development. The RFP asked
20 private developers to submit bids to
21 purchase and develop residential housing
22 on approximately 1.4 acres of City-owned
23 land around 19th and Wylie in the 5th
24 Councilmanic District. The City-owned
25 land, plus privately owned out parcels,

1 12/7/09 - RULES - BILLS 090735 & 090851
2 comprise the triangular-shaped parcel
3 between 19th Street, Vineyard Street,
4 Wylie Street and Cameron Street referred
5 to in my statement as "The Property."

6 Bill No. 090851 proposes to
7 rezone that property from its existing
8 "G-2" Industrial District to two separate
9 zoning districts, "R-10B" and "RC-4."
10 The reason for the split zoning is to
11 allow what we hope to be a by-right
12 development of a proposed condominium
13 building, which will contain roughly
14 between 55 and 62 units and around 26
15 townhouses around the remainder of the
16 perimeter of the triangle. We're still
17 in the design phase, but we've shown
18 preliminary drawings to Traffic and to
19 the Planning Commission, and we'll
20 continue to work with them to satisfy
21 their design requirements.

22 The RFP called for and Cameron
23 Square Neighborhood Development will make
24 available seven units within the
25 townhouses that will be affordable to

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2 households with no more than 150 percent
3 of the area median income, adjusted for
4 family size, and, further, all of the
5 units will be visitable. Cameron Square
6 will pay \$900,000 for the City-owned
7 portion of the triangle property.

8 Through the Francisville
9 Neighborhood Development Corporation, or
10 FNDC, the development team has been in
11 discussions with the Francisville
12 community since around 2006 about the
13 property. The community considers this
14 to be their, as they call the
15 Francisville Playground and recreational
16 center, catalyst project, and the
17 discussion with the community has
18 consistently revolved around two items.
19 First, jobs for members of the community,
20 and, second, improvements to the
21 Francisville Playground and recreational
22 center, which is located, by the way,
23 directly across the street, Wylie Street,
24 from the property. Sam Sherman, who
25 unfortunately could not be with us

1 12/7/09 - RULES - BILLS 090735 & 090851
2 tonight, has been in negotiations with
3 the Carpenters Union. They've received a
4 general commitment from the Carpenters
5 Union, which will perform first a
6 community outreach in the Francisville
7 neighborhood, and, second, they've
8 committed to taking at least one
9 qualified applicant from the community
10 into their carpenters' apprenticeship
11 program. Cameron Square has also
12 committed to using its absolute best
13 efforts to encourage the other trade
14 unions to participate in a community hire
15 program in a similar way and are looking
16 for opportunities to plug skilled and
17 unskilled laborers from the community
18 into the project.

19 With respect to economic
20 opportunity, the RFP required and Cameron
21 Square is committed to, at a minimum,
22 requiring a 20 to 25 percent minority,
23 women and disabled-owned businesses for
24 hiring for all construction costs and 20
25 to 25 percent MBE, WBE and DBE hiring for

1 12/7/09 - RULES - BILLS 090735 & 090851
2 soft costs.

3 The Dale Corporation, which
4 some of you might be familiar with, is
5 the likely GC for the job. They have a
6 long history of not only meeting but far
7 exceeding MBE, WBE and DBE requirements
8 on the construction side, and we expect
9 to be no different here.

10 Cameron Square will also make a
11 substantial capital contribution toward
12 the improvement of the Francisville
13 Playground and recreational center. The
14 improvements could include upgrades to
15 playground equipment, new lighting,
16 trees, improvements to the baseball
17 field, et cetera. Cameron Square also
18 will contribute the time and efforts of
19 its in-house architects, engineers and
20 attorney, being me, to assist the FNDC
21 with writing grant proposals, obtaining
22 approvals from the City of Philadelphia
23 and evaluating the feasibility of some of
24 their proposed improvements to the
25 playground.

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2 We expect the price range of
3 units to be between the low 300's and the
4 high 400,000 range. The start date of
5 the project will depend pretty much on
6 market conditions, and we anticipate that
7 the project will have many green
8 components.

9 Considering the residential
10 zoning and the quality of the surrounding
11 neighborhood, we believe that a rezoning
12 from the "G-2" Industrial to "R-10B" and
13 "RC-4" is appropriate.

14 Thank you for your time, and I
15 welcome any questions.

16 COUNCILMAN KENNEY: Councilman
17 Greenlee.

18 COUNCILMAN GREENLEE: Thank
19 you, Mr. Chairman.

20 Good morning, sir.

21 MR. MALLOY: Good morning,
22 Councilman.

23 COUNCILMAN GREENLEE: You
24 certainly mention in your testimony and I
25 want to acknowledge that the long

1 12/7/09 - RULES - BILLS 090735 & 090851
2 discussions you've had over a couple
3 years with the community, and we all
4 thank you for that, because it makes life
5 a lot easier for all of us if it can get
6 worked out.

7 Would you say that you have
8 met -- and I know the community is going
9 to testify here -- most of the concerns
10 that the residents have raised over this
11 time?

12 MR. MALLOY: It depends on what
13 you mean by "concerns," Councilman. Let
14 me explain a little bit of where we are
15 in the process.

16 COUNCILMAN GREENLEE: Sure.

17 MR. MALLOY: We during the RFP
18 process came to the community, presented
19 a general overview of what we considered
20 the project would be. The community
21 definitely on design issues of the
22 project pushed back, said they wanted a
23 more signature project. They wanted a
24 project that was more green.

25 We went back, sharpened our

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2 pencils, and we are still, after
3 selecting an architect that we felt we
4 could work with well, we're still in the
5 design phases, but we anticipate to
6 satisfy their design requirements in the
7 community.

8 As far as the economic
9 opportunity or the community hiring and
10 the contributions to the playground, the
11 community gave us a draft of the
12 Community Benefits Agreement. We had a
13 long conference call with the head of
14 FNDC and the head of their Park and Rec
15 Committee on Friday. It was about two
16 hours long, where we hammered out many,
17 many of the details. I just didn't have
18 the time to put together a new draft over
19 the weekend in time for this morning's
20 hearing, but I would say we're looking at
21 a contribution of around \$250,000 to the
22 park improvements, and the community
23 seemed satisfied with a program that
24 we've set forth involving the Carpenters
25 Union, encouraging other trades to do the

1 12/7/09 - RULES - BILLS 090735 & 090851
2 same and to try and get skilled and
3 unskilled workers in the community
4 involved in the project.

5 The way that we've been
6 approaching hiring for the project is, we
7 literally draw a circle around
8 Francisville, we start there, and then
9 start expanding our scope for people who
10 are contracting. This is the first time
11 that we are developing in the City and so
12 we're looking for input and guidance in
13 hiring some new people, new contractors
14 and such in the City.

15 COUNCILMAN GREENLEE: Again, I
16 do want to acknowledge your cooperation.
17 I talked to Mr. Sherman, and he talked
18 about the things he worked out with the
19 Carpenters Union, and that's certainly
20 great, and the improvements to the
21 Francisville rec center will be
22 appreciated by a whole lot of folks too
23 certainly.

24 Just two quick things. One, on
25 the green issue, I know you said you're

1 12/7/09 - RULES - BILLS 090735 & 090851
2 still working that out. Can you be a
3 little bit more specific at all? Because
4 I know that was raised by one resident
5 today.

6 MR. MALLOY: Sure. We've kind
7 of tended -- we've been working with
8 Katherine Gajewski, who is the
9 Sustainability Director. We're hoping --
10 I don't want to make any commitment, but
11 we're hoping that this will become a
12 Philadelphia Greenworks project. We're
13 working with her to decide what that is.

14 The way that we've been
15 approaching green, we've also -- I'm not
16 sure if you're familiar with Brian Ewer
17 (ph). We've been in discussions with
18 him. He's actually a consultant that the
19 City Sustainability Office has brought in
20 to assist with their Greenworks project,
21 and we've been speaking with Mr. Ewer as
22 well to hopefully hire him on as a
23 consultant on this job. And our approach
24 has been, we don't want to do green just
25 for green's sake. We want the green

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2 elements that we put into the project to
3 have a definitive effect on our
4 purchasers' energy savings, and that's
5 how we've been approaching the green
6 technology. We anticipate that there
7 will be sophisticated storm water
8 management controls, that we will be
9 doing some sort of a green roof, that we
10 will be looking for high-efficiency,
11 energy-efficient appliances,
12 energy-efficient design, things like
13 that, green elements. But at the end of
14 the day, we don't -- we want it to be
15 substantive, I think, and our buyers, the
16 people who ultimately live there, to
17 really see an energy savings, and those
18 are the kind of green items that we're
19 looking to put in.

20 COUNCILMAN GREENLEE: I
21 appreciate that. And, lastly, on the
22 parking, just so I'm clear -- and I know
23 that it was discussed in the previous
24 panel -- your goal is to have the
25 one-for-one?

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2 MR. MALLOY: The townhouse
3 component of the development has always
4 been one-to-one. So we don't even have
5 to discuss that part. The condo --
6 before we kind of got into the design, we
7 literally didn't think we could fit
8 enough under the ground. Our designs are
9 showing that we can probably fit 55, 56
10 spaces underground. We think the condo
11 would go between 55 and 62 units when all
12 is said and done. We believe with the
13 City's bike ordinance, the bicycle
14 parking ordinance that goes into effect,
15 it gives a maximum of ten percent
16 reduction in parking, that we can then
17 meet the by-right requirements under
18 "RC-4."

19 COUNCILMAN GREENLEE: Because I
20 think that is important. I know a little
21 bit about this area since besides being a
22 Councilperson, I'm the Democratic Ward
23 Leader there, and I have seen both in
24 Francisville, Spring Garden, Fairmount,
25 when developments are built, I know

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2 ideally the idea is for people not to
3 bring their cars, but they do. And
4 parking, I know where it was never a
5 problem or hardly a problem in
6 Francisville has become one recently.

7 So I would certainly urge to
8 try to meet that requirement as closely
9 as possible. I mean, it would be great
10 if more folks rode their bikes and more
11 folks took public transportation -- and
12 public transportation is very good in
13 that area, or at least better than a lot
14 of areas, but still people love their
15 cars.

16 MR. MALLOY: When we met with
17 Councilman Clarke, he was pretty clear on
18 what he wanted in his priorities, and
19 that's why we went back and did some more
20 homework on it and said, You know what,
21 he's right, let's see what we can do.

22 We will take advantage of the
23 bicycle reduction. It's not just going
24 to be -- the bicycle parking will
25 probably -- again, I'm working without

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2 the benefit of some finalized designs,
3 but we expect the bicycle parking to be
4 much more extensive than just what's
5 required to eliminate the parking spaces
6 as well.

7 COUNCILMAN GREENLEE: And just
8 for the benefit of the committee -- and I
9 know Councilman Clarke knows this --
10 Francisville rec center, which you're
11 going to help in fixing up, is a very
12 active center in that neighborhood.
13 People are in it all -- I've been to
14 about a hundred meetings in that place,
15 and that's great for the whole community,
16 because it is certainly a used and needed
17 facility in that neighborhood.

18 MR. MALLOY: It's a great
19 resource. It's great for our
20 development. We see a great partnership
21 for years to come.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Thank you, Mr. Chairman.

25 COUNCILMAN KENNEY: Thank you

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2 very much.

3 Councilwoman Brown.

4 COUNCILWOMAN BROWN: Good

5 morning.

6 MR. MALLOY: Good morning,

7 Councilwoman.

8 COUNCILWOMAN BROWN: I would

9 like to follow up on Councilman

10 Greenlee's questions regarding

11 sustainability and being and going green.

12 You stated, and I quote, "We hope we will

13 be able to go green," and then you added

14 an explanation.

15 So what would be the one, two

16 or three impediments towards -- let me

17 just ask the question. What would be the

18 one, two or three impediments you would

19 envision or anticipate that will get in

20 the way of trying to make the project as

21 green as possible?

22 MR. MALLOY: I'm sorry. We

23 don't see any impediments. We are

24 committed to a green project.

25 I think that when you start

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2 looking at, though, costs versus benefit,
3 the heavy, heavy-duty costs involved in
4 putting, for instance, a --

5 COUNCILWOMAN BROWN: A green
6 roof.

7 MR. MALLOY: -- a green roof
8 across the entire condo building that is
9 three foot deep with dirt on the top, I
10 mean, it gets to be -- the costs and
11 benefits don't align all the time. So
12 that's the only, I guess -- let me
13 rephrase, then. That's the only
14 impediment, would be when costs versus
15 benefit to the community versus benefit
16 to the environment don't cross.

17 COUNCILWOMAN BROWN: Are you at
18 the point yet where you're actually
19 indicating in your proposal where those
20 green opportunities might be?

21 MR. MALLOY: We are not there
22 yet, Councilwoman.

23 COUNCILWOMAN BROWN: All right,
24 then. Let me suggest as a starter point,
25 Councilman Greenlee has spoken of the

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2 recreation play area. They have -- and
3 I'm sure Councilman Kenney knows the
4 details of this far better than I, but I
5 do know that they make rubber padding
6 flooring for play areas, and there are
7 some aspects of that world, of the green
8 sustainability world, which do have low
9 investment on the front end. So I guess
10 the request from this side of the table
11 is to remain vigilant in exploring all
12 those possibilities as you go forward
13 with this development.

14 MR. MALLOY: Absolutely. We
15 can make that commitment right now. We
16 will. We'll diligently pursue all
17 avenues of green. The one in particular
18 that you mentioned, I mean, I know that
19 the FNDC created the comprehensive plan
20 Moving Francisville Forward, which you
21 may or may not be familiar with, but
22 Francisville considers itself and would
23 like to constantly move itself in a green
24 sustainable direction, and part of that
25 green vision is the vision of a

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2 sustainable or more sustainable park, and
3 we'll be looking to include -- it could
4 be removal of impervious surface and a
5 greening, literally as far as that. When
6 we go to do the playground equipment,
7 looking for pervious surfaces like the
8 one mentioned, which do have a low cost.
9 We're aware of that. We were just
10 talking about that last week, what would
11 we put on the ground.

12 So absolutely. We're committed
13 to making the project as green as
14 possible within our budgetary
15 constraints.

16 COUNCILWOMAN BROWN: Thank you
17 for your testimony.

18 MR. MALLOY: Thank you very
19 much, Councilwoman.

20 COUNCILWOMAN BROWN: Thank you,
21 Mr. Chairman.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Just a word of advice. If you
25 have not done the analysis yet relative

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2 to green roof technology, obviously when
3 you're building a new building, it's so
4 much easier to do than a retrofit. I
5 don't know if your company has issues
6 relative to the business privilege tax,
7 but there is \$100,000 maximum credit on
8 your BPT you can get as a result of the
9 installation.

10 And the other analysis I think
11 you should do -- and maybe you guys are
12 doing it already -- is on the new
13 construction, green roof technology does
14 expand the life of your roof and reduces
15 your energy costs. So I'm hoping in that
16 financial analysis all those issues are
17 considered. Not that it has to be a
18 green roof. It could be a number of
19 other different sustainable efforts to
20 make it more green.

21 Are you attempting to go after
22 any certification, LEED or Energy Star,
23 or is that still not determined?

24 MR. MALLOY: It's not
25 determined. The cost involved, the per

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2 unit cost in getting LEED certification,
3 may outweigh the benefit of LEED
4 certification, but we're considering it.

5 COUNCILMAN KENNEY: And I do
6 agree with you that the analysis on how
7 it affects the bottom line of your
8 tenants and homeowners is important,
9 because that's what's really going to
10 drive green technology forward. It's not
11 just for the purpose of it. You need to
12 show some return.

13 And the other thing I would
14 check with is, I would get in touch with
15 the Water Department through Councilman
16 Clarke and see whether or not the new
17 calculations on storm water handling, is
18 that going to affect the new state
19 regulations that the City has to enact,
20 will that affect in any way your bottom
21 line when it comes to reducing the speed
22 at which storm water goes into your storm
23 water system.

24 MR. MALLOY: Thank you,
25 Councilman. We actually have a meeting

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2 set with the Water Department in the next
3 couple of weeks.

4 COUNCILMAN KENNEY: Great.
5 Councilman Greenlee.

6 COUNCILMAN GREENLEE: Very
7 quickly. Thank you, Mr. Chairman.
8 You mentioned in your testimony
9 that basically the T's aren't crossed,
10 the I's aren't quite dotted on the
11 Community Benefits Agreement, but I know
12 you're close. When would you see -- and
13 I know since it's an agreement, it
14 involves the community too, but when
15 would you see that you can finish all
16 this up realistically?

17 MR. MALLOY: I think there's
18 been a request to finish it up this week,
19 by Thursday. You know, we had quite a
20 long call and not a lot of disagreement
21 on anything. So I expect that when I get
22 back to the office today, I'll be working
23 around the clock to get that done and get
24 the drafts finished.

25 COUNCILMAN GREENLEE: I just

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2 wanted to get that on record. And,
3 again, I commend you. You have worked
4 with -- the whole group has worked with
5 the community very well. We all
6 appreciate that.

7 MR. MALLOY: Thank you. I
8 appreciate it.

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

11 COUNCILMAN KENNEY: Thank you
12 very much.

13 Any other questions for this
14 witness?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing
17 none, who else is here to testify for
18 this bill?

19 Please come forward.

20 Sir, you might want to remain
21 in case there's some questions you can
22 answer while we're doing this.

23 MR. MALLOY: Sure.

24 (Witnesses approached witness
25 table.)

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2 COUNCILMAN KENNEY: Good
3 morning. Please identify yourself for
4 the record.

5 MS. GILES: Yes. Good morning.
6 Penelope Giles, Founder and Executive
7 Director for the Francisville
8 Neighborhood Development Corporation, and
9 I'd just like to submit some testimony
10 regarding Bill 090851.

11 First of all, I'd like to say
12 that the bill and this initiative is
13 consistent with the neighborhood plan,
14 except for the missing green aspects,
15 which you've been talking about. And not
16 to go over all of the notes that I took,
17 because you covered some of it, of course
18 a green roof would be great, but I've not
19 heard any suggestion about the parking
20 lot surface being pervious.

21 I think storm water management
22 in the City is a big, big deal. So if we
23 had to choose, we would rather have a
24 pervious surface in the parking lot and
25 maybe have the roof ready to be greened.

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2 So if that will save any money.

3 Also, regarding the rezoning of
4 the property to "RC-4," my question was
5 how high -- we know that the developers
6 are planning to build a four-story condo
7 building. We would be okay with five,
8 but we don't want to have some situation
9 where this project not go forward, the
10 zoning has been changed and then we get a
11 new developer wanting to put a skyscraper
12 in that location. So could there be some
13 kind of deed restriction in terms of the
14 number of stories?

15 COUNCILMAN KENNEY: Perhaps,
16 Mr. Kramer, if you're aware of what the
17 limitations are on "RC-4" relative to
18 height, if there are any, or through
19 Councilman Clarke's office, we could get
20 back to the witness.

21 (Witness approached witness
22 table.)

23 MR. KRAMER: Under the Code,
24 the "RC-4" does not have a height limit
25 specifically. So she's absolutely

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2 correct, there is none that I have at
3 this point.

4 COUNCILMAN KENNEY: I'm sure
5 Councilman Clarke will be working through
6 that issue as the week goes on.

7 MR. MALLOY: The developer
8 would be happy to put a deed restriction,
9 and we always anticipated a deed
10 restriction that would say we would
11 comply with the RFP or whatever the final
12 design looks -- we're not looking to
13 build a skyscraper in Francisville.
14 That's the last thing we want to do.

15 MS. GILES: Okay. Well -- all
16 right. Outside of those few issues and
17 the Community Benefits Agreement, we have
18 had very amicable discussions and
19 negotiations with the developer. We
20 think we're going to have a signature
21 project. On the record, though, I would
22 like to say that the community was very,
23 very clear in its desire to have a LEED
24 certified project. Platinum would be
25 great, but certainly we need a signature

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2 project. This is the project that will
3 be the catalyst for the redevelopment,
4 revitalization of the commercial corridor
5 that will bring the amount of density and
6 income diversity that we need to move the
7 revitalization of the commercial corridor
8 forward. So we want it to be something
9 that's going to stand out, not just in
10 the City but in the country, and we have
11 full confidence that the developer
12 selected can make that happen.

13 COUNCILMAN KENNEY: Thank you
14 very much.

15 Could you please identify
16 yourself for the record.

17 MR. YOUNG: My name is Kevin
18 Young. I'm a resident of Francisville
19 and a long-term member of the
20 Francisville Neighborhood Development
21 Corporation.

22 Some of the issues -- and we're
23 still working through them, as you know,
24 given the community partnership
25 agreement. We really feel that time is

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2 needed to create a budget and to review
3 what exactly is going to be done in that
4 park. The numbers at this point are,
5 while somewhat acceptable, we have not
6 fully agreed to a \$250,000 contribution.
7 We still have to take some time in
8 evaluating what exactly we are trying to
9 achieve there and real numbers and get
10 numbers back from designers, from
11 architects that are within our community.
12 And as you can imagine, we are a
13 non-profit body that cannot go out and
14 seek a \$50,000 consult. So the 250,000
15 is still at bay, and we will get back to
16 you on that.

17 The next issue is the planning
18 of the space and the height limitation to
19 be included in this bill or through an
20 addendum to the bill.

21 And last, but not least,
22 Penelope also mentioned this again. The
23 community made it very clear that we want
24 a green project that takes into
25 consideration the new economy and the way

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2 that development is going to be carried
3 now and in the future.

4 COUNCILMAN KENNEY: Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Mr. Chairman.

8 Thank you. Just real quick, I
9 just want to make it for the record,
10 because I know as one of the
11 Councilmembers who had been in the early
12 phases of the start of these Community
13 Benefits Agreement, the Community
14 Benefits Agreements are negotiated
15 exhibits, memorandums of understanding,
16 and I don't want people walking away
17 thinking that the passage of this bill
18 will be subject to the specifics of the
19 Community Benefits Agreement.

20 I just want to make it clear
21 that if a developer makes an offer,
22 because under the law there are certain
23 things that you can require as a part of
24 the Community Benefits Agreement, when
25 you start getting into dollars

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2 contributed to certain groups and things
3 of that nature, then you're getting in a
4 very, very fuzzy area that I'm not,
5 frankly speaking, prepared to go.

6 From my perspective, I think
7 that there is a requirement by a
8 developer to hire local people. I think
9 there is a requirement for a developer to
10 do a project that's beneficial to the
11 community. Beyond that, when you start
12 talking about contributions and when you
13 start talking about things going to
14 groups or individuals, it must be
15 negotiated. Personally, I'm not going to
16 be a part of a process that basically
17 puts a hammer over a person's head and
18 tells them they have to elevate the level
19 of contributions to an organization or to
20 an individual to require the passage of
21 the bill. So I just want to make that
22 very clear as it relates to that.

23 MS. GILES: If I could just
24 comment to kind of bring more
25 clarification to what Waseem (ph) is

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2 getting at and just for the sake of you
3 guys understanding what's been happening.
4 Waseem -- I just really brought him up to
5 speed on the negotiations. So the
6 \$250,000 number is an actual dollar cap,
7 but the developers have offered their
8 in-kind services, which could drive that
9 number up to a half a million or
10 anywhere -- wherever we settle on, which
11 will give us what we need to leverage to
12 get additional funding and stuff like
13 that.

14 So we definitely do not want
15 to -- this is -- we understand that this
16 is not anything that we can make the
17 developer do. This is what they're
18 offering. It's a freewill gesture.
19 We're not going to hold the project
20 hostage over money. That's extortion,
21 and we're not extorting --

22 COUNCILMAN CLARKE: I didn't
23 want to use that term, but I think you
24 understand where I am.

25 MS. GILES: Yes.

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2 COUNCILMAN KENNEY: I think the
3 record is clear that whatever is
4 negotiated or agreed to has nothing
5 whatsoever to do with the passage of the
6 bill.

7 MS. GILES: Absolutely.
8 Understood.

9 COUNCILMAN KENNEY: Is that
10 clear for you, Councilman?

11 COUNCILMAN CLARKE: I just want
12 to make that clear.

13 COUNCILMAN KENNEY: One of the
14 other things we suggest also is perhaps,
15 through Councilman Clarke, to have our
16 own Recreation Department, if they
17 haven't done so already, to be out there,
18 because we really have some talented
19 folks in there that could cut those costs
20 of design and planning down, and they
21 also know what's needed for the center.
22 So perhaps they can play a role also.
23 And I'm sure as you go forward with this,
24 Councilman Clarke and Councilman Greenlee
25 will continue to be involved.

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2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Yes. I'm
4 glad you brought that up, Mr. Chairman,
5 because we did something similar just
6 very south of that at Roberto Clemente,
7 including the Rec people, and you're
8 absolutely right, they need to be part of
9 the process.

10 And I'm sure you all agree with
11 that.

12 But if I could just say one
13 other thing just about Francisville. I
14 kid Penny a lot that I was where she was
15 about 25 years ago when Fairmount got
16 discovered, and the Francisville
17 community -- and there's other people
18 here, including the Ward Chair over
19 there, Delores Dandridge, who is a
20 long-time resident -- I think has handled
21 this the right way. They neither tried
22 to be total obstructionists or they
23 haven't just laid down and said, Okay, we
24 can't stop you. They've tried to work
25 with people very closely and have

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2 basically said, We welcome people coming
3 in, but we're going to be here too and
4 we're going to be part and going to stay
5 part of the community. And I think
6 everybody involved, including the
7 developer, who has certainly acknowledged
8 that too, needs to be congratulated on
9 that. So I just wanted to put that part
10 on the record.

11 Thank you.

12 COUNCILMAN KENNEY:

13 Councilwoman Miller.

14 COUNCILWOMAN MILLER: Yes.

15 Hi. Good morning, everybody.

16 Sitting here listening to this project, I
17 actually thought Francisville Playground
18 was where you just did the slide at the
19 pool, across from Fleet.

20 COUNCILMAN GREENLEE: 26th and
21 Master.

22 COUNCILWOMAN MILLER: That's
23 Francisville, right?

24 COUNCILMAN CLARKE: No;
25 Brewerytown.

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2 COUNCILWOMAN MILLER: Oh, okay.

3 I'm sorry. I thought that was

4 Francisville.

5 MR. YOUNG: Neighbors.

6 COUNCILWOMAN MILLER: But

7 anyway, I actually would be very

8 interested in seeing the results, what

9 happens, what finally happens with what

10 you call your signature project, because

11 it sounds really good. It sounds like

12 you've covered a lot of the bases with

13 our Councilpersons around issues of

14 inclusion and the Community Benefits

15 Agreement. So I'm really looking forward

16 to hearing the results of this project.

17 MS. GILES: We'll make sure it

18 gets plenty of press.

19 COUNCILWOMAN MILLER: And work

20 really hard on getting the construction

21 trades unions to accept other apprenticeship.

22 MS. GILES: Yes.

23 COUNCILWOMAN MILLER: Thank

24 you.

25 MS. GILES: Now that you

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2 mention that, I would like to get that on
3 the record, just to ask you guys, because
4 we know how hard it is to break into the
5 trades union. We know what the situation
6 is, and we think that this is a good
7 first step to create a model for the
8 other trades unions to follow. So that's
9 our real objective in this. We're not
10 trying to change the world. We just want
11 to take that step.

12 COUNCILMAN KENNEY: Changing
13 the world is not a bad thing either.

14 MS. GILES: Well, yeah.

15 COUNCILMAN KENNEY: I can tell
16 you everyone at this table at one time or
17 another has had an issue relative to
18 inclusion in the building trades. From
19 Councilman Goode all the way to
20 Councilwoman Brown at the table have gone
21 toe-to-toe and tried to make that happen.
22 And you're right, it is not an easy thing
23 to do, but I do believe that there are
24 locals and district councils within the
25 trades that are cooperative, and I find

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2 the Carpenters generally will sit down
3 and talk and try to do their best.

4 So I think it's chipping away a
5 little bit at a time, but the world does
6 need to change, because our folks living
7 in Philadelphia need to work.

8 MS. GILES: Absolutely.

9 COUNCILMAN KENNEY: That's the
10 most important thing.

11 MR. YOUNG: Just a point of
12 clarification. The requests are very
13 much, that the community is placing, make
14 this project very much saleable and will
15 forever create a positive and beautiful
16 life-style for the residents of
17 Francisville. I absolutely did not mean
18 to come across in any way stating payoff
19 of anybody or any organization. This is
20 for the benefit of --

21 COUNCILMAN KENNEY: Councilman
22 Clarke wants to make sure that someone
23 reading this transcript six months, a
24 year from now, two years from now
25 understands that that's the case.

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2 MR. YOUNG: Understood. And I
3 want the case to be made clear that what
4 I'm presenting is --

5 COUNCILMAN KENNEY: I think
6 we've accomplished that.

7 MR. YOUNG: Okay.

8 COUNCILMAN KENNEY: Any other
9 questions for these witnesses?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing
12 none, anyone else to testify on this
13 bill?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing
16 none, that will -- Councilman Clarke.

17 COUNCILMAN CLARKE: I just had
18 one question of Ms. McColloch, one
19 statement to Ms. McColloch. It could be
20 after the community testimony.

21 COUNCILMAN KENNEY: We have one
22 more.

23 (Witness approached witness
24 table.)

25 COUNCILMAN KENNEY: Good

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2 morning. Please identify yourself.

3 MS. WILLIAMS: Good morning.

4 My name is Edna M. Williams. I'm a

5 long-time resident of Francisville

6 located at 1622 Ridge Avenue, Mary Jane

7 Home. I just want to go -- I would like

8 to go on the record that I strongly

9 support the project.

10 COUNCILMAN KENNEY: Great.

11 Thank you very much. Thanks for coming

12 in. I appreciate it.

13 Anyone else? We have one more.

14 (Witness approached witness

15 table.)

16 COUNCILMAN GREENLEE: Mr.

17 Chairman, the next witness might act like

18 she's shy. Trust me, she's not.

19 COUNCILMAN KENNEY: I know.

20 You don't need to warn me.

21 Good morning. Please identify

22 yourself for the record.

23 MS. DANDRIDGE: Good morning.

24 My name is Delores Dandridge. I'm the

25 Ward Chair for the 15th Ward, Committee

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2 Person. I just want to go on the record
3 and say that I do approve or support this
4 project here. We've worked hard in the
5 community dealing with issues to get this
6 off the ground, and finally it's
7 happening, and I'm just glad that we are
8 beginning to start the project.

9 COUNCILMAN KENNEY: Great.

10 MS. DANDRIDGE: Thank you very
11 much for Councilman Bill Greenlee and
12 Councilman Clarke for supporting us in
13 meetings and things like that that the
14 community had to do. Thank you again,
15 and, again, I say I do support the
16 project.

17 COUNCILMAN KENNEY: Thank you
18 very much for coming in and giving
19 testimony.

20 Anyone else have any more
21 comments or questions?

22 (No response.)

23 COUNCILMAN KENNEY: Seeing
24 none, that will conclude our public
25 hearing --

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2 COUNCILMAN CLARKE: Mr.

3 Chairman, Ms. McColloch.

4 COUNCILMAN KENNEY: I'm sorry.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY: Please
8 identify yourself one more time.

9 MS. MCCOLLOCH: I'm Deborah
10 McColloch, Director of Housing.

11 COUNCILMAN KENNEY: Please
12 proceed.

13 COUNCILMAN CLARKE: Good
14 morning again, Ms. McColloch.

15 Ms. McColloch, real briefly,
16 related but unrelated. In the RFP for
17 this project, we put a stipulation or
18 requirement that a portion of this
19 project had to be affordable.

20 MS. MCCOLLOCH: Ten percent of
21 the units have to be affordable.

22 COUNCILMAN CLARKE: And the
23 City of Philadelphia put no subsidy in
24 this project?

25 MS. MCCOLLOCH: That is

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2 correct.

3 COUNCILMAN CLARKE: If the City
4 of Philadelphia, per a pending ordinance
5 that we have -- and I hope it's okay for
6 me talking about pending legislation --
7 called the inclusionary housing bill that
8 has a requirement of ten percent of any
9 units above 20 being affordable, if in
10 the case that this bill that put no City
11 subsidy did not reduce the market value,
12 did not put any of the other
13 incentive-based aspects of the
14 inclusionary housing bill, is it likely
15 that this could have been maybe 15 or 20
16 percent of affordability if we had some
17 other incentives in this project?

18 MS. MCCOLLOCH: I'm sorry. I
19 just want to understand the question.
20 You mean if we had provided a subsidy for
21 affordable housing?

22 COUNCILMAN CLARKE: No. Say,
23 for instance, this bill -- say we
24 incorporated -- we incorporated the
25 bottom line of the premise of the

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2 inclusionary housing. It was ten percent
3 that had to be affordable. But beyond
4 that, we put none of the inclusionary
5 housing incentives in this particular
6 proposal, RFP. If we had put the other
7 things in the inclusionary housing bill
8 in this RFP -- and I know this is an
9 extremely leading question -- is it
10 likely that you could have had more
11 affordability, additional units,
12 substantially stronger commitment -- and
13 I appreciate the commitment for platinum
14 certified -- additional commitments to
15 the recreation center and things of that
16 nature because we would have been able to
17 reduce the cost of the project;
18 therefore, allowing it to be those things
19 that I mentioned earlier as a part of
20 this project?

21 MS. MCCOLLOCH: If we had
22 provided additional incentives, I believe
23 we could have achieved greater affordable
24 housing numbers. Beyond that, I mean, it
25 would be -- I don't know what else the

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2 developer would have offered.

3 COUNCILMAN CLARKE: But at the
4 end of the day, it would have reduced the
5 cost and it would have shifted the
6 reduction to other things?

7 What I'm getting at is that
8 during the course of the inclusionary
9 housing -- and we had a number of
10 hearings, and it got rather testy from
11 the market-rate development community --
12 they were saying there was no way that we
13 can do inclusionary housing with all of
14 the incentives that we put on the table,
15 and particularly in this climate, and
16 here we have a developer who is prepared
17 to make those contributions,
18 affordability -- and we didn't even ask
19 him about the green aspect of the
20 project -- contribution to the local
21 recreation center, but not a dime of City
22 money.

23 So I just want to say for the
24 record for those developers -- and I know
25 they're not listening now. They're

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2 probably out building houses somewhere in
3 the suburbs or whatever -- the reality is
4 that we can do inclusionary housing in
5 the City of Philadelphia. We've proven
6 it here, as we have at 10th and Wallace,
7 which was another project that was a
8 market-rate project where ten percent of
9 the units were sold to affordable
10 families. In this case, we are also in
11 the process of doing that, that it is in
12 fact true that we can build inclusionary
13 housing in the City of Philadelphia, in
14 this case without City dollars but with
15 City support. It's a definite that we
16 can do that, and I just want to say for
17 the record. I understand that that's a
18 policy level --

19 MS. MCCOLLOCH: It's certainly
20 possible in this particular venture
21 that's before us today, yes.

22 COUNCILMAN CLARKE: Okay. I'm
23 not asking you to go beyond this venture.
24 I'm just putting it for the record. I'm
25 not asking you to answer the very leading

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2 question.

3 All right. Mr. Chairman, I got
4 my leading question on the record.

5 COUNCILMAN KENNEY: Very good.

6 COUNCILMAN CLARKE: Thank you
7 so much.

8 COUNCILMAN KENNEY: Thank you
9 very much for your testimony.

10 Any other comments from anyone
11 in the room?

12 (No response.)

13 COUNCILMAN KENNEY: Seeing
14 none, we will conclude our public hearing
15 and we will now enter our public meeting.

16 The Chair recognizes Councilman
17 Greenlee for an amendment that's been
18 proposed to Bill 090735.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Chairman. I move the adoption
21 of the amendment to Bill 090735.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: It's been
24 moved and seconded.

25 All in favor?

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2 (Aye.)

3 COUNCILMAN KENNEY: The
4 amendment is approved.

5 The Chair recognizes
6 Councilmember Greenlee for a motion on
7 the amended bill, with a rules
8 suspension.

9 COUNCILMAN GREENLEE: Thank
10 you, Mr. Chairman. I move that Bill No.
11 090735, as amended, be reported out of
12 this committee with a favorable
13 recommendation and move further that the
14 rules of Council be suspended to allow
15 for first reading at our next session of
16 Council.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: It's been
19 moved and seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: There are
23 none opposed. Bill No. 090735, as
24 amended, is reported out of this
25 committee favorably and a request made

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2 for rules suspension to allow for first
3 reading at our next Council session.

4 The Chair recognizes
5 Councilmember Clarke for a motion to
6 approve the amendment to Bill 090851.

7 COUNCILMAN CLARKE: Thank you,
8 Mr. Chair. I move for the adoption of
9 the amendment to Bill No. 090851.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: It's been
12 moved and seconded.

13 All in favor?

14 (Aye.)

15 COUNCILMAN KENNEY: There are
16 none opposed. The amendment is approved.

17 The Chair recognizes
18 Councilmember Clarke on the amended bill.

19 COUNCILMAN CLARKE:
20 Mr. Chairman, I move that Bill 090851 be
21 reported out of the committee, as
22 amended, with a favorable recommendation
23 and a request for suspension of the
24 rules.

25 (Duly seconded.)

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2 COUNCILMAN KENNEY: Moved and
3 seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN KENNEY: There are
7 none opposed. Bill No. 090851, as
8 amended, is reported out of this
9 committee favorably and a request made
10 for rules suspension to allow for first
11 reading at our next Council session.

12 That concludes the business of
13 the Rules Committee. Thank you all for
14 your attendance and your input. Have a
15 nice day.

16 (Committee on Rules concluded
17 at 11:05 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on December 7, 2009, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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