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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 12, 2007
10:20 a.m.

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA, CHAIR
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN JACK KELLY
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 070370, 070371, 070463 and 070338

- - -

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

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COUNCIL PRESIDENT VERNA: Good morning, everyone. This is the public hearing of the Committee on Rules.

I would ask Mr. McPherson to please read the title of the bills that we will be considering today.

MR. MCPHERSON: Bill No. 070338, an ordinance continuing a neighborhood improvement district beyond the date of termination of such district in an area bounded generally by the eastern side of Tulip Street, the northern side of Allegheny Avenue, the western side of Amber Street and the northern side of Venango Street.

Bill No. 070370, an ordinance amending Chapter 14-305 of The Philadelphia Code, entitled "C-4 Commercial and C-5 Commercial Districts," to revise parking regulations in the area bounded by Broad Street, Carpenter Street, South 13th Street, Kimball Street, South 12th Street, Washington Avenue, all under certain terms and

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2 conditions.

3 Bill No. 070371, an ordinance
4 to amend the Philadelphia Zoning Maps by
5 changing the zoning designations of
6 certain areas of land located within an
7 area bounded by Broad Street, Carpenter
8 Street, 13th Street, Kimball Street,
9 South 12th Street and Washington Avenue.

10 Bill No. 070463, an ordinance
11 to amend the Philadelphia Zoning Maps by
12 changing the zoning designations of land
13 located within the area bounded by
14 Pennsylvania Avenue, 20th Street, the
15 Benjamin Franklin Parkway and 21st Street
16 from partly class Recreational and partly
17 class R-15 Residential to a single
18 designation of class Recreation, under
19 certain terms and conditions.

20 COUNCIL PRESIDENT Verna: Thank
21 you very much. We'll consider Bill No.
22 070463 first.

23 Who is testifying, Mr.
24 McPherson?

25 MR. McPHERSON: The first

1 6/12/07 - RULES - BILL 070370, ETC.

2 witness I have is Janice Woodcock from
3 the Planning Commission.

4 COUNCIL PRESIDENT Verna: Good
5 morning. Please identify yourself for
6 the record and proceed with your
7 testimony.

8 MS. WOODCOCK: Good morning.
9 My name is Janice Woodcock. I'm the
10 Executive Director of the Philadelphia
11 City Planning Commission. Here with me
12 today is Mark Focht, Executive Director
13 of the Fairmount Park Commission.

14 COUNCIL PRESIDENT Verna: Thank
15 you. Please proceed.

16 MS. WOODCOCK: Good morning,
17 Council President Verna and members of
18 the Rules Committee. I am here today to
19 testify on Bill No. 070463, which was
20 introduced by Councilmember Clarke on May
21 24, 2007.

22 This bill concerns the zoning
23 of the land located in the block bounded
24 by Benjamin Franklin Parkway, 21st
25 Street, Pennsylvania Avenue and 20th

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2 Street. This block is the current
3 location of the City's Youth Study Center
4 and anticipated future home of the Barnes
5 Foundation.

6 Today testifying will be myself
7 and Mark Focht, and City Solicitor Romulo
8 Diaz should be arriving to answer
9 questions after our testimony.

10 Currently, this block is zoned
11 R-15 Residential, approximately the north
12 one half of the block, and partly REC
13 Recreational, approximately the south one
14 half of the block. We have an exhibit
15 for you.

16 This bill would extend the line
17 of the existing Recreational zoning so
18 that it encompasses the entire block.
19 The Recreational zoning designation would
20 permit Barnes use as anticipated in the
21 proposed lease that is the subject of
22 Bill 070462, which was considered jointly
23 by both the Committee on Public Property
24 and Public Works and the Committee on
25 Parks, Recreation and Cultural Affairs of

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2 the City Council on June 5, 2007. At
3 that time, the two committees voted
4 unanimously to report the bill to Council
5 with a favorable recommendation and a
6 request for the suspension of the rules.
7 This bill received first reading
8 Thursday, June 7, 2007.

9 The extension of the
10 Recreational zoning designation is
11 consistent with the existing pattern of
12 zoning along the Benjamin Franklin
13 Parkway. The Philadelphia Museum of Art
14 as well as the Rodin Museum are also
15 zoned Recreational. In fact, much of the
16 publicly owned land extending from the
17 Municipal Services Building to the
18 Schuylkill River is already zoned
19 Recreational.

20 Before constructing this new
21 facility, the Barnes Foundation must
22 obtain the Fairmount Park Commission's
23 approval of all exterior elements of the
24 Barnes Foundation's facility. In
25 addition, the Barnes Foundation will be

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2 required to obtain the customary approval
3 of the Art Commission.

4 The City Planning Commission
5 staff has considered Bill 070463 and
6 recommends that the bill be approved.

7 For the record, I would like to
8 note that at last week's hearing on Bill
9 070462, witnesses from the Greater
10 Philadelphia Chamber of Commerce,
11 Philadelphia Convention and Visitors
12 Bureau, Philadelphia Museum of Art,
13 Franklin Institute, Free Library of
14 Philadelphia, Moore College of Art and
15 Design, Greater Philadelphia Cultural
16 Alliance, Parkway Council Foundation and
17 the Greater Philadelphia Tourism and
18 Marketing Corporation all testified in
19 support of bringing the Barnes Foundation
20 to this site on the Benjamin Franklin
21 Parkway. I would ask that the testimony
22 of those witnesses be incorporated by
23 reference into the record at this
24 hearing, along with that of the Mayor's
25 Chief of Staff, some of whose remarks I

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2 could and I'm happy to summarize here, if
3 the Committee would like me to do so.

4 COUNCIL PRESIDENT VERNA: That
5 would be fine.

6 MS. WOODCOCK: If Bill 070462
7 is approved by Council, it will permit
8 the City to lease this block of land to
9 the Barnes Foundation. To be more
10 precise, Bill 070462 would authorize the
11 execution of a master lease between the
12 City and the Philadelphia Authority for
13 Industrial Development, PAID, under which
14 PAID would then execute a sublease with
15 the Barnes Foundation.

16 This is a watershed moment for
17 Philadelphia. Together, we now have the
18 opportunity to bring to Philadelphia a
19 priceless and breathtaking collection of
20 original art, including 181 Renoirs, 69
21 Cezannes, 59 Matisses, 46 Picassos and
22 the works by Van Gogh, Degas, Gauguin,
23 Manet and Monet and Seurat. The
24 collection also includes rare African,
25 Asian and Native American art, unique

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2 sculpture, antique furniture, ironwork
3 and delicate Greek and Roman antiquities.

4 With a heightened accessibility
5 and greatly expanded exhibition space,
6 the Foundation will be able to reach and
7 inspire so many people from all walks of
8 life -- so many more people from all
9 walks of life than is now possible. When
10 one considers that the space dedicated to
11 programming will be almost four times
12 greater than that at the Merion
13 facilities, one begins to realize the
14 potential of this new site.

15 The proposed agreement with the
16 Barnes Foundation imposes no financial
17 obligations on the City or PAID.
18 Instead, the Barnes Foundation will bear
19 all costs, including the cost of
20 demolishing the Youth Study Center,
21 remediating hazardous substances and
22 preparing the site, constructing and
23 operating this new facility. The City's
24 contribution to the project is the very
25 substantial one of making the land itself

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2 available.

3 Under the proposed agreement,
4 the site would be leased, not sold, to
5 the Barnes Foundation through PAID for a
6 nominal fee of \$10. The term of the
7 agreement would have two parts, an
8 initial term that could last up to four
9 years and a 99-year operating term.

10 During the initial term, the
11 Foundation would demolish the Youth Study
12 Center at its own expense. The initial
13 term would begin five days after the City
14 vacates the Youth Study Center, but not
15 later than May 30, 2008. If for some
16 reason the City cannot vacate the Youth
17 Study Center by that deadline, the
18 Foundation can give the City more time or
19 it can terminate the agreement. The
20 City's commitment, however, is to be out
21 of this location before May 30th of next
22 year.

23 After the initial term will
24 come the 99-year operating term, during
25 which the Foundation will build and

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2 operate its new facility. The operating
3 term will begin once the Foundation meets
4 a series of conditions, and it is only at
5 that point that construction can begin.
6 Here are three of the key conditions:

7 First, the agreement requires
8 that the Barnes Foundation address the
9 extremely important matter of parking
10 before construction begins. The
11 Foundation must submit a study that
12 provides one or more alternatives to
13 address parking needs for all of the
14 employees, guests and patrons of the new
15 facility, and the study must be
16 satisfactory to the Mayor and to the
17 President of Fairmount Park Commission,
18 and the agreement will also provide for
19 consultation with City Council. Only
20 after the Foundation and City approve a
21 parking plan can construction begin, and
22 the implementation of that solution will
23 be done at the Foundation's expense.

24 Second, as noted above, before
25 the Foundation can begin construction,

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2 the final external design must be
3 approved by both the Fairmount Park
4 Commission and the Art Commission. This
5 particular pre-condition is an essential
6 component of the agreement, ensuring that
7 the public has ample opportunity to weigh
8 in once the design phase gets underway.

9 Third, the Foundation must
10 satisfy the City that it has obtained
11 sufficient funds to complete the new
12 facility's construction before it can
13 begin to build the new facility.

14 Other encouraging elements of
15 the agreement include a commitment by the
16 Barnes Foundation to ensure that persons
17 of all means have affordable access to
18 the galleries displaying the Barnes
19 collection, a commitment to incorporate
20 green building designs into the design of
21 its new facility, a commitment to protect
22 the open space on the site during
23 demolition and construction as much as
24 possible and where is feasible, an
25 Economic Opportunity Plan. With respect

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2 to the Economic Opportunity Plan, Barnes
3 Foundation Chairman Bernard Watson
4 testified last week to the Foundation's
5 aggressive commitment to meet and exceed
6 stated goals.

7 All told, this agreement shows
8 remarkable sensitivity on the Barnes
9 Foundation's part to the neighborhoods
10 and residents nearby, to the special
11 character and importance of the Parkway
12 and to the City's concerns about design,
13 accessibility and inclusiveness. The
14 agreement will provide the assurance of
15 site control that the Foundation needs
16 now to move forward, while protecting the
17 City's interests throughout the length of
18 the lease.

19 The project is equally exciting
20 from the perspective of economic
21 development and the opportunity it
22 represents to further enhance
23 Philadelphia's reputation as a cultural
24 destination city.

25 Arts and culture in

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2 Philadelphia constitutes a very rich and
3 diverse sector of our economy and can act
4 as a powerful economic engine in
5 attracting businesses, residents and
6 visitors to this great city. A recent
7 study completed by the Greater
8 Philadelphia Cultural Alliance showed
9 that cultural organizations generate over
10 630 million in revenues annually, create
11 14,000 jobs and represent 56,000 events a
12 year in Southeastern Pennsylvania. The
13 addition of the Barnes to that rich
14 fabric of cultural institutions within
15 our City will bring inestimable value to
16 the quality of life we offer to our
17 citizens and to our visitors. It will
18 enable Philadelphians and people from
19 throughout the region, the nation and the
20 world to enjoy greater access to this
21 world-class museum and educational
22 facility, with its incomparable
23 collection. The Barnes expects to more
24 than triple their current annual
25 visitorship to well over 200,000 per year

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2 by having the flexibility in their new
3 location to expand the hours of
4 operation.

5 There is no doubt that a new
6 Barnes facility on the Benjamin Franklin
7 Parkway will enhance even more our
8 reputation as a first-class destination
9 for art lovers and for tourists of all
10 stripes from throughout the world.
11 Currently, more than 30 million visitors
12 come here each year and spend more than
13 16 million a day in the five-county
14 region while here. We can barely imagine
15 how these numbers will swell once the
16 Barnes is open.

17 And in addition to being a
18 world-class attraction in its own right,
19 the Barnes as the newest addition to our
20 cultural institutions along the Benjamin
21 Franklin Parkway, Philadelphia's Museum
22 Mile, will create an even stronger
23 synergy among those great cultural
24 institutions like the Philadelphia Museum
25 of Art, the Franklin Institute, the Free

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2 Library and the Academy of Natural
3 Sciences that already call the Parkway
4 home. Other cities can only dream about
5 the cultural, educational and
6 recreational resources that we possess on
7 the Parkway.

8 I respectfully recommend that
9 this Committee vote Bill 070463 out of
10 Committee with a favorable
11 recommendation, and I would request a
12 suspension of the rules to allow for the
13 first reading at the next session of
14 Council.

15 This concludes my testimony. I
16 appreciate the opportunity to appear
17 before you today. City Solicitor Diaz
18 and Fairmount Park Executive Director
19 Mark Focht and I would be pleased to
20 answer any questions you may have. And
21 Mark, I believe he has some testimony.

22 COUNCIL PRESIDENT Verna: Thank
23 you.

24 May we hear from the Fairmount
25 Park, please.

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2 MR. FOCHT: Good morning.

3 COUNCIL PRESIDENT Verna: Good
4 morning.

5 MR. FOCHT: Council President
6 Verna and members of the Committee, my
7 name is Mark Focht and I'm the Executive
8 Director of Fairmount Park. I am pleased
9 to appear before you today to testify in
10 support of Council Bill No. 070463 on
11 behalf of the Fairmount Park Commission
12 allowing for the rezoning of the parcel
13 of land on which the new art education
14 and museum facility housing the
15 world-famous Barnes collection will
16 reside.

17 This ordinance will provide a
18 single zoning use classification for the
19 entire parcel and introduces a
20 classification that will permit
21 construction of the new Barnes facility.
22 Therefore, this ordinance is a necessary
23 step that will enable the new Barnes
24 facility to enter the City's great
25 cultural corridor on the Benjamin

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2 Franklin Parkway.

3 On May 24, 2007, in continuing
4 our roles as stewards of the Benjamin
5 Franklin Parkway since its inception, the
6 Fairmount Park Commission
7 enthusiastically passed a resolution
8 approving a lease agreement with the
9 Barnes Foundation for the parcel of land
10 located between 20th and 21st Streets on
11 the Parkway, extending north to
12 Pennsylvania Avenue. On June 5, 2007, I
13 testified in front of a joint City
14 Council Committee in favor of Bill 070463
15 enabling the City through Fairmount Park
16 and Public Property Department to enter
17 into a lease for the future site of the
18 Barnes facility with the Philadelphia
19 Authority for Industrial Development in
20 which PAID is required to enter into a
21 sublease with the Barnes Foundation for
22 the development, construction and
23 operations of the new Barnes facility.

24 I would like to incorporate my
25 testimony from the June 5th hearing,

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2 which details the benefits of bringing
3 the Barnes collection to the Parkway, but
4 in sum, the Commission believes that the
5 addition of a facility for art education
6 which will also display the
7 world-renowned Barnes collection promises
8 to raise the profile of Philadelphia and
9 the Parkway to a globally significant
10 center for arts and culture.

11 It is with great satisfaction
12 that I appear before you today to pledge
13 the wholehearted support of the Fairmount
14 Park Commission and staff for this
15 legislation and respectively ask that
16 City Council approve Bill 070463. I
17 would also like to thank all the
18 Commissioners and staff of Fairmount
19 Park, the Commerce and Law Departments,
20 the Mayor's Office and the Barnes
21 Foundation for their hard work and
22 diligence in making this project become a
23 reality.

24 Thank you, and I'd be pleased
25 to answer any questions of the Committee.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 I think we'll hear from the
5 City Solicitor and then we'll ask
6 questions, if we have any.

7 MR. DIAZ: Thank you, Madam
8 President. I have no prepared statement.
9 I'm here to answer any questions that
10 might come up. Thank you.

11 COUNCIL PRESIDENT VERNA: Very
12 well. Thank you.

13 Ms. Woodcock, one of the three
14 conditions that must be met by the Barnes
15 Foundation is that the parking needs of
16 the new museum must be met and that this
17 will require the approval of the Mayor
18 and the President of the Fairmount Park
19 Commission and that the agreement also
20 provides for consultation with City
21 Council. How will City Council be
22 consulted and can you tell us what weight
23 will be given to Council's
24 recommendation?

25 MS. WOODCOCK: Go ahead.

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2 MR. DIAZ: Madam President, if
3 I may respond. City Solicitor Romulo L.
4 Diaz, Jr.

5 There are ten conditions
6 precedent in the sublease which have to
7 be met before the initial term of up to
8 four years can be completed and the
9 operating term of 99 years can begin.
10 One of those conditions precedent is the
11 preparation of a parking plan to the
12 satisfaction of the Mayor and President
13 of the Fairmount Park Commission, which
14 has to also be developed in consultation
15 with the City Council representative.

16 Following the previous hearing
17 in connection with the ground lease and
18 sublease, we have negotiated with the
19 Barnes Foundation representatives to
20 incorporate a provision that that
21 councilmanic consultation will be with
22 the Fifth District Councilperson. We
23 have put that into the sublease. We also
24 have it in connection with the
25 implementation of any options related to

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2 the parking plan. That now has been also
3 revised to require, in addition to
4 consultation with the District
5 Councilperson for the Fifth Councilmanic
6 District, approval by the President of
7 the Fairmount Park Commission and the
8 Mayor, which is a change from the earlier
9 language which only talked about
10 Fairmount Park Commission and the City.
11 We now have put specificity into both
12 provisions relating to the parking plan
13 and its implementation.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Can you tell us what the impact
17 on the City's Five-Year Plan is due to
18 the temporary move of the Youth Study
19 Center?

20 MR. DIAZ: At this point, I
21 cannot provide any details of that.
22 They're still being worked out. You may
23 recall that there was some general
24 discussion of that issue in connection
25 with the testimony by Chief of Staff

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2 Joyce Wilkerson. We're hopeful that we
3 will have some final numbers with regard
4 to the impact on the Five-Year Plan and
5 the resolution of the temporary Youth
6 Study Center relocation.

7 I think we're close, but I
8 think, most importantly for purposes of
9 this hearing, I think it's important for
10 me to convey the notion that we have a
11 viable alternative temporary Youth Study
12 Center that we believe can be brought
13 online in time to meet the commitments
14 that we have made to the Barnes
15 Foundation in connection with the ground
16 lease and the sublease, and we are
17 committed to sharing, as quickly as we
18 have a final resolution, information
19 about the temporary Youth Study Center
20 and any costs associated therewith.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Are there any questions from
24 members of the Committee?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA:

3 Seeing no one, thank you.

4 Our next witness?

5 MR. MCPHERSON: Jay Raymond.

6 COUNCIL PRESIDENT VERNA: Good
7 morning. Please identify yourself for
8 the record and proceed with your
9 testimony.

10 MS. GROSS BRESSLER: Good
11 morning. I have testimony.

12 COUNCIL PRESIDENT VERNA:
13 Someone will get it.

14 MS. GROSS BRESSLER: Good
15 morning, President Verna and members of
16 City Council. My name is Sandy Gross
17 Bressler. I'm a Philadelphian and an
18 arts professional, having worked in
19 museums and for this City's Office of
20 Arts and Culture when it was first
21 created under Mayor Goode and later as
22 Executive Director of the Philadelphia
23 Art Commission. I would like to share
24 some thoughts with you as you consider
25 the zoning change for the property

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2 proposed for the Barnes Foundation.

3 By passing this zoning change
4 and the related ordinance for the lease
5 of City land, you need to understand that
6 you are inserting the City into
7 litigation. This is because the
8 Montgomery County Board of Commissioners
9 voted last week to return to Orphan's
10 Court to reopen the Barnes matter. They
11 are joining the Friends of the Barnes
12 Foundation, of which I am a member.
13 Given Montgomery County's involvement, it
14 might be better for you to step back from
15 the brink of that litigation and have a
16 discussion with them over the summer as
17 opposed to necessitating a long and
18 costly court proceeding.

19 Last week, two City Council
20 committees heard testimony explaining why
21 the move of the Barnes art collection is
22 ill-conceived and unnecessary.
23 Nonetheless, the two committees
24 disregarded the arguments and voted to
25 approve the lease of City land for the

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2 Barnes.

3 You just heard this morning
4 that there were no financial obligations
5 on the City if the Barnes moves to
6 Philadelphia. However, your proceeding
7 further on this matter is a costly
8 venture for Philadelphia and
9 Pennsylvania, requiring funds that need
10 to be spent on basic human services, like
11 education, the homeless and public
12 transportation instead of moving a bunch
13 of paintings.

14 For example, the site in
15 question is the Youth Study Center. It
16 was announced last week that it will cost
17 the City \$10 million per year for the
18 temporary relocation of that facility.
19 This is City taxpayer money. Are there
20 other uses for this \$10 million that
21 might benefit the City more? Absolutely.

22 And that \$10 million per year
23 is not the only taxpayer money that is
24 being used for the relocation. Governor
25 Rendell announced a \$25 million grant for

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2 the move, from the state capital budget.

3 But what was not mentioned is that that

4 \$25 million has to be matched with \$25

5 million in City funds. Is this really

6 the best use of state and city taxpayer

7 dollars? Why are we talking about a

8 SEPTA crisis, a school crisis, a City

9 budget crisis, roads and bridges in need

10 of repair while public monies are being

11 used to move a collection of art that was

12 bequeathed to Montgomery County?

13 The cost to move the Barnes art

14 collection to Philadelphia is already

15 between two to three hundred million

16 dollars. Much of this is private money

17 raised or contributed by three local

18 foundations. Is this really the highest

19 and best use of hundreds of millions of

20 dollars for Philadelphia?

21 Aside from the lack of

22 financial sense, there remains the fact

23 that moving the Barnes art collection

24 will actually destroy the Barnes

25 Foundation. Friends of the Barnes has

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2 just received a report that states that
3 the Barnes Foundation, in its totality,
4 which means the building, the collection
5 and the grounds, is eligible for National
6 Historic Landmark status. That is the
7 highest level of historic designation in
8 our country. As I stated last week, to
9 remove the art collection will eviscerate
10 the Barnes, literally rip the guts out of
11 that institution. It is contrary to
12 every precept of historic preservation
13 and responsible art stewardship.
14 Moreover, the Youth Study Center itself
15 is a culturally significant early modern
16 building eligible for the National
17 Register.

18 The idea of moving an art
19 collection five miles and attempting to
20 recreate what already exists, at a cost
21 of two to three hundred million dollars
22 just does not make sense. Step back and
23 think about it for a moment. Others
24 around the country and the world are
25 shocked and horrified with this plan,

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2 calling it cultural vandalism and an
3 aesthetic crime. Regionalism is a word
4 we hear frequently these days. Maybe
5 it's just lip service. However, the fact
6 is that the SEPTA funding crisis and
7 Philadelphia's need for assistance is
8 going to require more than lip service
9 when it comes to trying to get more money
10 from Montgomery County.

11 Regionalism connotes
12 cooperation and working together toward a
13 shared goal. The purpose of the Greater
14 Philadelphia Tourism Marketing
15 Corporation is to promote Philadelphia
16 and its surrounding counties. It is not
17 to move all attractions into Center City.
18 There are many alternatives that have not
19 been explored that would benefit both
20 Philadelphia and the Barnes Foundation.

21 Under the circumstances, I hope
22 that you will consider tabling the
23 matter.

24 Thank you.

25 COUNCIL PRESIDENT VERNA: Thank

1 6/12/07 - RULES - BILL 070370, ETC.

2 you.

3 Are there any questions of this

4 witness from members of the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Thank

7 you.

8 MR. ZALLER: Hello. My name is

9 Robert Zaller. I saw some of you last

10 week. How are you all?

11 COUNCIL PRESIDENT VERNA: Fine.

12 Thank you.

13 MR. ZALLER: I would like to

14 add a little more to the testimony I gave

15 last week, particularly with regard to

16 the events that have transpired since

17 then, and to summarize some points at

18 issue of which you may not be cognizant

19 or perhaps have not taken sufficient

20 cognizance. So if I may.

21 On August 2, 2006, the Lower

22 Merion Township Commission approved, by

23 unanimous vote, a resolution endorsing

24 plans to expand the number of visitors to

25 be admitted annually to the gallery

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2 collection of the Barnes Foundation from
3 its current limit of 62,400 to
4 approximately 140,000. The Commission
5 has declared the Barnes Foundation to be
6 an essential part of the artistic
7 cultural and historic legacy of Lower
8 Merion Township and called upon plans to
9 move the Barnes Foundation to be
10 abandoned forever.

11 The trustees of the Barnes
12 Foundation failed to respond to this
13 reasonable and generous accommodation,
14 which has the unqualified support of the
15 immediate residential community and which
16 would amply suffice to eliminate the
17 operating deficit, which is the sole
18 legal justification presented by the
19 trustees for modifying the Indenture of
20 Trust that governs the Foundation, and
21 which states with regard to the gallery
22 collection, that, quote, "All the
23 paintings shall remain in exactly the
24 places they are at the time of the death
25 of the donor and his wife," unquote.

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2 Secondly, on January 18, 2007,
3 the Montgomery County Board of Commission
4 approved, by unanimous vote, a resolution
5 calling for the retention of the Barnes
6 Foundation in its historic home in Lower
7 Merion and, on March 1st, authorized a
8 search for counsel to represent the
9 County to this end.

10 On June 7th, the Commission
11 retained the services of Mark D.
12 Schwartz, attorney at law, for the above
13 purpose. At that time, Mr. Schwartz
14 indicated his intention to file a
15 petition with the Orphan's Court of
16 Montgomery County to seek reversal of the
17 order of December 15, 2004 granting
18 permission to move the Foundation.
19 Passage of Bill 070462 and 070463 would,
20 in consequence, involve the City of
21 Philadelphia in legal dispute with one of
22 its neighboring jurisdictions.

23 Thirdly, on June 5, 2007, Lower
24 Merion Township Commissioner Brian Gordon
25 testified before a joint committee of the

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2 City Council and, on behalf of his fellow
3 Commissioners, made a full representation
4 of the Township's resolutions and
5 affirmations concerning the Barnes
6 Foundation. At the same meeting,
7 representation was also given of the
8 actions of the Montgomery County
9 Commission.

10 The City Council was thereby
11 apprised of the interest and intention of
12 the appropriate county jurisdictions in
13 maintaining the Barnes Foundation in its
14 historic home and duly requested to enter
15 into discussion and correspondence with
16 these jurisdictions before taking actions
17 of its own.

18 We note that the joint
19 committee failed to honor this request in
20 breach of the comity expected between
21 co-equal jurisdictions of the
22 Commonwealth and to the detriment of the
23 cordial and considerate relations
24 required if the public good is to be
25 served.

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2 We urge you and the full
3 members of the Council to take due
4 consideration of the request laid before
5 it, lest public funds be needlessly and
6 wastefully expended on both sides and
7 good relations jeopardized.

8 Fourthly, on June 5, 2007, a
9 National Historic Landmark Eligibility
10 Overview Assessment prepared by the
11 Cultural Resource Consulting Group for
12 the Friends of the Barnes Foundation was
13 released to the public. This report
14 states in part as follows, I quote: "The
15 Barnes Foundation property at 300 North
16 Latches Lane, Merion, Pennsylvania is
17 eligible for listing as a National
18 Historic Landmark for its exceptional
19 value as an unparalleled assemblage of
20 the work of an exceptionally important
21 American architect, manifest in a
22 building purpose built to house a
23 remarkable art and object collection. In
24 its current state, the property retains
25 the high level of integrity requisite for

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2 National Historic Landmark listing. The
3 Barnes Foundation property is nationally
4 significant under Criterion A in the
5 areas of social history and education,
6 for its association with the racially and
7 gender-integrated philosophy-based
8 education program of the Barnes
9 Foundation, which preceded the vast
10 majority of integrated education efforts
11 in this country. The Barnes Foundation
12 property is also nationally significant
13 under Criterion C in the area of
14 architecture as an important work of the
15 prominent architect Paul Cret," unquote.

16 These findings correlate with
17 those of the many nationally respected
18 art critics and historians who have
19 attested to the unique aesthetic and
20 historical value of the Barnes
21 Foundation. In the words of Philadelphia
22 critic Edward J. Sozanski, quote, "It can
23 move, but it won't be the Barnes." As
24 the New Yorker's Peter Schjeldahl has
25 stated, Altering the work of art that is

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2 the Barnes would be an aesthetic crime,
3 and to do so when the means to secure it
4 are readily at hand would be, as Thomas
5 Frauenheim of the Smithsonian Institute
6 has said, quote, "One of the great art
7 scandals in American history, as well as
8 a dire precedent for future potential
9 donors."

10 The City of Philadelphia has in
11 fact already exposed itself to the
12 ridicule of the national art community,
13 and the debacle it is contemplating is
14 being closely watched by observers abroad
15 as well. Lee Rosenbaum in the New York
16 Times characterizes the idea of
17 replicating the Barnes in a facility on
18 the Benjamin Franklin Parkway as, quote,
19 "bizarre." Michael J. Lewis describes it
20 as an act of cultural vandalism in
21 commentary. Christopher Knight asks in
22 the Los Angeles Times, quote, "What could
23 Philadelphia have been thinking?"

24 The overwhelming majority of
25 qualified art observers in the United

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2 States and abroad have declared the
3 proposed move of the Barnes Foundation to
4 be a cultural catastrophe in the making.
5 Far from making Philadelphia the new
6 Athens or Paris of cultural destinations,
7 as was testified here last week, moving
8 the Barnes Foundation would make it
9 deservedly the laughing stock of the
10 civilized world.

11 Five, some of those opposed to
12 this move are Philadelphia residents and
13 others are Philadelphia taxpayers,
14 including myself. At a time of acute
15 financial constraint in the City, we
16 question any rationale for moving the
17 Barnes Foundation a scant five miles at a
18 cost that must ultimately exceed \$300
19 million, including a prospective 10
20 million for the temporary relocation of
21 the Youth Detention Center, which
22 currently occupies the site of the
23 projected facility, and a further \$55
24 million for the construction of a new
25 center in an as-yet-undetermined

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2 location. No more irresponsible use of
3 taxpayer dollars -- that's my money,
4 ladies and gentlemen -- could be imagined
5 than to create a mere simulacrum of an
6 authentic and irreplaceable original
7 that, fully serving the greater
8 Philadelphia area, could be preserved in
9 perpetuity for less than a tenth of the
10 cost of moving it. As the stewards of
11 the City's purse, we strongly urge you to
12 reconsider so wasteful ruinous and
13 unjustified an expenditure of public
14 funds.

15 Finally, some of those opposed
16 to this move, many of them, are
17 Montgomery County residents who take as
18 much pride in our own heritage as
19 Philadelphia County residents do in
20 theirs. As custodians of the Barnes
21 Foundation for more than 80 years, we
22 assert in the words of our
23 representatives, the Montgomery County
24 Commission, that, quote, "The Barnes
25 institution is a treasured institution

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2 and is part of the fabric, character and
3 culture of Lower Merion Township and
4 Montgomery County" and that, quote, "The
5 unique and intended educational and
6 aesthetic experience of visitors to the
7 Barnes Foundation would be forever lost
8 if moved from its home in Lower Merion
9 Township," unquote.

10 We advise you that if you
11 attempt to move the Barnes Foundation
12 from our community is no more to be
13 tolerated by us than an attempt by any
14 other jurisdiction to move Independence
15 Hall from Philadelphia would be tolerated
16 by you. Philadelphia possesses
17 sufficient assets of its own to attract,
18 as it does, visitors from the entire
19 world. Its standing and reputation
20 cannot be enhanced but only deeply
21 tarnished by what the residents of
22 Montgomery County and many around the
23 world consider an act of cultural piracy.

24 For each and all of the above
25 reasons, we call upon you to reject Bill

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2 070463 and the profoundly ill-conceived
3 and unacceptable scheme of which it is
4 part.

5 You just heard testimony this
6 morning from, I believe, the head of the
7 Planning Commission that moving the
8 Barnes would be a watershed event for
9 Philadelphia. Believe me, it will. It
10 will be for you a Noah's flood of
11 trouble.

12 Thank you.

13 COUNCIL PRESIDENT Verna: Thank
14 you.

15 Are there any questions or
16 comments of members of the Committee of
17 this witness?

18 (No response.)

19 COUNCIL PRESIDENT Verna:
20 Seeing none, good morning. Please
21 identify yourself for the record.

22 MR. Raymond: My name is Jay
23 Raymond, and I think my two colleagues
24 here have said everything that I would
25 say otherwise, so I'll spare you any

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2 further remarks, but just urge you to
3 vote against this plan, no matter how
4 well intentional it seems to be.

5 COUNCIL PRESIDENT VERNA: Thank
6 you. Thank you very much. We appreciate
7 your testimony. Thank you.

8 Our next witness?

9 MR. MCPHERSON: I don't have
10 any more.

11 COUNCIL PRESIDENT VERNA: Is
12 there anyone else that would like to
13 testify on this bill?

14 I would ask the witnesses to
15 try to be as brief as possible, because
16 we do have other bills that we have to
17 consider today. Thank you.

18 MR. MEDDIN: Good morning,
19 Council President Verna.

20 COUNCIL PRESIDENT VERNA: Good
21 morning. Nice seeing you.

22 MR. MEDDIN: My name is Russell
23 Meddin and I am the Vice-President of
24 Logan Square Neighborhood Association,
25 and the Bill 070463 is about a zoning

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2 change in my neighborhood, the Logan
3 Square Neighborhood Association. This is
4 a piece of property that's on the
5 Benjamin Franklin Parkway that goes
6 through the dead center of our
7 neighborhood. And I'd like to remind
8 you, not all the testimony before me,
9 that this is actually a request for a
10 zoning change or a piece of property that
11 is half Fairmount Park and half zoned
12 Residential. And I do believe that all
13 the adjacent property that abuts the
14 Benjamin Franklin Parkway should be
15 Recreational. So please remember that
16 this is a bill to change a piece -- half
17 of a piece of property from Residential
18 to Recreational on the Benjamin Franklin
19 Parkway.

20 Thank you very much. I
21 appreciate it.

22 COUNCIL PRESIDENT VERA: Thank
23 you.

24 Good morning.

25 MR. GILLMAN: Good morning. My

1 6/12/07 - RULES - BILL 070370, ETC.
2 name is Derek Gillman. I'm the Executive
3 Director and President of the Barnes
4 Foundation and I just wanted to thank
5 Councilmembers for taking the time to
6 hear this ordinance hearing for the
7 zoning, and rather like Mr. Raymond, I do
8 not want to repeat my testimony of last
9 week, so I would merely say that we do
10 intend to continue to make a major
11 contribution to education and now not
12 only regionally but also nationally.
13 And, again, I thank the Committee members
14 for hearing us today.

15 Thank you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Any questions or comments from
19 members of the Committee?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: Thank
22 you very much, sir.

23 Our next witness? Do we have
24 anyone else to testify on this bill?

25 (No response.)

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2 COUNCIL PRESIDENT VERNA:

3 Seeing no one, I would suggest we now go
4 to Bill No. 070338.

5 MR. MCPHERSON: Our next
6 witness is Duane Bumb.

7 COUNCIL PRESIDENT VERNA: Good
8 morning. Please identify yourself for
9 the record.

10 MR. BUMB: Good morning,
11 President Verna and members of the
12 Committee on Rules. My name is Duane
13 Bumb. I'm the Deputy Director of
14 Commerce. I am here today to provide
15 testimony in support of Bill 070338.
16 This bill would allow for continuing a
17 neighborhood improvement district beyond
18 the date of termination for the Port
19 Richmond Industrial Development
20 Enterprise, or PRIDE, Neighborhood
21 Improvement District. The PRIDE district
22 is bounded generally by Tulip Street on
23 the east, Allegheny Avenue on the south,
24 Amber Street on the west and Venango
25 Street on the north.

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2 The creation of neighborhood
3 improvement districts is consistent with
4 our overall neighborhood economic
5 development objectives, including the
6 recently launched ReStore Philadelphia
7 Corridors program. The industrial
8 business owners of PRIDE and the Urban
9 Industry Initiative worked closely with
10 other community stakeholders when forming
11 the neighborhood improvement district in
12 2002. Since then, PRIDE has created a
13 strategic plan, which has focused
14 investments on improving the area for
15 both businesses and residents alike. To
16 date, this plan has attracted \$2.3
17 million in funding for projects and
18 improvements.

19 In addition to area
20 improvements, PRIDE, as a successful
21 strategy of the Urban Industry
22 Initiative, has engaged industrial
23 businesses in projects they would
24 ordinarily not have become involved with.
25 As a result, companies became

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2 participants in finding their own
3 solutions. This has not only empowered
4 them, but has had the effect of making
5 them part of the community again, as they
6 were 50 or 60 years ago. In short, the
7 creation of the neighborhood improvement
8 district has resulted in both job growth
9 and the retention of companies that may
10 have otherwise left the City.

11 Neighborhood improvement
12 districts are one of the best examples of
13 collaboration between the City and our
14 neighborhood commercial corridors. Like
15 their counterparts in the East Passyunk
16 Avenue NID, the Roxborough NID and the
17 Mt. Airy NID, PRIDE businesses,
18 entrepreneurs and property owners
19 recognize the need to improve the
20 environment within which they live and
21 work. Their efforts to keep the Port
22 Richmond industrial area consistently
23 clean, safe and attractive have and will
24 continue to directly impact the stability
25 of the entire community. Further, as the

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2 neighborhood prospers, the economic
3 vitality of this industrial center will
4 also be strengthened.

5 The result of this successful
6 collaboration has been a dynamic
7 neighborhood improvement district that
8 promotes the long-term growth and
9 viability of both the industrial and
10 residential areas of Port Richmond. This
11 worthwhile effort deserves the support of
12 the City. I urge your support of Bill
13 070338.

14 Thank you for your
15 consideration. I'd be happy to answer
16 any questions you may have.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 The district as it was
20 originally established terminates
21 automatically on June 30, 2007. Will
22 City Council's inability to approve the
23 extension of the life of the district
24 until at least September of this year
25 have any adverse effect on the continuing

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2 operations of the district?

3 MR. BUMB: I'm conferring with
4 the representatives here directly
5 involved with the district, and the
6 answer is no. They have sufficient
7 funding to carry them through the summer
8 recess.

9 COUNCIL PRESIDENT VERNA:

10 Great.

11 Now, it's my understanding that
12 the residential properties within the
13 district may be serviced by PRIDE and
14 they will not be assessed; is that true?

15 MR. BUMB: That's correct.

16 COUNCIL PRESIDENT VERNA: Do
17 the residential property owners within
18 the district have any voice regarding the
19 operations of the district?

20 MR. BUMB: I'm going to ask
21 someone else to answer that directly for
22 you, Madam Chairman.

23 COUNCIL PRESIDENT VERNA:

24 Please identify yourself for the record.

25 MR. JURASH: Madam Chairman,

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2 I'm Steve Jurash, President and CEO of
3 the Urban Industry Initiative.

4 Not directly the residents
5 don't have say in how PRIDE operates.
6 Obviously they're recipients of what
7 PRIDE does.

8 COUNCIL PRESIDENT VERNA: Is
9 that because they are not assessed?

10 MR. JURASH: Partially because
11 they're not assessed. This is an
12 industrial district.

13 COUNCIL PRESIDENT VERNA: Has
14 anyone objected to the extension of the
15 term of the district? If so, what
16 percentage of the properties in the
17 district do they represent?

18 MR. JURASH: I know of no
19 objections to this. In fact, from a
20 residential standpoint, I think they're
21 very happy about the work that PRIDE has
22 done, and in my testimony I'll cover some
23 of the things that PRIDE has accomplished
24 in the area.

25 COUNCIL PRESIDENT VERNA:

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2 Wonderful.

3 Are there any questions of
4 members of the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:

7 Please identify yourself again for the
8 record and proceed with your testimony.

9 MR. JURASH: Good morning,
10 President Verna and members of the
11 Committee on Rules. My name is Stephen
12 Jurash. I'm President and CEO of the
13 Urban Industry Initiative, an economic
14 development agency responsible for the
15 manufacturing sector of this City.

16 I am here today to testify in
17 support of Ordinance 070338, an ordinance
18 continuing a neighborhood improvement
19 district beyond the date of termination
20 in an area bounded generally by the
21 eastern side of Tulip Street, the
22 northern side of Allegheny Avenue, the
23 western side of Amber Street and the
24 northern side of Venango Street, known as
25 the Port Richmond Industrial Development

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2 Enterprise, PRIDE, Neighborhood
3 Improvement District. The UII was
4 instrumental to the creation of PRIDE in
5 2002.

6 I would like to begin my
7 testimony by describing why PRIDE was
8 formed and what it has accomplished.
9 This initiative, the first urban
10 industrial district in the Commonwealth
11 of Pennsylvania, works within the
12 existing infrastructure to group
13 neighborhood industrial businesses
14 together so that they may shape their
15 environment in a way most beneficial to
16 themselves and the community.

17 This new approach is distinct
18 from traditional methods and very
19 powerful in that, one, it seeks an
20 ongoing collaboration between local
21 business and government; two, it seeks to
22 leverage the collective strengths of area
23 industrial businesses; three, it
24 addresses those issues which are of
25 greatest concern to businesses -

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2 security, neighborhood reinvestment,
3 appearance and cleanliness; four, it
4 seeks to access the strengths of the
5 local residential and commercial
6 communities and will provide benefits for
7 these communities; and, five, it targets
8 a neighborhood that still retains genuine
9 business and residential vitality.

10 This plan, designed in part by
11 urban architects, involves the redesign
12 of certain areas to accommodate 18-wheel
13 trucks, green space and planting
14 projects, distinctive signage and
15 lighting, security measures, et cetera.

16 At the core of PRIDE's success
17 has been the collaboration of area
18 businesses on a strategic plan. This was
19 accomplished in 2002 and is now underway
20 again. As a direct result of such
21 planning, PRIDE was able to attract \$2.3
22 million in funding to initiate
23 improvements which would make the area
24 both cleaner and safer, as well as
25 curtail the flight of industrial

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2 businesses from the City.

3 Some of these improvements
4 include replacement of approximately
5 4,000 linear feet of sidewalk;
6 modification of sidewalks at 22 corners
7 to improve cornering radius; modification
8 of sidewalk curb cuts; relocating several
9 utility poles; creating parking lanes in
10 three locations; landscaping; pedestrian
11 lighting; install district signage;
12 replacement of 3,500 linear feet of
13 fencing; identify and remove obsolete
14 signage.

15 Neighborhood safety and
16 aesthetics have been enhanced by the
17 following initiatives: Installation of
18 fencing along streets running under rail
19 viaduct; additional street lighting to
20 supplement existing fixtures; a blighted
21 lot was replaced with green space and is
22 now a park; the installation of high-tech
23 security cameras in high-crime areas.

24 Access to local businesses has
25 been improved by the following: Selected

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2 streets have been widened, relocating
3 hydrants, gas valves, street signs and
4 utility poles to allow the unimpeded
5 passage of freight trucking; some
6 sidewalks have been reinforced, others
7 protected by bollards to withstand the
8 heavy traffic of vehicles; City sewer
9 inlets have been upgraded to highway
10 grade to minimize future damage;
11 on-street parking has been facilitated by
12 the alteration to the streets, curbs and
13 sidewalks.

14 PRIDE has become a recognized
15 Philadelphia address in a district
16 distinct within the greater Port Richmond
17 area. The overall objective of the
18 businesses in the Port Richmond
19 Industrial Development Enterprise, PRIDE,
20 is to attain the competitive level of
21 operational efficiency, employee
22 satisfaction, district security and
23 support infrastructure found in the
24 newest industrial parks in the region.
25 The continuation of PRIDE's NID status

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2 will be vitally important to its
3 continued success.

4 I'm concluded if you have any
5 questions.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 Are there any questions from
9 members of the Committee?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: Thank
12 you very much, sir.

13 MR. JURASH: We also have some
14 members from -- business owners from
15 PRIDE that are here to testify.

16 COUNCIL PRESIDENT VERNA: Good
17 morning.

18 MR. MURANO: Good morning,
19 President Verna and members of the
20 Committee on Rules. My name is Dominick
21 Murano and my business is located within
22 the PRIDE located at 2200 East Ontario
23 Street. We basically have owned that
24 property for 25 years, and I can say with
25 the PRIDE organization, we have seen our

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2 streets cleaned, our lighting repaired,
3 police protection, security, and all this
4 is only because of PRIDE. Before the
5 organization of PRIDE, we've had many
6 problems, and today a lot of them have
7 been addressed. And they have formed
8 close relationships with the Graffiti
9 Department, the Police Department, and
10 things are working out much better.

11 Thank you.

12 COUNCIL PRESIDENT VERNA: Thank
13 you. Thank you very much.

14 Good morning.

15 MR. CERCHIARO: Good morning.

16 My name is Tom Cerchiaro. I'm the
17 Vice-President of Active Radiator and we
18 have two manufacturing plants in the Port
19 Richmond PRIDE area. A lot of the things
20 have been said. I'm just going to talk
21 about one instance.

22 My owner of the business has
23 been in the Port Richmond area for 25
24 years. Six years ago he's getting ready
25 to move his business out of the area

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2 because of the graffiti, the crime, what
3 he thought was a lack of commitment in
4 terms of the people. When PRIDE was
5 formed, he feels and I feel, as far as
6 being his right-hand man, that we now see
7 a safer area, an area that's more prone
8 to help out businesses.

9 We have 168 employees, of which
10 68 percent walk to work from the
11 district. Since the formation of PRIDE,
12 we have added another 80,000 square feet
13 manufacturing in the district. So we're
14 committed to the area because of PRIDE.
15 I think it's -- we have cameras. We feel
16 like we're a safer district. We feel
17 that there's cooperation from the City
18 and the Police. I think PRIDE is
19 something that has kept our industry, our
20 manufacturing, in the area and it's
21 looking at us -- we feel that we could
22 expand and expand with a group of other
23 industries in the area to go forward. So
24 we plan on staying in Philadelphia and
25 employing as many people as we can.

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2 So I ask for Council on Rules
3 to approve this ordinance. Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 Good morning. Please identify
7 yourself for the record.

8 MR. KRESS: Good morning,
9 President Verna and the Committee on
10 Rules. My name is Steve Kress and I have
11 a picture framing facility in the PRIDE
12 area, 77,000 square feet, and I've been
13 there since 1999. And since PRIDE has
14 gotten -- come into existence, they've
15 really helped me improve the look of my
16 property, the feeling of security in the
17 area and the fact that we have a lot of
18 people come to our facility to purchase
19 picture frames and framing. And it
20 really changed from almost like a ghetto
21 to like a nice residential business
22 neighborhood in which nobody is afraid to
23 come to anymore, and it's really -- I
24 know I cleaned up my building a lot, and
25 the whole neighborhood just because I've

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2 cleaned up a lot has cleaned up their
3 area. The residential people, they all
4 respect us and they've cleaned up their
5 area. It looks pretty nice. It's a good
6 area to be in.

7 Thank you.

8 COUNCIL PRESIDENT Verna: Thank
9 you.

10 Any questions or comments from
11 members of the Committee?

12 The Chair recognizes
13 Councilwoman Miller.

14 COUNCILWOMAN MILLER: Thank
15 you, Madam Chair.

16 I'm just curious, I'm not that
17 familiar with this part of the City that
18 you're referring to. Is this a
19 commercial strip or is it sort of light
20 industrial, or how would you describe the
21 area?

22 MR. JURASH: It's industrial.
23 It's definitely -- the characteristic is
24 very much more industrial, not so much
25 commercial. But it's a mixed use between

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2 industrial and residential.

3 COUNCILWOMAN MILLER: Okay.

4 Because it sounds like your NID is very
5 successful, and I was involved with
6 creating a special service district in
7 the Germantown-Cheltenham area prior to
8 coming to Council, and I know that so
9 many of the districts are having
10 financial problems, and when I read your
11 testimony and you talked about all that
12 you've done, it's really great. I mean,
13 so many of these NIDs are having
14 problems, so I just wondered whether it
15 was just a commercial strip or whether it
16 was light industrial.

17 MR. JURASH: It's definitely
18 industrial. And I think a lot of the
19 success of PRIDE has been the commitment
20 of the business owners who have come
21 together, put a strategic plan together
22 that really made sense and then took that
23 plan out and shopped it to foundations.
24 They were very interested in things like
25 altering the street so that truck traffic

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2 no longer ties up all the residential
3 traffic, to make slight alterations like
4 that, so that there can be a symbiotic
5 relationship again between residents and
6 industry, much like there was 80 years
7 ago. And that's, I think, one of the
8 major goals of PRIDE, is to see these
9 people working and walking to work again.

10 COUNCILWOMAN MILLER: Great.

11 Congratulations.

12 MR. JURASH: Thank you.

13 COUNCILWOMAN MILLER: Thank
14 you.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Any other questions or comments
18 from members of the Committee?

19 (No response.)

20 COUNCIL PRESIDENT VERNA:

21 Gentlemen, thank you very much.

22 Do we have anyone else to
23 testify?

24 Please approach the witness
25 table.

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2 MS. KOSLOWSKI: Good morning,
3 Councilmembers.

4 You know me as the favorite
5 aide of Councilwoman Joan Krajewski, but
6 today I'm here as President of the Port
7 Richmond on Patrol and Civic Association.
8 As a member of that community, very
9 quickly, I wanted to testify.

10 PRIDE has become the pride of
11 Port Richmond in the section that they
12 did this in, and we wish that Steve
13 Jurash would expand it to other parts of
14 the industrial properties in Richmond.
15 PRIDE started in an area that we thought
16 would only survive if it was phoenixed.
17 We thought we would have to really
18 deconstruct it to the ground and then
19 rebuild it, but PRIDE has been the stick
20 of dynamite that ignited the industrial
21 renaissance in Port Richmond.

22 Their biggest, I think, success
23 was when they installed security cameras
24 in an area where our quality of life was
25 just so bad and there was vandalism,

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2 crime, graffiti. And once they installed
3 those cameras, it just got 150 percent
4 better.

5 Thanks to the dedicated work
6 and passion of Steve Jurash and PRIDE,
7 long vacant factories are now looking to
8 be loft condos. And I can't afford to
9 live in Port Richmond anymore.

10 So thank you, Mr. Jurash.

11 But I wish you would support
12 this as a resident from my civic
13 association. This was long, hard work
14 and it totally turned this part of the
15 neighborhood around, and we wish you
16 would really consider this, because it
17 has done wonders for my neighborhood.

18 So thank you.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Do we have anyone else to
22 testify?

23 (No response.)

24 COUNCIL PRESIDENT VERNA:

25 Seeing no one, we will now consider Bill

1 6/12/07 - RULES - BILL 070370, ETC.
2 Nos. 070370 and 070371.

3 MR. McPHERSON: Our first
4 witness is William Kramer.

5 MR. KRAMER: Good morning,
6 Madam President and members of the Rules
7 Committee. I am William Kramer, Senior
8 Zoning Planner for the Development
9 Planning Division of the Philadelphia
10 City Planning Commission. I am here
11 today to testify on Bill Nos. 070370 and
12 070371, which were introduced by
13 Councilmember DiCicco on May 3, 2007.

14 These bills would allow for the
15 development of the site located at the
16 northeast corner of Broad Street and
17 Washington Avenue.

18 Bill No. 070370 proposes to
19 amend Section 14-305 of The Philadelphia
20 Code to add the area bounded by Broad
21 Street, Carpenter Street, South 13th
22 Street, Kimball Street, South 12th Street
23 and Washington Avenue as an area where
24 parking garages would be permitted under
25 the C-5 Commercial zoning classification.

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2 Bill No. 070371 rezones the
3 site from a designation of G-2 General
4 Industrial to a designation of C-5
5 Commercial. Both bills are intended to
6 permit the use of this land for a major
7 gateway to the Avenue of the Arts and
8 Center City Philadelphia with a
9 significant new development.

10 These bills are scheduled for
11 consideration by the City Planning
12 Commission at its meeting of June 19,
13 2007. In anticipation of that meeting,
14 the staff of the City Planning Commission
15 recommends that both bills be approved
16 with the following design guidelines as
17 requirements:

18 Structures must be built to the
19 property line to create a street wall
20 recognizing the grand scale and visual
21 importance of Broad Street to the
22 character of Center City. The towers for
23 the project shall be placed along Broad
24 Street to create a visual gateway to the
25 Avenue of the Arts. Retail spaces to be

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2 located in this building must contain
3 windows along Broad Street and Washington
4 Avenue to provide a view of interior
5 activity as well as cast light upon
6 exterior public spaces and sidewalks.

7 The highest quality materials shall be
8 used on the construction of this very
9 important gateway structure. The project
10 shall be LEED certified and incorporate a
11 green roof where the spaces below the
12 roof are conditioned. Building entrances
13 on Washington Avenue shall provide
14 transverse circulation through the
15 building open to the public. Limit the
16 Floor Area Ratio of any building or
17 buildings on the site to an FAR of 10.

18 The visual impact of parking on
19 public streets must be minimized as
20 follows:

21 A portion of the parking shall
22 be below grade. The parking shall be
23 placed or wrapped by active retail and
24 commercial spaces with transparent
25 facades. The height of the structure

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2 shall not exceed the existing warehouse
3 building on the site. The design of the
4 building facing Washington Avenue must
5 consistent with the structural rhythm,
6 materials and openings of the existing
7 warehouse occupying the site. No curb
8 cuts shall be allowed on either Broad
9 Street or Washington Avenue frontages of
10 the site.

11 The retail uses facing public
12 streets should include entrances off of
13 these streets. There should be a
14 variegated architectural treatment of the
15 facade, especially along Washington
16 Avenue. This would provide a more
17 interesting visual plane, especially
18 along Washington Avenue, and allow the
19 architect to dress the wall to be in
20 keeping with the type of streetscape that
21 exists in the area.

22 This concludes my testimony. I
23 appreciate the opportunity to appear
24 before this Committee and would be
25 pleased to answer any questions you may

1 6/12/07 - RULES - BILL 070370, ETC.

2 have.

3 COUNCIL PRESIDENT VERNA: Thank
4 you very much.

5 I believe the design guidelines
6 are being compiled. Is there a specific
7 project that is being considered?

8 MR. KRAMER: There is a
9 specific developer who has requested this
10 rezoning and the relief from the
11 provisions of the Zoning Code, but the
12 actual design of the building is still
13 being negotiated between both the
14 community and the Planning Commission and
15 the developer. So the final design has
16 not been finalized yet.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 And did you say that the
20 Planning Commission will be meeting on
21 this on the 19th?

22 MR. KRAMER: Yes, ma'am, a week
23 from today.

24 COUNCIL PRESIDENT VERNA: Can
25 we talk about the parking garages? Will

1 6/12/07 - RULES - BILL 070370, ETC.

2 they be on either side of the streets?

3 MR. KRAMER: As I understand
4 the initial proposal that I've seen --
5 and, frankly, this may have changed since
6 I've seen it -- there was a parking
7 garage on the 12th Street side of this
8 development, and that was their primary
9 parking garage, and it is that garage
10 that we would like to see limited to the
11 height of the existing warehouse building
12 and have that facade continue to look as
13 if it is a warehouse.

14 There is also in the actual
15 Broad and Washington site a proposal that
16 will provide a significant amount of
17 parking in that building as well, and
18 those designs are a little different
19 because the building itself is more of a
20 mixed-use commercial structure with
21 residential on the upper floors. So
22 there is a difference in the way that
23 they would be designed, the one building
24 being far more of a parking garage per se
25 by itself and the other being a mixed

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2 use. So there's a difference in the
3 design layouts that you would use.

4 COUNCIL PRESIDENT VERNA: Is
5 the project to be owned and occupied by
6 the developer?

7 MR. KRAMER: I don't know that.
8 I'd have to leave that for the attorney.
9 Mr. Patterson is here, who represents the
10 developer for this particular site.

11 COUNCIL PRESIDENT VERNA: That
12 would be fine. Maybe he can approach the
13 witness table and we could proceed.

14 I'm sorry. Councilman DiCicco.

15 COUNCILMAN DiCICCO: It's okay.
16 Madam President, just for point of
17 clarification, you're familiar with
18 Washington Avenue, I know. There's an
19 empty lot that sits just adjacent to the
20 U-Haul building on Washington Avenue.

21 COUNCIL PRESIDENT VERNA: Yes.

22 COUNCILMAN DiCICCO: That is
23 the parcel that's identified in Bill No.
24 070370, which would be an additional
25 parking garage, just to give you a point

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2 of reference. And then there is a garage
3 component that would be in the main
4 development, which is the piece that
5 would be on -- for the other members of
6 the Board who may not be familiar with
7 it, it's the intersection -- it's on the
8 site where Cirque du Soleil has its
9 circus annually. That's the parcel we're
10 speaking to.

11 COUNCIL PRESIDENT VERNA: At
12 Broad and Washington?

13 COUNCILMAN DiCICCO: Yes, on
14 the east side. You represent the west
15 side. On the east side where the actual
16 tent where the circus is performed is the
17 site that we're speaking to.

18 COUNCIL PRESIDENT VERNA: Good
19 morning. Welcome.

20 MR. PATTERSON: Thank you.
21 Good morning. Ronald Patterson with the
22 law firm of Klehr Harrison and I
23 represent the equitable owner, who has
24 this under agreement and hopefully will
25 settle at the end of this month.

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2 This property is currently
3 vacant, as you mentioned. It is zoned --
4 it's located in a G-2 General Industrial
5 zoning district. It is comprised of two
6 basic parcels. One is the one bordered
7 by Washington Avenue, Broad Street,
8 Carpenter and 13th, which is
9 approximately four and a half acres, and
10 that's the large parcel that's right in
11 front of me. The second parcel is about
12 one acre. It has 370 feet of frontage on
13 Broad Street.

14 This is an important parcel as
15 I think we and the Planning Commission
16 see it. We look at it as the gateway
17 into Center City. I think it's always
18 been thought of that way. Again, it's
19 zoned G-2. We don't believe that it's
20 any longer conducive for industrial uses,
21 nor would anybody want industrial uses
22 there. But I believe that it has not
23 been rezoned, and what I know through
24 discussions is that why rezone it until
25 there's actually a concrete project

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2 that's available. Otherwise, to rezone
3 it without anything in mind would allow
4 it to be developed haphazardly.

5 So my client, Mr. Bennick Moon
6 (ph), who is in the back, sought to
7 purchase this. It's a very difficult
8 seller. But at the same time, what we
9 want to do is protect the community and
10 the Councilman in that if the zoning is
11 changed, what we propose would get built.

12 We're proposing -- and here's a
13 rendering that's right in front of you.
14 We had a different rendering. That's
15 actually rendered by the Planning
16 Commission, which we found to be a
17 handsome design, and that's what we are
18 going to go with as far as the design is
19 concerned.

20 We're proposing a spectacular
21 mix of retail, residential, office and
22 parking, and you see the green space
23 there. That's actually on top of the 6th
24 or 7th floor of the base building, the
25 base building having an element of

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2 retail, approximately 30 to 50 retail
3 stores, bringing in about 600 new jobs at
4 a construction cost of about \$500
5 million.

6 You're also looking at two
7 proposed towers, which we originally had
8 designed at about 585 feet, but through
9 discussions with Hawthorne Empowerment
10 Coalition, we've reached an understanding
11 to reduce the two towers to a height not
12 to exceed 395 feet, which is about 30
13 stories.

14 We're proposing 860 residential
15 units, which is a mix of residential and
16 hotel. Parking spaces in the main
17 building at about 1,500 parking spaces.
18 The other parking garage, which is
19 located at 13th Street at this smaller
20 parcel here, would have about 850 parking
21 spaces. Retail is proposed to have about
22 543,000 square feet of retail, 911,000
23 square feet of residential and then an
24 office element of 300,000 square feet.

25 And I mentioned earlier about

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2 rezoning it and not having a particular
3 project in mind. So to that end, I had
4 drafted and sent to the Hawthorne
5 Empowerment Coalition's attorney a
6 Memorandum of Understanding that would
7 outline our obligations and
8 understandings, as well as a deed
9 restriction that we have prepared that
10 basically says that we will build
11 something -- we will build what we're
12 proposing. If it changes materially or
13 substantially, it would not be able to be
14 built because of the deed restriction,
15 which means that even if we were not
16 involved, it would have to be built to
17 that design or it would have to be
18 renegotiated with the civic group or
19 Councilman could change the zoning back
20 to G-2, of course.

21 We're not asking for any city
22 or state assistance, no TIF, no K0Z zone
23 or any other type of assistance. It's
24 all privately funded, and we're excited
25 about it. We think it could be a

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2 spectacular development for the City.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 If these bills were to be
6 approved, can you tell me when
7 construction would be anticipated?

8 MR. PATTERSON: We would
9 anticipate construction, since there's no
10 demolition required, through the design
11 approximately about nine months, and the
12 complete construction would take about 36
13 months.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 What did you say the costs of
17 the development would be?

18 MR. PATTERSON: \$500 million.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Are there any questions or
22 comments from members of the Committee?

23 The Chair recognizes Councilman
24 Clarke.

25 COUNCILMAN CLARKE: Thank you,

1 6/12/07 - RULES - BILL 070370, ETC.

2 Madam President.

3 Real briefly, you indicated
4 that there's no financial assistance from
5 the city or state?

6 MR. PATTERSON: That's correct.

7 COUNCILMAN CLARKE: Will you be
8 taking advantage of the tax abatement on
9 new construction?

10 MR. PATTERSON: Yes, we would.

11 COUNCILMAN CLARKE: That is
12 financial assistance from the City.

13 MR. PATTERSON: Okay. You're
14 correct. I meant we weren't asking for
15 any assistance in terms of grants or
16 TIFs, but, yes, we surely would take
17 advantage of the tax abatement. Thank
18 you for correcting me.

19 COUNCILMAN CLARKE: Thank you.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 The Chair recognizes
23 Councilwoman Brown.

24 COUNCILWOMAN BROWN: Good
25 morning. Given that revelation then,

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2 what considerations are being given to
3 employment opportunities for the
4 immediate community as well as MBE, WBE
5 considerations?

6 MR. PATTERSON: We have agreed
7 and we intend to comply with the MBE,
8 WBE, I believe it is, that's set forth in
9 the guidelines, I guess, that's
10 established and also appointed by the
11 RDA, even though we don't have RDA land
12 here. So, yes, we would try to comply
13 with those goals. And we're also
14 committed to work with the Hawthorne
15 Empowerment Coalition and the local
16 community to ensure that the construction
17 jobs would come from the local community,
18 provided that, of course, they come
19 through the unions, because we expect it
20 to be a union job, and also that there be
21 so many jobs at the location that we
22 would give first preference in however
23 way we worked it out through a job bank,
24 et cetera, to ensure and try to ensure
25 that the jobs will come right out of the

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2 community.

3 COUNCILWOMAN BROWN: So you
4 said you're in discussions with RDA
5 around --

6 MR. PATTERSON: No, no. I said
7 as an example, we would try to meet the
8 goals of the MBE, WBE, I believe, that
9 are at least set forth in RDA guidelines.
10 That's how I know them.

11 COUNCILWOMAN BROWN: Oh, as set
12 forth.

13 MR. PATTERSON: I think they're
14 like 17 percent or 20 percent.

15 COUNCILWOMAN BROWN: And you
16 say that you're working with the
17 Hawthorne --

18 MR. PATTERSON: Hawthorne
19 Empowerment Coalition.

20 COUNCILWOMAN BROWN: So what
21 does that mean? You've had meetings?
22 You've come up with --

23 MR. PATTERSON: We've had
24 several meetings. I've had discussions
25 with their attorney. I said I prepared a

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2 draft Memorandum of Understanding and a
3 draft deed restriction to reflect what
4 our understandings are. There are two or
5 three issues, as I understand, that need
6 to be ironed out in terms of open space.
7 For example, we are providing open space
8 at the streetscape, but we also will
9 allow open space to be used on the
10 terrace for the public. We can't have it
11 there open 24 hours for security reasons,
12 but we would have it like playgrounds
13 are. For example, if you want to use the
14 green space, then you call and reserve
15 the space. So we're working out those
16 types of details. So I think we're
17 almost there.

18 COUNCILWOMAN BROWN: Thank you
19 very much for your testimony.

20 MR. PATTERSON: Thank you.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 The Chair recognizes Councilman
24 Clarke.

25 COUNCILMAN CLARKE: Thank you,

1 6/12/07 - RULES - BILL 070370, ETC.

2 Madam President.

3 I just want to follow up on
4 Councilwoman Brown's questions. You said
5 that you are following the guidelines of
6 the RDA, the MBE, WBE participation
7 goals?

8 MR. PATTERSON: We weren't
9 given any particular or specific
10 instructions about any goals because it's
11 not a City property. So I was using that
12 as an analogy. That's what I understand.
13 That's the only time I've dealt with
14 those goals.

15 COUNCILMAN CLARKE: And you
16 said that that is reflected in the
17 community benefits agreement in writing?

18 MR. PATTERSON: I believe so.
19 I can't -- I don't have it in front of
20 me, but if it need be, it will be in
21 there.

22 COUNCILMAN CLARKE: Councilman.

23 COUNCILMAN DiCICCO: We'll make
24 sure it's in there.

25 COUNCILMAN CLARKE: Thank you.

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2 COUNCILMAN DiCICCO: My
3 understanding, if I may, Madam President,
4 is that if this bill comes out favorably,
5 final passage won't be until September,
6 and there are a few outstanding issues
7 with the community that still need to be
8 ironed out. So over the summer we'll
9 take our time to figure all that in and
10 make sure that that's included in it as
11 well.

12 COUNCILMAN CLARKE: Thank you.
13 Thank you, Madam President.

14 COUNCIL PRESIDENT VERNA:
15 Suspension?

16 COUNCILMAN DiCICCO: Yes. If I
17 may, just for the record, if I may ask a
18 question of the witness, Madam President?

19 COUNCIL PRESIDENT VERNA:
20 Certainly.

21 COUNCILMAN DiCICCO:
22 Mr. Patterson, when was the first time
23 that this project was presented? When
24 was that; do you remember?

25 MR. PATTERSON: It was at least

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2 a year ago, I believe.

3 COUNCILMAN DiCICCO: So we've
4 been working on this collectively, my
5 office, myself, whatever?

6 MR. PATTERSON: Yes, and we've
7 talked about different ways to perhaps
8 get this done, go through zoning
9 variance, but the parcel is quite large
10 to seek a variance on. But, yes, we
11 started with a proposal that was very
12 different in design. I don't know if you
13 can --

14 COUNCILMAN DiCICCO: I remember
15 that.

16 MR. PATTERSON: And so when we
17 went through discussions with Planning
18 and they came up with this design, we
19 thought, again, it was a very handsome
20 design and we tried to adopt all of the
21 design criteria that Mr. Kramer actually
22 mentioned in his earlier testimony.

23 COUNCILMAN DiCICCO: Thank you.
24 No further questions.

25 MR. PATTERSON: And also,

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2 Councilman, yes, part of that discussion
3 and one of the main discussions had to do
4 with the height of the towers, which we
5 reduced as a result of discussions by
6 about 200 feet from the originally
7 proposed tower height.

8 COUNCILMAN DiCICCO: Thank you.
9 Thank you.

10 MR. PATTERSON: And we'd ask
11 that the Committee could suspend the
12 rules to have the first reading at the
13 conclusion of the hearing.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: Do we
16 have any other witnesses on these bills?

17 MR. McPHERSON: Yes. Albert
18 Hicks.

19 COUNCIL PRESIDENT VERNA: Good
20 morning. Please identify yourself for
21 the record.

22 MR. HICKS: Good morning. My
23 name is Albert Hicks and I'm a member of
24 the Hawthorne section of the City of
25 Philadelphia and I was one time active in

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2 the community group as a whole. And by
3 the way, good morning, Ms. Verna,
4 Chairperson, and Vice-Chair, Mr. Clarke,
5 and the other members that are attending
6 these hearings.

7 I'd like to bring to your
8 attention that the community at large
9 found out about this information
10 initially and we couldn't agree or
11 couldn't believe they was talking about
12 putting a 52-story building in the midst
13 of our neighborhoods, and we left that
14 meeting with the consensus that this is
15 not even going to happen.

16 Well, since then, we had a
17 community zoning meeting in reference to
18 this project and the height also became
19 an issue, and at that second zoning
20 meeting, it didn't pan out pretty well.
21 The people were really upset about it.
22 Consequently, apparently the attorney for
23 the community group and the members of
24 the Zoning Committee actually were doing
25 meetings with Councilman DiCicco's office

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2 and the parties at hand in reference to
3 this project. For some strange reason,
4 it was not really brought out about the
5 height. They claim they brought it down
6 to 200 feet, but, frankly, that is too
7 high for most of the members in our
8 community to even stomach.

9 As far as a grand scale to the
10 Avenue of the Arts, we believe that a
11 project maybe about 80 feet, eight
12 stories high, would be just sufficient to
13 do the same thing like this tower is
14 trying to do, which we think is out of
15 place.

16 I had since yesterday delivered
17 a package to each of the members of the
18 Rules Committee in reference to the
19 thoughts of the community and also the
20 petition that was taken up a few days
21 after this last meeting in reference to
22 this project. We gathered within four
23 days about 250 signatures against having
24 these towers looming in our community.

25 As far as I'm concerned, I

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2 would like to, if I could, if I may, read
3 my letter into the minutes of this
4 meeting.

5 COUNCIL PRESIDENT VERNA:

6 Certainly.

7 MR. HICKS: Would that be okay?

8 All right.

9 As I already said, my name is
10 Albert Hicks and I am a resident of the
11 Hawthorne section of South Philadelphia.
12 The residents of Hawthorne and the
13 surrounding communities have grave
14 concern about the height and the proposed
15 construction project at Broad Street and
16 Washington Avenue. We are very concerned
17 about a Center City skyscraper being
18 proposed in a predominantly residential
19 neighborhood.

20 The initial proposed height of
21 52 stories was stated at the first
22 community meeting. The general consensus
23 of that meeting was it was ridiculous.

24 The second meeting for this
25 project was at the community Zoning

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2 Committee, and those in attendance
3 couldn't get past the height issue.

4 The third meeting was held on
5 Wednesday, the 30th of May, and the
6 height came to be about 390 feet, which
7 is about 32 stories or, as they said here
8 today, 30 stories. The meeting ended
9 with the community in an uproar again
10 about the height. So we, the community,
11 started a petition Tuesday, on the 5th of
12 June against the project to bring the
13 building down in height to a conformity
14 within the surrounding structures, and in
15 a few days, like I told you, we collected
16 about 250 signatures and forwarded you
17 the results.

18 There is a large hole at 8th
19 and Market Streets already properly zoned
20 with C-5. We believe this site is
21 adequately suited for a project of this
22 height and girth. The ordinances
23 introduced May 3rd as Bill Nos. 070371
24 and 070370 concerning the zoning change
25 could be removed and a C-3 probably

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2 considered instead of a C-4 or a C-5.

3 The tallest structure in a
4 six-block radius from the proposed site
5 is the Marine condo building diagonally
6 across the street from the site. The
7 Marine building from the ground going up
8 to the roof counts to about eight levels
9 high. The Broad and Washington Street
10 building, if allowed, could create a
11 looming sundown effect in South
12 Philadelphia, change the wind patterns
13 and not to mention a very different
14 skyline and added traffic congestion.

15 In conclusion, I would like for
16 you to know that we, the community, know
17 as well that this site needs something
18 there, but not these towers. So give us
19 a little more time to come to a better
20 agreement than what we have before us at
21 this moment.

22 And I'd also like to comment,
23 if I can, about the jobs issue. I'm also
24 the Chairperson of the neighborhood
25 development committee for our community

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2 group, and one of the things I did bring
3 to the developer's attention -- and I go
4 to every developer that comes to us -- is
5 to try to procure jobs for the community
6 at hand, and a lot of the fellows in the
7 community and as well as the ladies would
8 like to work, but going through the
9 unions, a lot of times the stringent
10 application, they don't have the ability
11 nor the time. So I had suggested that
12 they take it upon themselves to make an
13 agreement with the community in reference
14 to what they call community job
15 set-asides. So when they started dealing
16 with the unions with this project, they
17 will have this agreement already in hand
18 and the unions will know that maybe two
19 or three positions with every particular
20 phase of work will be set aside for the
21 community, and that was a suggestion that
22 I made. I think that could be more or
23 less agreed upon and we can go forward
24 from there. That way, a lot of people
25 would maybe get back into the union if

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2 they had the opportunity to do so, work
3 on this type of project.

4 And I have also successfully
5 done that on various projects that came
6 before us, the Metro Development
7 Corporation, the Russell Brothers, they
8 did that. A few of the guys got absorbed
9 into the union through my efforts of
10 trying to get them jobs.

11 Another small developer by the
12 name of Don Ventresca, he came through,
13 and also a fellow got absorbed into the
14 unions based on seeing the type of work
15 he does.

16 So we can work with him with
17 that aspect and get this thing nailed
18 down. I think that it will help the
19 community greatly. But, again, I have to
20 stress that all the people that we
21 seen -- and, by the way, the petition is
22 ongoing. We're still getting names and
23 numbers. The height is an issue.

24 So I'm ready for your
25 questions, if you have any.

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2 COUNCIL PRESIDENT VERNA: The
3 Chair recognizes Councilman DiCicco.

4 COUNCILMAN DiCICCO: Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Go ahead,
7 Councilman. I can wait.

8 COUNCILMAN DiCICCO: You're on
9 the committee.

10 COUNCILMAN CLARKE: I can wait.

11 COUNCILMAN DiCICCO: Thank you.
12 Thank you, Mr. Hicks. Good
13 morning.

14 MR. HICKS: Good morning.

15 COUNCILMAN DiCICCO: You heard
16 me ask Mr. Patterson earlier when he was
17 testifying approximately when this
18 project was first brought to the
19 attention of the community. It's been
20 about a year. You testify that a
21 petition was circulated about a week or
22 so ago in relationship to the concern for
23 the height, which has always been
24 probably the primary issue concerning
25 this project with the residents; is that

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2 a fair assessment?

3 MR. HICKS: Basically, yes.

4 COUNCILMAN DiCICCO: My
5 question -- I don't mean this to be
6 disrespectful -- why is it now, after
7 almost one year, that a petition is being
8 circulated to deal with an issue that
9 we've been dealing with for almost 12
10 months and which the developer, although
11 it may not be satisfactory yet to the
12 community, has already agreed to reduce
13 the height significantly by about 200
14 feet?

15 MR. HICKS: Well, to my
16 understanding, the community wasn't
17 really aware of the dealings between you
18 and the developer in reference to this
19 project in its inception. When it came
20 in view as far as the community knowing
21 exactly what's going on, that was like
22 late of last year. We talking about
23 November and December when this first
24 meeting about this 52-story height issue
25 became aware and known to the members of

1 6/12/07 - RULES - BILL 070370, ETC.

2 our community.

3 Now, I can't assess or attest
4 to what kind of meetings or agreements or
5 what-have-you in reference to this
6 property that you had previous before
7 that first meeting. And to also answer
8 the rest of your question, we have a
9 community group that actually became very
10 successful out of this deep dynamic
11 compaction in our community through
12 another developer, which I will not
13 mention his name, but in 1999, we came on
14 board, and I was one of the active
15 members of doing so, bringing this
16 community group into fruition.

17 So trying to let you know about
18 why we was trying to not really go crazy
19 with this thing, because we thought we
20 had a proper community group in place.
21 And we do, but for some reason it just --
22 it got askew and the actual feelings and
23 the wants of the community for some
24 reason wasn't really heard or wasn't
25 going to bat for. Bringing it down just

1 6/12/07 - RULES - BILL 070370, ETC.

2 200 feet for a community that's saying no
3 towers is not satisfactory, sir.

4 COUNCILMAN DiCICCO: I can
5 understand that and appreciate that, but
6 to suggest that there was some private
7 meetings that took place long before the
8 community was made aware of this is
9 certainly not accurate on my part.

10 So you'll understand, in most
11 instances -- and I guess this happens
12 with most District Councilpersons as
13 well -- a developer came to talk to me
14 about a proposed project. I looked at
15 the project. I didn't give it a thumbs
16 up or a thumbs down. What I do generally
17 is say, Go meet with the community group,
18 where there is such a community group,
19 and I advise the developer, which I
20 understand he did, immediately went to
21 meet with Hawthorne. An attorney was
22 hired, Mr. Krakauer, to represent the
23 community in these negotiations.

24 But to suggest that many months
25 had passed before the community was

1 6/12/07 - RULES - BILL 070370, ETC.

2 allowed or permitted or even made aware
3 of this project and then to be engaged in
4 it is certainly not a fair assessment,
5 and I believe you were at some those
6 public meetings that I attended at the
7 Hawthorne Center.

8 MR. HICKS: I was at two of the
9 meetings, sir, and I mentioned this in my
10 letter to the Rules Committee here --

11 COUNCILMAN DiCICCO: And they
12 were when?

13 MR. HICKS: -- and the one I
14 gave you.

15 COUNCILMAN DiCICCO: And when
16 were those meetings?

17 MR. HICKS: I'm telling you
18 now, they were in the late November,
19 early December. You're saying a year.
20 We're not in a year yet from that time
21 frame.

22 COUNCILMAN DiCICCO: November
23 is seven, eight months from this date.
24 We're talking June. So seven, eight
25 months ago was that meeting that you

1 6/12/07 - RULES - BILL 070370, ETC.

2 recall me being at.

3 MR. HICKS: Correct.

4 COUNCILMAN DiCICCO: There were
5 other discussions that took place with
6 Hawthorne prior to that meeting.

7 MR. HICKS: Not with the
8 community, sir. I'm not talking about
9 the community group. I'm talking about
10 the community per se. There's two little
11 entities here we're dealing with.

12 COUNCILMAN DiCICCO: But
13 that's --

14 MR. HICKS: You're dealing with
15 the community group and we're dealing
16 with the community itself.

17 COUNCILMAN DiCICCO: But isn't
18 that the responsibility of the civic
19 association, to bring this to the
20 attention of the broader community?

21 MR. HICKS: Yes, it is, sir.

22 COUNCILMAN DiCICCO: And if
23 you're suggesting -- and I'm not saying
24 that you did, because I've been working
25 with Pat Bullard for a number of years,

1 6/12/07 - RULES - BILL 070370, ETC.

2 and Pat has done a great job.

3 MS. HICKS: Oh, she's a
4 fabulous lady, yes.

5 COUNCILMAN DiCICCO: I don't
6 think that anyone did not bring the
7 community into this process. Again, my
8 understanding, the community has been
9 part of this process for almost a year.

10 MS. HICKS: I understand that,
11 but she is present here, sir, and she can
12 come up and answer your questions in
13 reference to that to verify what you're
14 saying and also what I'm talking about as
15 far as the meetings for the community was
16 only about three in count. This is what
17 I'm trying to suggest to you.

18 COUNCILMAN DiCICCO: Three?

19 MR. HICKS: Three meetings that
20 the community was aware of this project.
21 Now, we can debate about this issue back
22 and forth or I can bring the minutes into
23 the office if you want to see them.

24 COUNCILMAN DiCICCO: I'm not
25 going to debate you on the number of

1 6/12/07 - RULES - BILL 070370, ETC.
2 meetings. I'm only discussing the amount
3 of time that has been devoted to this
4 proposed project has been almost a year,
5 if not a year, and you, by your own
6 admission, say that you remember me being
7 at a meeting sometime back in November or
8 December, which was eight, nine months
9 ago.

10 MR. HICKS: Right.

11 COUNCILMAN DiCICCO: So if the
12 community association did not engage the
13 community into a broader discussion, why
14 should we hold up this project now?
15 Because I don't think anything is going
16 to change. And remember what I asked
17 earlier. If this bill comes out of this
18 Committee today with a favorable
19 recommendation, final passage won't be
20 until we return in September, so you have
21 another 90 days in which to work on any
22 unresolved issues that the community may
23 have a concern for starting today.

24 MR. HICKS: I understand that
25 and I appreciate that. Just let me add

1 6/12/07 - RULES - BILL 070370, ETC.
2 this, that when the meeting of May 30th
3 was taking place, the attorney,
4 Mr. Krakauer, was really surprised that
5 the community at whole was still against
6 this proposed height. He was under the
7 impression that this thing here was okay.
8 But it wasn't, not by the communities at
9 whole.

10 COUNCILMAN DiCICCO: But,
11 understand, Mr. Krakauer, similar to
12 myself, we were getting feedback
13 suggesting that the reduction in the
14 tower, the height of the towers, was
15 acceptable. I didn't get it in writing,
16 and I spoke to Mr. Krakauer about a week
17 or two ago and he said he was looking at
18 the final version and recommendation from
19 Mr. Patterson on behalf of his client and
20 he didn't think two weeks was enough time
21 for him to review it, but he did promise
22 to get back to me by today. I haven't
23 heard from him yet.

24 Again, this isn't on a fast
25 track, is what I'm trying to relay here,

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2 and I don't want anybody, based on your
3 testimony, to think that there was some
4 sort of behind-the-scenes deal going on
5 that the public was not made aware of it.
6 They've been made aware of this for 12
7 months. There have been public meetings,
8 and we have another 90 days to work out
9 any unresolved issues. And as I
10 committed to months ago, I did not even
11 introduce the bill prior to May when I
12 thought we were getting close, because I
13 wanted to keep this project moving
14 forward, the discussion moving forward,
15 rather than just keep -- because every
16 time you have a meeting, a new face shows
17 up and says, Oh, by the way, I think it's
18 either -- maybe it's not too tall, but
19 it's too thick or I would rather have the
20 parking garage entrance somewhere else.
21 That happens. I mean, that is
22 unfortunate, but that's just the nature
23 of how these things are.

24 MR. HICKS: That's the nature
25 of those meetings. Right.

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2 COUNCILMAN DiCICCO: And you
3 can't let that interfere with progress.
4 So I'm going to ask this Committee to
5 vote this bill out favorably today with a
6 rules suspension so that we'll continue
7 those discussions over the next three
8 months to see if we can't resolve any
9 unresolved issues.

10 MR. HICKS: Yeah. I understand
11 that and I appreciate your position. My
12 position still is with the general
13 consensus of the community was to negate
14 and remove this from the table so we can
15 discuss further what's going on, because
16 once it's in place, I mean, it can be
17 more or less, using your vernacular
18 earlier, railroaded right down the
19 community's throat.

20 My thing is that with the
21 negotiations that was had at hand, maybe
22 we didn't have enough community
23 involvement as far as the general
24 community concern, and we can rectify
25 that definitely, but as it stands now --

1 6/12/07 - RULES - BILL 070370, ETC.

2 and, sir, I'm just trying to give you
3 what I've been getting in the community
4 here -- is that they are entirely against
5 the height. Anything over, it seemed
6 like, eight stories, which is as high as
7 the Marine building, is really
8 objectionable.

9 COUNCILMAN DiCICCO: Well, I
10 can --

11 MR. HICKS: So now I was told
12 by several members that that's a deal
13 breaker, and I hate for that to go away,
14 because we had -- the last love we had
15 for that particular land was Will Smith.
16 He wanted to do something there, and they
17 was having difficulty with whoever owned
18 the property, because they kept raising
19 the price up.

20 So I understand that, but, I
21 mean, there's a couple other venues and a
22 couple other things that we can do to
23 make that property viable and also to
24 make it a gateway to the Avenue of the
25 Arts other than putting these towers

1 6/12/07 - RULES - BILL 070370, ETC.

2 there.

3 COUNCILMAN DiCICCO: Well, I
4 can tell you that, again, had we not
5 spent as much time as we spent on this
6 project, I would probably have asked --
7 first of all, I would never have
8 introduced the legislation in May to
9 begin with, but I can tell you that an
10 eight-story building, you'll never see
11 anything developed on that site, because
12 the value and the cost of the land are
13 just too cost prohibitive. It's got to
14 be something of a more larger size. I
15 don't want to use the word "massive," but
16 it has to be something greater than eight
17 stories. And what that magic number is,
18 I don't know, but I thought we were there
19 or at least close to it.

20 So, again, with all due respect
21 to you -- I went through this with the
22 Martin Luther King project when we had to
23 do the implosion. I worked, I don't
24 know, how many -- maybe a year and a half
25 on the condemnation stuff, and every week

1 6/12/07 - RULES - BILL 070370, ETC.

2 I met in the church on 12th Street with
3 Reverend Cogger in his church --

4 MR. HICKS: I was there.

5 COUNCILMAN DiCICCO: You
6 remember those contentious meetings.

7 MR. HICKS: Yeah, I do. That's
8 the vote I didn't want to talk about.

9 COUNCILMAN DiCICCO: We worked
10 it out over that --

11 (Someone yelling.)

12 COUNCILMAN DiCICCO: And we
13 worked it out -- Louise, I'll be right
14 with you, Louise.

15 We worked it out over the
16 summer of that year and we worked it out,
17 to my recollection, to the approval of
18 the majority of the people in that
19 community. And I'm committed to doing
20 that over the next 90 days as well.

21 MR. HICKS: Well, I understand
22 that and I commend you on your efforts
23 with that project, because that's more or
24 less what galvanized the community
25 together in the instance in 1999, was

1 6/12/07 - RULES - BILL 070370, ETC.

2 that particular situation. But I'm not
3 going to belabor the point today. I'm
4 just bringing what was told to me about
5 this issue, because, like I said, for the
6 three meetings that the community was
7 aware of as a whole, they were really
8 outraged about this height thing.

9 COUNCILMAN DiCICCO: And I
10 respect their position.

11 MR. HICKS: And I'm not trying
12 to diminish anything that you did,
13 whether it was eight months or a year. I
14 understand that, and you've been working
15 with the community, and I respect that
16 and I respect you. I have nothing as far
17 as animosity toward you. So I hope we
18 can work together there.

19 COUNCILMAN DiCICCO: Yes.

20 MR. HICKS: Because I'm
21 actually running for President for the
22 organization.

23 COUNCILMAN DiCICCO: I heard.
24 Tonight. Congratulations. Are you sure
25 you want the job?

1 6/12/07 - RULES - BILL 070370, ETC.

2 MR. HICKS: I don't know now,
3 you know.

4 COUNCILMAN DiCICCO: This is
5 your baptism of fire today here.

6 MR. HICKS: Oh, my goodness
7 gracious.

8 COUNCILMAN DiCICCO: All right.

9 MR. HICKS: All right.

10 COUNCILMAN DiCICCO: But we'll
11 work together over the summer on it.

12 MR. HICKS: Thank you.

13 COUNCILMAN DiCICCO: Thank you.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 The Chair recognizes Councilman
17 Clarke.

18 COUNCILMAN CLARKE: Thank you,
19 Madam President.

20 Actually, some of my questions
21 have been answered. One in particular, I
22 wasn't sure what your position was with
23 the Hawthorne community. You're a member
24 of the Hawthorne community CDC, community
25 development corporation?

1 6/12/07 - RULES - BILL 070370, ETC.

2 MR. HICKS: No, sir. I was
3 just a member of what we call Hawthorne.

4 COUNCILMAN CLARKE: Is it a
5 civic organization?

6 MR. HICKS: Well, it's an area
7 that was designated Hawthorne. The
8 boundaries sit between South Street to
9 Washington Avenue, from Broad Street to
10 11th Street. And being as though I live
11 there, I was born there, I grew up there,
12 I'm just a member of that community. I
13 had did join the actual civic group,
14 which is the CDC.

15 COUNCILMAN CLARKE: Okay.

16 MR. HICKS: And I'm not really
17 in here in that capacity. I'm here as a
18 civic citizen to express the outrage and
19 the concern that most citizens had. And
20 like I told you, it might have been just
21 a few days ago we collected these
22 signatures, but, again, only three
23 meetings were brought to the community in
24 reference to this and the people are
25 really outraged about it. For me to

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2 collect 250 signatures in a matter of
3 days was like astounding.

4 COUNCILMAN CLARKE: Right. The
5 reason I ask that question, because in
6 the earlier testimony of the lawyer
7 representing the developer, he referenced
8 the Hawthorne CDC, I believe, as an
9 organization that the developer has been
10 working with, and I was wondering if
11 there was a representative from the
12 Hawthorne CDC here.

13 MR. HICKS: Yes. Ms. Pat
14 Bullard, she's President.

15 COUNCILMAN CLARKE: All right.
16 I mean, on one hand it sounds like there
17 was interaction from a positive
18 perspective. You're running for tonight?

19 MR. HICKS: Her seat,
20 President's.

21 COUNCILMAN CLARKE: Is she
22 stepping down?

23 MR. HICKS: She's stepping
24 down.

25 COUNCILMAN CLARKE: Okay. Make

1 6/12/07 - RULES - BILL 070370, ETC.
2 sure we do the equal time thing, you
3 know.

4 MR. HICKS: Oh, yeah.

5 MS. BULLARD: Hi. I'm Patricia
6 Bullard, President of the Hawthorne
7 Empowerment Coalition and Acting
8 Chairperson of the Zoning Committee. We
9 are not a CDC, for the record.

10 COUNCILMAN CLARKE: Okay.
11 You're a civic organization?

12 MS. BULLARD: Yes. So there
13 were questions you wanted to ask me?

14 COUNCILMAN CLARKE: Yeah. I'm
15 trying to find out -- the representative
16 of the developer earlier said that there
17 were ongoing discussions and negotiations
18 on the community benefits agreement
19 between the Hawthorne community group and
20 the developer, and I was just trying to
21 find out from a person who actually
22 represents the organization per se what
23 their characterization of those ongoing
24 discussions are.

25 MS. BULLARD: Well, we have

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2 been having ongoing -- "we" meaning the
3 Zoning Committee -- have been having
4 ongoing meetings with the developer, and
5 when we felt as though we had something
6 to bring back to the community, which
7 we've only had a few meetings with the
8 community on all the issues because we
9 are trying to work them out and to have
10 something to bring to them. When we felt
11 as though we had something to bring back
12 to the community for them to consider, we
13 did, but our lawyer and the developers
14 have been working on this project.

15 We were always opposed to a C-5
16 for this project. We do not want Center
17 City type of buildings to come down into
18 what is a three-story row home area.
19 We've tried to work out an agreement with
20 the developer, but the last agreement
21 that -- well, the last proposal was shot
22 down by the community. We did offer them
23 a 395 feet from grade height for the
24 building, and the community is still
25 opposed to those heights. So the only

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2 thing that we can do at this juncture is
3 to continue to work with them.

4 They want the heights, and the
5 heights are the real sticking issue.
6 We're going to have an impact of probably
7 a thousand units of housing brought down
8 into that immediate area, along with all
9 the traffic that it would bring. City
10 Planning or someone doesn't want cars to
11 enter and exit on Broad Street or
12 Washington Avenue, so, therefore, they're
13 going to enter and exit on 13th Street,
14 which is an extremely small street, which
15 that doesn't make a lot of sense either.

16 But our main sticking point is,
17 we don't like that height. There's no
18 need to have a C-5 zoning designation for
19 the lot next to the U-Haul building. The
20 C-5's open up the potential for greater
21 height.

22 Now, if we can come to some
23 agreement with the developer, we would
24 like our agreement attached to the bill
25 or ordinance. We would have some

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2 restrictions, a deed restriction and a
3 Memorandum of Understanding, as to what
4 we all agree upon. And if he does not
5 agree with our MOU and our deed
6 restrictions, well, we would continue to
7 oppose it.

8 COUNCILMAN CLARKE: Right. So
9 for the record, there is at this point no
10 support from the designated community
11 organization for the 395 height limit?

12 MS. BULLARD: No. We brought
13 it to them, "them" meaning the community,
14 the Zoning Committee did, and the
15 community is definitely opposed. Has
16 always been a lot of opposition to the
17 height of these buildings. That is the
18 main sticking point and has been from the
19 very beginning.

20 COUNCILMAN CLARKE: Councilman,
21 do you mind if I ask you a couple of
22 questions?

23 COUNCILMAN DiCICCO: No.

24 COUNCILMAN CLARKE: With
25 respect to the community benefits

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2 agreement, will that be a part of the
3 legislative package?

4 COUNCILMAN DiCICCO: I don't
5 see any reason --

6 COUNCILMAN CLARKE: As an
7 exhibit.

8 COUNCILMAN DiCICCO: If we can
9 make it part of the exhibit, certainly.

10 COUNCILMAN CLARKE: I know on
11 the Westrum development we did that.

12 COUNCILMAN DiCICCO: Yes.

13 COUNCILMAN CLARKE: Is there a
14 reason why you need a rules suspension?

15 COUNCILMAN DiCICCO: I don't
16 know. It doesn't really matter. Just
17 vote it out, then.

18 COUNCILMAN CLARKE: Okay.

19 COUNCILMAN DiCICCO: We have 90
20 days to work it out, whatever we have to
21 work out anyway.

22 I know there's some time
23 sensitive stuff on the acquisition. The
24 developer has been paying the owner a
25 considerable amount of money on a monthly

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2 basis for the option to buy this. I
3 mean, that's where we are. And I'm not
4 suggesting that the community should be
5 held hostage as a result of that, but
6 that could be a significant issue on
7 behalf of the developer.

8 COUNCILMAN CLARKE: Well, I ask
9 that because this happens to be an issue
10 coming up tomorrow that, to some degree,
11 has a similar scenario and people are
12 being asked to do certain things on that
13 particular issue, and this is not
14 necessarily the level of impact -- and it
15 might actually be. I'm just wondering
16 why --

17 COUNCILMAN DiCICCO: 500
18 million?

19 COUNCILMAN CLARKE: It's a
20 significant development.

21 COUNCILMAN DiCICCO: But for
22 height, I think the community would
23 accept it.

24 COUNCILMAN CLARKE: I guess I'm
25 asking why do we have to --

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2 COUNCILMAN DiCICCO: I think it
3 may have to -- Mr. Patterson might --

4 COUNCILMAN CLARKE: There's
5 this whole issue about pending
6 legislation that I'm sure is going to
7 come up tomorrow.

8 COUNCILMAN DiCICCO: I
9 understand.

10 MR. PATTERSON: I can answer
11 that. First, I'd like to add that
12 looking at the design, we did push the
13 towers towards Broad Street as far away
14 from the residential area as we could.
15 If it gets voted favorably out of
16 Committee, we will go to settlement. And
17 the rules suspension we requested is
18 because --

19 COUNCILMAN CLARKE: I'm sorry.
20 You would do what? You would go to what?

21 MR. PATTERSON: We will settle
22 on the property.

23 COUNCILMAN CLARKE: Why is
24 that?

25 MR. PATTERSON: Because then we

1 6/12/07 - RULES - BILL 070370, ETC.

2 would be able to have our financing to
3 justify to the bank why we want to
4 purchase this property and use it for
5 this use when it is currently zoned
6 Industrial.

7 COUNCILMAN CLARKE: Why does
8 that trigger your ability to get
9 financing if it's voted out of Committee?

10 MR. PATTERSON: Because that's
11 what the bank is looking for, is some
12 kind of assurance at least that it's
13 moving forward, that it came out of
14 Committee. We asked for the rules
15 suspension because we're going to have a
16 90-day delay, and then if we come back in
17 September and we have two full readings,
18 that will delay us further until we can
19 actually apply for our zoning.

20 COUNCILMAN CLARKE: So seven
21 days will kill the deal, seven additional
22 days?

23 MR. PATTERSON: It won't kill
24 the deal. I didn't calculate it as seven
25 days, but if that's what you're telling

1 6/12/07 - RULES - BILL 070370, ETC.

2 me --

3 COUNCILMAN CLARKE: Well, I'm
4 saying if you vote it out with a rules
5 suspension versus coming out without a
6 rules suspension, it just adds seven
7 days.

8 MR. PATTERSON: Okay.

9 COUNCILMAN CLARKE: I'm trying
10 to find out why that trigger in terms
11 of -- because it will have a first
12 reading tomorrow and it actually
13 physically will be out of Committee if
14 it's a rules suspension. I'm trying to
15 find out if that's a particular --

16 MR. PATTERSON: All we're
17 asking for is that it come out of
18 Committee. That's all I'm concerned with
19 immediately, so we can then move forward
20 with the project.

21 COUNCILMAN CLARKE: Okay.

22 MR. PATTERSON: That's what
23 triggers the financing.

24 COUNCILMAN CLARKE: Okay.

25 Thank you, Madam President.

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2 COUNCIL PRESIDENT VERNA:

3 You're welcome.

4 The Chair recognizes
5 Councilwoman Brown.

6 COUNCILWOMAN BROWN: Thank you,
7 Madam President.

8 Moving it out of Committee
9 today and you going to settlement, that
10 document would have to show the existing
11 height of the towers, since that seems to
12 be the major hurdle here?

13 MR. PATTERSON: The zoning
14 change has no height limitation in
15 connection with the ordinance. We're not
16 asking to maximize either the height or
17 the Floor Area Ratio, the FAR, in terms
18 of what C-5 would allow. C-5 allows up
19 to 1,200 percent FAR. I think --

20 COUNCILWOMAN BROWN: FAR is
21 what?

22 MR. PATTERSON: Floor Area
23 Ratio. It means how much square foot you
24 can build based upon how much land you
25 have. So in this case, you have four

1 6/12/07 - RULES - BILL 070370, ETC.
2 acres. You're allowed under C-5 to build
3 12 times 194 square feet. That's how
4 many square feet of building you can
5 build. We're not asking to build the
6 maximum. We're probably at around nine
7 or ten FAR. So there's no height
8 limitation. You're only limited by how
9 much FAR you could build. So that's why
10 we had discussions about the height,
11 because we too weren't going to -- didn't
12 feel it was appropriate to just leave the
13 height as an unlimited height.

14 So we look at the height and
15 then we look at the FAR, and then when it
16 comes out of Committee, it would not have
17 a height limitation. It would be the
18 ceiling of 12 under FAR, but then we were
19 going to -- our intention was to have the
20 deed restriction and Memorandum of
21 Understanding that would then further
22 limit it specifically to our project and
23 the parameters of the bubble of the
24 building, both the height and the FAR.

25 COUNCILWOMAN BROWN: Do you or

1 6/12/07 - RULES - BILL 070370, ETC.

2 your company have any experience in
3 negotiations where height was the
4 sticking point and you reached a level of
5 compromise, if you will?

6 MR. PATTERSON: As a matter of
7 fact -- I'm just going to get up from the
8 table for a minute.

9 The colored rendering here in
10 front of me is at Broad and South, the
11 1300 block, which is in the Hawthorne
12 Empowerment Coalition, which is actually
13 built by Mr. Bennick Moon, who wants to
14 build this particular project, and we did
15 negotiate a similar Memorandum of
16 Understanding in terms of height and
17 they're down to that it's 73 feet. I
18 mean, we probably spent over a year on
19 that agreement as well and nine meetings
20 in that time period.

21 So, yes, we've dealt with and
22 worked with in this particular area with
23 the Hawthorne Coalition.

24 COUNCILWOMAN BROWN: Okay.

25 Thank you.

1 6/12/07 - RULES - BILL 070370, ETC.

2 MR. HICKS: And by the way, let
3 me just add, that was like pulling teeth
4 to get them to bring it down --

5 MR. PATTERSON: Well, it was
6 pulling teeth on the other end, too.

7 MR. HICKS: -- to 70 feet or
8 so. And I believe there's also an issue
9 with that, with this platform that's in
10 front of this building right now. For
11 some reason, that wasn't part of the
12 original plan and --

13 COUNCILWOMAN BROWN: Was or was
14 not?

15 MR. HICKS: They have an
16 elevation encompassing the whole facade
17 of that same building.

18 MR. PATTERSON: Well, look, I
19 don't think we need to get into that.
20 That is an ADA accessibility issue where
21 we're required --

22 MR. HICKS: I understand that.
23 You're not going to outtalk me right
24 here. I'm trying to talk --

25 MR. PATTERSON: Well, you're

1 6/12/07 - RULES - BILL 070370, ETC.

2 not going to outtalk me either. You're
3 being irrelevant now.

4 MR. HICKS: I'm explaining the
5 situation that you brought up here.

6 MR. PATTERSON: Why don't you
7 run for President now. Go ahead.

8 MR. HICKS: So now what I was
9 saying is that, wheelchairs can't even
10 get past with this obstruction from this
11 particular building at this moment.

12 MR. PATTERSON: It's for
13 wheelchairs. Excuse me.

14 MR. HICKS: And it's --

15 MR. PATTERSON: There's an
16 ordinance allowing it to be built, an ADA
17 entrance to the building.

18 MR. HICKS: Sir.

19 COUNCILMAN DiCICCO: Madam
20 Chair --

21 MR. PATTERSON: You want to
22 speak out of turn.

23 COUNCILMAN DiCICCO: Madam
24 Chair --

25 MR. HICKS: No. I was

1 6/12/07 - RULES - BILL 070370, ETC.

2 expounding on it.

3 COUNCILMAN DiCICCO: Madam
4 Chair, might I interject for a minute,
5 Madam Chair?

6 COUNCIL PRESIDENT VERNA:
7 Please.

8 COUNCILMAN DiCICCO: Gentlemen,
9 Mr. Hicks, you're mixing apples with
10 oranges. I met with Pat Bullard again
11 last week on that project that's in front
12 of you, the South Street project. That
13 was built conformed to ADA standards. We
14 recognize there's a problem with the
15 width of the sidewalk. We have two or
16 three remedies that have been presented
17 to Hawthorne as remedies to make that
18 sidewalk more accessible for wheelchair
19 bound and pedestrians in general. But
20 we're working on that. We've been down
21 that road with this project. There have
22 been many adjustments, many adjustments
23 that the developer made to accommodate
24 the community.

25 MR. HICKS: Correct, sir.

1 6/12/07 - RULES - BILL 070370, ETC.

2 COUNCILMAN DiCICCO: So,
3 please, let's really stick to the Broad
4 and Washington.

5 MR. PATTERSON: And to our
6 detriment, I might add. It came down so
7 low that we're out of space for retail.

8 COUNCILMAN DiCICCO: I
9 understand that, but that's not the
10 issue. The issue here is Broad and
11 Washington Avenue.

12 MR. HICKS: I was just trying
13 to add some color to what's going on here
14 in reference to that particular project
15 that they dealt with us with.

16 COUNCILWOMAN BROWN: Let me
17 move to another item I wanted to revisit.
18 You mention, Mr. Hicks, that you've had
19 experiences with developers who were able
20 to negotiate a type of agreement whereby
21 residents from the immediate community
22 were connected with a union, who then
23 allowed people from the community to
24 actually work on the project. Cite the
25 name of those developers again.

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2 MR. HICKS: We have a private
3 developer by the name of Don Ventresca,
4 who actually hired community members.
5 One of the community members actually got
6 absorbed through the union.

7 COUNCILWOMAN BROWN: Which
8 union?

9 MR. HICKS: I believe it was
10 the Labor Union itself.

11 COUNCILWOMAN BROWN: Local 332?

12 MR. HICKS: Yes, ma'am.

13 COUNCILWOMAN BROWN: Okay. I'm
14 trying to see if we can broaden that.
15 Any others?

16 MR. HICKS: Yeah. We actually
17 got members of the community on the
18 worksite of Metro Developers at Broad --
19 11th and Washington Avenue. One fellow
20 actually got absorbed into their company
21 and with all the rights and benefits that
22 come with it. There's another young
23 fellow that was working on various sites
24 in the community that actually got picked
25 up by Universal Companies. I believe it

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2 was called UniPenn at the time. And that
3 was the actual developer that galvanized
4 us as a community to get together, and we
5 had a lot of negotiation with them also,
6 and this gentleman actually got absorbed
7 into, I believe it was, the Carpenters
8 Union.

9 COUNCILWOMAN BROWN: Okay.

10 MR. HICKS: And he has since,
11 young guy, he got incarcerated and he
12 lost his ticket. But what I'm trying to
13 say to you is that we try to be fair as a
14 community. And, by the way, I was on the
15 Zoning Board when this project came up,
16 the one on South Street. And basically
17 the premise that we try to hold, at least
18 when I was involved with it, was to make
19 sure that everybody come with a win-win
20 situation. Everybody is not going to be
21 happy, but we should come away with this
22 with some type of consensus that you get
23 a little bit, you give a little bit.
24 Most of the developers came through. And
25 I have to say -- I know he's talking

1 6/12/07 - RULES - BILL 070370, ETC.
2 about mixing apples with oranges, but
3 with the South Street project, I was
4 promised jobs and the community never got
5 them. Now, I was told there was some
6 union constraints or whatever the case
7 may be, but in any event, we never got
8 the jobs from this particular project.

9 COUNCILWOMAN BROWN: However,
10 if I recall in your testimony, you've
11 indicated that you're in discussions with
12 the principal parties to put that in
13 whatever written agreements you come up
14 with?

15 MR. HICKS: Yes, ma'am. I had
16 made a suggestion and gave it to Ms.
17 Bullard as a suggestion from the
18 committee that I chair, which is
19 Neighborhood Development, and she has
20 since gave them the suggestion, what I
21 also made part of the record today, about
22 trying to get some type of agreement with
23 the community for community set-asides
24 before the developer talks to the unions
25 at hand that this contract will be in

1 6/12/07 - RULES - BILL 070370, ETC.

2 place and when you talk and deal with the
3 unions, that you make them aware that
4 some of those jobs, at least maybe three
5 or four, might be just set aside for
6 community members. So I haven't gotten
7 any feedback on that as of yet.

8 MR. PATTERSON: This is the
9 first that I've heard of it. I haven't
10 dealt with it before. It sounds like a
11 good idea and we're happy to consider it.
12 I'd like to see what the proposal is. If
13 we can work with the union and appease
14 them, that's great, too. The last thing
15 we want is a job shutdown.

16 MR. HICKS: Right.

17 COUNCILWOMAN BROWN: I thank
18 you all for your testimony.

19 MR. HICKS: Thank you, ma'am.

20 COUNCILWOMAN BROWN: Thank you,
21 Madam Chair.

22 COUNCIL PRESIDENT Verna: Thank
23 you.

24 The Chair recognizes Councilman
25 Clarke.

1 6/12/07 - RULES - BILL 070370, ETC.

2 COUNCILMAN CLARKE: Thank you.

3 Mr. Patterson, if you are able to go to
4 financing based on the passage of this
5 bill out of Committee and I'm assuming
6 that the bill incorporates a deed
7 restriction that earlier you indicated
8 it's for that project and that project
9 alone --

10 MR. PATTERSON: Correct.

11 COUNCILMAN CLARKE: -- if over
12 the summer there are negotiations between
13 the Councilman, the community and the
14 developer that call for a reduction in
15 the size of the building, what happens to
16 your financing and your deed restriction?

17 MR. PATTERSON: I don't know.
18 We'd have to go back and see what the
19 parameters of the financing is. It could
20 be based on the amount of square feet. I
21 mean, the project has to work as a whole,
22 so many square feet to be constructed.

23 We were offered saying you
24 could build three towers if they're
25 lower. You can have more square feet.

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2 We didn't want to maximize the property.

3 We were trying to look for the best
4 design and have the majority of the
5 project pushed towards Broad Street.

6 So I don't know that answer
7 right now. We didn't plan on that yet.

8 COUNCILMAN CLARKE: And also
9 the issue with respect to the deed
10 restriction since the deed restriction
11 doesn't --

12 MR. PATTERSON: The final
13 version of the deed restriction would
14 incorporate what's called a draft final
15 design of the site plan, and we would
16 build in material compliance with that
17 plan. If it deviates, then it would not
18 be allowed, because it would be in
19 violation of the deed restriction.

20 So we're trying to give
21 everybody comfort that what we're going
22 for and what we say we're going to build,
23 that we will build. Whether it's us --
24 and we have no plans to flip it -- that
25 if another developer came in or he went

1 6/12/07 - RULES - BILL 070370, ETC.

2 bankrupt, that that would get built or it
3 would go back to square one and have to
4 start all over again with the community.

5 COUNCILMAN CLARKE: So if
6 there's a substantial difference in the
7 nature of the project, it would have to
8 start --

9 MR. PATTERSON: It cannot go
10 through.

11 COUNCILMAN CLARKE: -- with
12 another ordinance to get rezoned?

13 MR. PATTERSON: Or renegotiate
14 to undo the deed restriction, which would
15 be written for the benefit for the
16 Hawthorne Empowerment Coalition. That
17 would be the grantee, so to speak, of
18 the --

19 COUNCILMAN CLARKE: Wouldn't
20 you be required to do another ordinance?
21 Because the deed restriction is a part --
22 is the deed restriction a part of the
23 ordinance?

24 MR. PATTERSON: No. It's not
25 attached to the ordinance.

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2 COUNCILMAN CLARKE: It's not
3 attached to the ordinance. Is it listed
4 as an exhibit?

5 MR. PATTERSON: I mean, it
6 could be. I don't know how the procedure
7 would work in City Council, but we're
8 committed to doing the memorandum and the
9 deed restriction, and we've promised that
10 to Councilman DiCicco as well.

11 COUNCILMAN CLARKE: Okay.

12 MR. PATTERSON: And the whole
13 idea is -- look, I understand I'm a
14 zoning lawyer and that if you rezone
15 something and then you walk away, the
16 zoning goes with the land, you could
17 build whatever you want under C-5.
18 That's not our intention. We're saying,
19 look, if we rezone it, this is what we're
20 going to build. If we walk away, we go
21 bankrupt, whatever happens, if something
22 unfortunate happens, no one is going to
23 come in under C-5 and put a night club
24 there. It's either what we're proposing
25 restricted by the deed restriction or it

1 6/12/07 - RULES - BILL 070370, ETC.

2 could be rezoned back to G-2 or, at the
3 end of the day because the agreement is
4 between us and Hawthorne, both parties
5 would have to agree to amend, undue or
6 revise the deed restriction.

7 COUNCILMAN CLARKE: Okay.

8 Thank you.

9 MR. PATTERSON: That's what we
10 came up with.

11 COUNCILMAN CLARKE: Thank you,
12 Madam President.

13 COUNCIL PRESIDENT VERNA: Any
14 other questions or comments from members
15 of the Committee?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Thank
18 you very much.

19 Do we have anyone else to
20 testify on this bill?

21 MS. HANNIBAL: Yes. I would
22 like to speak, because I live directly
23 across the street from where --

24 COUNCIL PRESIDENT VERNA:
25 Please approach the witness table, state

1 6/12/07 - RULES - BILL 070370, ETC.

2 your name and proceed with your
3 testimony.

4 MS. HANNIBAL: Good afternoon,
5 President Verna --

6 COUNCIL PRESIDENT VERNA: Good
7 afternoon.

8 MS. HANNIBAL: -- and members
9 of this Committee. My name is Louise
10 Hannibal.

11 I was thrown out from the area
12 at 13th and Bainbridge. A house was
13 built for me at 13th and Kimball. I live
14 directly across the street from that,
15 DiCicco. And where you want to put that
16 parking lot is directly across from me,
17 and I'm looking at that site. So what
18 happens to all the people that live in
19 the three-story row houses on 13th Street
20 that will interfere with our lives?

21 Now, they built that building
22 at 11th and Washington Avenue, but they
23 didn't put no -- in your area where you
24 live, DiCicco, there's no 32-story
25 building there. It's a four- or

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2 five-story building. On South Street,
3 that is not a 32-story building. That's
4 a four- or five-story building. Why do
5 you want to support something that's
6 going to go up that high in a residential
7 area? And I've been living there for 67
8 years, DiCicco, and that has always been
9 a residential area. Houses was all along
10 Carpenter Street, all along 13th Street.
11 You had a candy factory on the corner of
12 13th and Washington Avenue. You had the
13 Armory over there that blew up where you
14 want to put that. But we have never --
15 the highest building on Broad Street
16 coming down that area is no higher than
17 five stories.

18 So I'm saying to y'all, do not
19 pass this bill. We've been duped enough
20 in that community. We don't get none of
21 the jobs. They hire a couple people.
22 When you look, they gone. We didn't get
23 none of them jobs on South Street. We
24 didn't get none of those jobs on 11th and
25 Washington Avenue. Enough is enough.

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2 You have darn near taken our whole
3 community. And you supposed the
4 represent us, DiCicco, not the
5 developers. You supposed to represent
6 the voters of your district.

7 (Applause.)

8 MS. HANNIBAL: And I have
9 always supported you. So support us for
10 a change.

11 COUNCILMAN DiCICCO: Thank you,
12 Louise.

13 Madam President, may I?

14 COUNCIL PRESIDENT VERNA:
15 Please.

16 COUNCILMAN DiCICCO: You know I
17 live two blocks away from 11th and
18 Washington Avenue. So I do live in your
19 community. I've been there for --

20 MS. HANNIBAL: I know you do.

21 COUNCILMAN DiCICCO: Let me
22 finish, please.

23 MS. HANNIBAL: But you're not
24 putting it on 11th Street where you live.

25 COUNCILMAN DiCICCO: Louise,

1 6/12/07 - RULES - BILL 070370, ETC.

2 you identified --

3 MS. HANNIBAL: You put up five
4 stories.

5 COUNCILMAN DiCICCO: -- that
6 you used to live at 13th and where?

7 MS. HANNIBAL: 13th and
8 Bainbridge, where we were thrown out.
9 Not moved out, thrown out.

10 COUNCILMAN DiCICCO: And that
11 was what?

12 MS. HANNIBAL: Martin Luther
13 King.

14 COUNCILMAN DiCICCO: How tall
15 was that?

16 MS. HANNIBAL: That building
17 was 15 story, and they claim they did no
18 longer want high-rise buildings in that
19 area. They claim they no longer wanted
20 high-rise buildings in that area because
21 we wanted to keep the 15-story building
22 and keep it for 55 and older and senior
23 citizens. They came back and said they
24 no longer wanted high rise. Now here you
25 come with a high-rise, DiCicco.

1 6/12/07 - RULES - BILL 070370, ETC.

2 (Applause.)

3 MS. HANNIBAL: Represent us for
4 a change. We support you every time you
5 come out to run. So start supporting us
6 for a change, DiCicco. You want a
7 30-story building? Put it on 11th Street
8 where you live, DiCicco, or let the
9 developers put it in they neighborhood
10 where they live. You know it's not
11 right.

12 If you come -- I would like to
13 invite this Committee to Broad Street, to
14 13th Street and see the highest building
15 ever was built there. I've been there
16 all my life and I'm tired of being pushed
17 out and moved around.

18 (Applause.)

19 COUNCILMAN DiCICCO: So you
20 lived in a building that was 15 stories
21 high, which was well above the eight
22 stories that's being proposed by the
23 Hawthorne community?

24 MS. HANNIBAL: DiCicco, you're
25 not talking about no eight-story

1 6/12/07 - RULES - BILL 070370, ETC.

2 building.

3 COUNCILMAN DiCICCO: No. The
4 testimony is you would not accept --

5 MS. HANNIBAL: But you agreed
6 with them to tear it down because you
7 didn't want no more high rise in the
8 area. What you got to gain from it,
9 DiCicco? Tell me.

10 COUNCILMAN DiCICCO: That was
11 the Housing Authority that did that, not
12 me.

13 MS. HANNIBAL: No. You was
14 part of it. You went along with
15 everything they did. What happened to
16 the 42 low-income housing people that's
17 supposed to been able to buy? We didn't
18 get a one. We didn't get a one. Before
19 they even built that house, they had sale
20 signs on a half-built house. We didn't
21 get a one.

22 COUNCIL PRESIDENT VERNA: Thank
23 you very much for coming in to testify.

24 Do we have anyone --

25 (Applause.)

1 6/12/07 - RULES - BILL 070370, ETC.

2 COUNCIL PRESIDENT VERNA: Do we
3 have anyone else to testify on this bill?

4 Please approach the witness
5 table, identify yourself for the record
6 and proceed with your testimony.

7 MS. PETRONE: Good morning. My
8 name is Susan Petrone and my mother lives
9 on the 1300 block of Ellsworth Street, a
10 block from the proposed site. My name is
11 also on that deed, so I am also a
12 property owner a block away.

13 I am also opposed to the height
14 of these towers and the scope of the
15 development on Broad and Washington
16 Avenue. My biggest concern is that --
17 one of my biggest concerns is that there
18 was a difficult seller here, to quote the
19 developer, and that because the price was
20 prohibitive and extortion, that my
21 concern is that the scope and the size of
22 this development will reflect what the
23 profits are going to have to be so these
24 people can walk out in a winning
25 situation.

1 6/12/07 - RULES - BILL 070370, ETC.

2 We are a residential
3 neighborhood. We have been. I am a
4 life-long resident. The area surrounding
5 it is still light industrial, but
6 primarily residential. I do understand
7 that Broad and Washington is a boulevard
8 and can take some larger and more
9 beautiful development. Thirty to 40
10 stories is, in my opinion, not an
11 appropriate size and scale for that site.
12 And, if anything, from what I understand,
13 even Symphony House a little bit north of
14 that is not selling their units the way
15 they anticipated.

16 I think we should really take
17 some more time and really get a better
18 level of conversation going with the
19 community for this and have something
20 that's appropriate and is a gateway for
21 the south end of -- I don't want to say
22 the south end of Center City, but
23 something that will be a gateway but more
24 appropriate.

25 Thank you.

1 6/12/07 - RULES - BILL 070370, ETC.

2 COUNCIL PRESIDENT VERNA: Thank
3 you very much.

4 (Applause.)

5 COUNCIL PRESIDENT VERNA: Do we
6 have anyone else to testify on this bill?

7 COUNCILMAN DiCICCO: Keep it an
8 empty lot another 20 years, make it easy.

9 COUNCIL PRESIDENT VERNA:
10 Anyone else to testify on this bill?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:
13 Seeing no one, this will conclude our
14 public hearing. We will now go into our
15 public meeting.

16 Bill No. 070338 will be held
17 because it requires two hearings.

18 The Chair recognizes Councilman
19 Clarke regarding Bill No. 070370 and
20 030731.

21 COUNCILMAN CLARKE: Brief
22 recess, Madam President.

23 COUNCIL PRESIDENT VERNA:
24 Recess?

25 COUNCILMAN CLARKE: Brief

1 6/12/07 - RULES - BILL 070370, ETC.

2 recess.

3 COUNCIL PRESIDENT VERN: Okay.

4 (Short recess.)

5 COUNCIL PRESIDENT VERNA:

6 Again, the Chair recognizes Councilman
7 Clarke.

8 COUNCILMAN CLARKE: Thank you,
9 Madam President. Madam President, I make
10 a motion that Bill 070370 be reported out
11 of Committee, with no request for rules
12 suspension, with a favorable
13 recommendation.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill No.
17 070370 be reported out of Committee with
18 a favorable recommendation.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT VERNA: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 ayes have it and the motion carries.

1 6/12/07 - RULES - BILL 070370, ETC.

2 Again, the Chair recognizes
3 Councilman Clarke regarding Bill No.
4 070371.

5 COUNCILMAN CLARKE: Madam
6 President, I move that Bill No. 070371 be
7 reported by the Committee, with no
8 suspension of the rules, reported out
9 with a favorable recommendation.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that Bill No.
13 070371 be reported out of Committee with
14 a favorable recommendation.

15 All in favor will signify by
16 saying aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the motion carries.

23 The Chair recognizes Councilman
24 Clarke regarding Bill No. 070463.

25 COUNCILMAN CLARKE: Madam

1 6/12/07 - RULES - BILL 070370, ETC.

2 President, I move that Bill No. 070463 be
3 reported out of Committee with a
4 favorable recommendation and a request
5 for rules suspension as to allow reading
6 at the next session of Council.

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and seconded that Bill No.
10 070463 be reported out of Committee with
11 a favorable recommendation; further, that
12 the rules of Council be suspended so as
13 to permit first reading at our next
14 session of Council.

15 All in favor will say aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The
21 ayes have it. The motion carries.

22 This concludes our public
23 meeting of the Rules Committee.

24 Thank you all very much.

25 (Committee on Rules adjourned)

1 6/12/07 - RULES - BILL 070370, ETC.
2 at 12:25 p.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 June 12, 2007, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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