

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 21, 2015
10:10 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 150374, 150499, 150645, and 150649

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COUNCILMAN GREENLEE: Good morning, everybody. This is the Committee on Rules. First, we have obtained a quorum: Councilman Goode, the Vice Chair of the Committee; Councilman Henon; Councilwoman Tasco; and Councilman O'Brien; and myself, Bill Greenlee.

First, let me note for the record that Bill No. 150649, which is the Rittenhouse Square zoning issue, will be held until our next Committee hearing, which is November 16th, 2015.

Ms. Marconi, could you read the first bill before us today.

THE CLERK: Bill No. 150645, an ordinance amending Chapter 14-300 of The Philadelphia Code, entitled "Administration and Procedures," to add requirements related to the recording of survey plans and final plats, under certain terms and conditions.

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Thank

1 10/21/15 - RULES - BILL 150374, etc.

2 you.

3 Good morning. Please identify
4 yourself and proceed.

5 MR. GREGORSKI: Good morning,
6 Councilman Greenlee, members of the Rules
7 Committee. I'm Marty Gregorski, Division
8 Director of the Development Division of
9 the Philadelphia City Planning
10 Commission. I'm here to testify on Bill
11 No. 150645, which was introduced into
12 City Council on September 10th, 2015 by
13 Councilmember Greenlee.

14 Bill No. 150645 amends the
15 technical requirements for recording a
16 lot adjustment or subdivision with the
17 Department of Records. This bill was
18 drafted at the request of the Department
19 of Records to clarify what is needed for
20 such a submission, and is consistent with
21 the actual procedures that are currently
22 being used. The City Planning Commission
23 believes that this bill will cure some of
24 the confusion that applicants face when
25 recording these plans.

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2 The Philadelphia City Planning
3 Commission at its meeting of October
4 20th, 2015 recommended Bill No. 150645
5 for approval.

6 I would be happy to answer any
7 questions at this time.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Gregorski. Let's hear from
10 Commissioner Decker, and then if there's
11 any questions.

12 Commissioner.

13 COMMISSIONER DECKER: Sure.
14 Good morning.

15 COUNCILMAN GREENLEE: Good
16 morning.

17 COMMISSIONER DECKER: I also am
18 here today to show support for Bill No.
19 150645. My name is Joan Decker. I serve
20 as the Records Commissioner. And this
21 bill will address requirements for deeds
22 and survey plans in the event of a
23 subdivision or consolidation of a
24 property. And with your approval, I will
25 just summarize.

1 10/21/15 - RULES - BILL 150374, etc.

2 What this bill will require is
3 the submission of a deed of either a
4 consolidation or subdivision accompanied
5 by an approved survey plan or final plat
6 whenever the lot lines for a property,
7 the land component, are changed. This
8 will address some of the confusion, as
9 Marty pointed out, that we really are
10 experiencing in the public record.

11 Without this revision, the
12 impact would be that the information on
13 the public record, which is where the
14 public and many of the real estate
15 practitioners refer, it's the repository
16 for land data, the information will not
17 be accurate and current. That means that
18 there might have been on the ground in
19 reality changes in the dimensions and
20 size of the piece of property. We would
21 not have the current owner's name, the
22 correct dimensions or the date of any
23 changes or transfers. So this bill will
24 actually cure and correct some of these
25 issues.

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2 These issues create a lot of
3 complex issues later when there is a
4 pending transaction, which then requires
5 using legal assistance, attorneys'
6 involvement, and it increases the cost
7 and also delays the pending transaction
8 completion. The best example that I can
9 use is that of a -- it was a real-life
10 example of a property owner who sold off
11 an adjacent lot that he owned to a
12 neighbor, and the neighbor then
13 theoretically owns the larger piece of
14 land, and the new owner paid taxes on the
15 entire parcel. However, the correct
16 documents were not filed and the existing
17 prior owner actually reflected still
18 owning the larger piece of property.
19 When that homeowner died, it took quite a
20 bit of time to resolve this issue, to
21 locate heirs, to resolve the property
22 issues, and to properly subdivide the
23 property and then transfer to the new
24 owner wherein the lot lines were
25 consolidated into one property line and

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2 the correct documents, the deed of
3 subdivision and confirmation, were
4 properly filed.

5 Again, this really helps us to
6 resolve a lot of the complex issues that
7 sometimes delay sales and increase costs
8 for the homeowner, and it will reflect
9 more accurate information on the public
10 record.

11 I wanted to thank you,
12 Councilman Greenlee, for your support and
13 for introducing this legislation to the
14 Committee as Chair, and I thank you for
15 helping us to improve the recording
16 process in the Department of Records. I
17 am very glad to be able to testify on
18 behalf of this bill and would be happy to
19 answer any questions you may have.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you. Thank you, Commissioner and
22 Mr. Gregorski, and, Commissioner, thank
23 you for all the work you're doing there.
24 I know we've gone through a lot of issues
25 there and things keep steadily improving,

1 10/21/15 - RULES - BILL 150374, etc.
2 and I think this bill also will improve
3 both for your department and for the
4 public.

5 Just for the record, there are
6 letters here in support of this bill both
7 from Philadelphia VIP and from Kenneth
8 Fleisher, who is the Chair of the Real
9 Estate Department of the law firm of
10 Zarwin Baum, both in support of the bill.

11 Any questions for the
12 Commissioner?

13 First, for the record,
14 Councilwoman Reynolds Brown is present,
15 and I recognize Councilwoman Reynolds
16 Brown.

17 COUNCILWOMAN BROWN: Good
18 morning. Good morning.

19 Can you please share with us
20 what triggered the need for this action?

21 COMMISSIONER DECKER: Sure.
22 Good morning, Councilwoman. Yes. What
23 happens is, when a property is subdivided
24 or consolidated and transferred to a
25 different owner, without the proper legal

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2 documented deed, which is legal
3 representation of the ownership as well
4 as the legal representation of the exact
5 dimensions of the property, the land
6 mass, that this particular owner really
7 now owns, the public --

8 COUNCILMAN GREENLEE:

9 Commissioner, let me interrupt you a
10 second. It's a little hard to hear in
11 this room. It's a hearing room, but it
12 can't hear real well in it. Can you
13 speak right into the microphone.

14 COMMISSIONER DECKER: Sorry.
15 Is this better?

16 COUNCILMAN GREENLEE: It might
17 be the microphone. It might not be you.
18 But go ahead.

19 COMMISSIONER DECKER: So what
20 happens when there is a change in
21 actually the lot lines of the land mass,
22 of the property, without the submission
23 of a deed, which reflects that, the deed
24 is supposed to include the legal
25 description, the metes and bounds

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2 description, which provides the
3 dimensions of the property, the land mass
4 that the property owner owns, there is no
5 formal deed that is in some cases filed
6 and recorded with the Department of
7 Records. The Department of Records is
8 responsible for maintaining the deed
9 registry and also the registry of the
10 property lines. So in the absence of
11 that being on the public record, neither
12 the citizens, the members of the public
13 nor real estate practitioners have
14 current and accurate information to go
15 by.

16 For example, title insurers use
17 these public records to issue title
18 insurance and to represent clearly the
19 coverage for the legal dimensions of a
20 property. So this is really attempting
21 to ensure that the proper deed, which is
22 a legal document, is on the public record
23 and it clearly identifies who the owner
24 of the property is, how large the
25 dimensions of the property are, the land

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2 mass, and exactly when that transfer
3 occurred, so it's very clear who owned
4 what when.

5 When that is not filed with the
6 Records Department, it really doesn't
7 appear in a comprehensive way in any of
8 the other City agency systems, and the
9 Records Department has the responsibility
10 for maintaining the land records and
11 making them available to the public. So
12 we want to ensure that this information
13 is accurate and it is current, that it
14 actually reflects what is happening on
15 the ground in reality.

16 COUNCILWOMAN BROWN: So what
17 happens in instances -- or will the same
18 protocols apply in instances where an
19 owner wants to subdivide their property
20 and the property that is subdivided
21 remains in the owner's name?

22 COMMISSIONER DECKER: Well,
23 when that happens is that the owner is
24 still reflected on the public record as
25 owning that property. We distribute that

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2 information to other City agencies, and
3 it is possible that it would affect
4 different situations like taxing, taxing
5 as to who really owns the taxes on that
6 particular lot of land, and it determines
7 the amount of taxes that are due. The
8 larger the property in many cases, the
9 larger the land mass, the higher the tax
10 bill. So it creates issues when that
11 occurs, and it also creates issues in
12 addition to current, whenever that
13 property is sold, there is not a clear
14 chain of title on the property. So when
15 a prospective sale occurs, that property
16 owner will have difficulty. There will
17 be delays in trying to resolve all those
18 issues. It will require an attorney
19 working on that to go through the chain
20 of title, working with the land title
21 insurance company before all of that
22 could be resolved. So it increases the
23 costs for a property owner and it also
24 will delay any pending sales or any other
25 type of changes that the owner wishes to

1 10/21/15 - RULES - BILL 150374, etc.
2 make.

3 COUNCILWOMAN BROWN: What
4 administrative measures or practices will
5 go in place to inform citizens that this
6 is the new order of the day?

7 COMMISSIONER DECKER: We
8 have -- we will be sending letter
9 notifications. Of course, this
10 particular legislation will become
11 incorporated into The Philadelphia Code,
12 which most practitioners refer to, so it
13 will be very clear the steps to follow.
14 The Records Department, we will inform
15 owners when we can determine that there
16 is a change in the property and it is not
17 properly reflected on the public record.
18 We will send a letter and also give them
19 a clear explanation of what is missing
20 and what needs to be corrected.

21 COUNCILWOMAN BROWN: So there
22 will be a trigger in your department?
23 Practitioners will know what to do.

24 COMMISSIONER DECKER: Yes,
25 that's correct.

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2 COUNCILWOMAN BROWN: Most of us
3 are not practitioners who live and
4 breathe the business of what this is all
5 about. So for the average citizen, what
6 protections will be in place so they are
7 not penalized for not knowing that this
8 is the new law? What will be the trigger
9 in your department for the average
10 citizen?

11 COMMISSIONER DECKER: Well,
12 again, when we are aware that there is a
13 change, we will notify the property
14 owner. We will be looking at the
15 documents and identifying where there is
16 a difference, there is a change, and
17 informing them that they really need to
18 have a deed of confirmation subdivision
19 recorded with the Records Department and
20 to bring in the copy of the plan, which
21 should have already gone through the
22 approval process, but we will advise them
23 as to the exact steps. We would not
24 recommend penalizing anyone who was not
25 aware of the requirements.

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2 MR. GREGORSKI: If I may add,
3 every single subdivision or lot
4 consolidation comes through our office,
5 the Planning Commission.

6 COUNCILWOMAN BROWN: Is that
7 right?

8 MR. GREGORSKI: Every single
9 one has to come through us and be
10 approved, and our staff will also be
11 letting the folks know who are going to
12 actually do the subdivisions that this is
13 the new process. Many of them know
14 already.

15 COUNCILWOMAN BROWN: So let me
16 repeat what I think I heard. Every
17 single citizen who wants to subdivide
18 their own property, one of the required
19 steps is to notify Planning?

20 MR. GREGORSKI: Correct.

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

23 COMMISSIONER DECKER: Thank
24 you.

25 COUNCILMAN GREENLEE: Thank

1 10/21/15 - RULES - BILL 150374, etc.

2 you.

3 Any other questions, comments?

4 COUNCILWOMAN BROWN: One other
5 thing.

6 So is there a brochure in
7 Planning that becomes a guide, becomes a
8 guide piece for citizens?

9 MR. GREGORSKI: There is a
10 zoning administrative manual, which
11 contains some of it, but in truth, the
12 process is somewhat complicated to put on
13 a brochure. When folks come in,
14 generally when folks come in, they have
15 an idea, they meet with our staff, we
16 lead them through the process, depending
17 on which process they need.

18 COUNCILWOMAN BROWN: Okay. All
19 right, then. Thank you.

20 Thank you, Mr. Chairman.

21 COUNCILMAN GREENLEE: Thank
22 you, Councilwoman.

23 No other questions for these
24 two witnesses?

25 (No response.)

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2 COUNCILMAN GREENLEE: Anyone
3 else here to testify on Bill No. 150645?
4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, thank you.

7 Ms. Marconi, our next bill,
8 please.

9 COMMISSIONER DECKER: Thank
10 you.

11 THE CLERK: Bill No. 150499, an
12 ordinance amending Title 14 of The
13 Philadelphia Code, entitled "Zoning and
14 Planning," to provide for notice to be
15 given to the Director of Commerce in
16 connection with certain zoning and
17 planning applications for permits,
18 approvals and variances, under certain
19 terms and conditions.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Mr. Gregorski, why don't you
25 start.

1 10/21/15 - RULES - BILL 150374, etc.

2 MR. GREGORSKI: Good morning,
3 Councilman Greenlee, members of the Rules
4 Committee. I am Marty Gregorski,
5 Division Director of the Development
6 Division of the Philadelphia City
7 Planning Commission. I am here to
8 testify on Bill No. 150499, which was
9 introduced into City Council May 21st,
10 2015 by Councilman Henon.

11 Bill No. 150499 amends the
12 Philadelphia Zoning Code by requiring the
13 permit applicant, through the RCO
14 notification process, to provide written
15 notice of their application to the
16 Director of Commerce in cases involving a
17 property that is in a district classified
18 as Industrial or Industrial Mixed-Use
19 District.

20 The Philadelphia City Planning
21 Commission at its meeting of June 9th,
22 2015 recommended Bill No. 150499 for
23 approval.

24 I'd be happy to answer any
25 questions.

1 10/21/15 - RULES - BILL 150374, etc.

2 COUNCILMAN GREENLEE: Thank
3 you. Why don't we hear from all three of
4 you and then we'll have questions.

5 MR. COOPER: Thank you. Good
6 morning, Chairman Greenlee and members of
7 the Rules Committee. My name is Michael
8 Cooper. I am the Director of the Office
9 of Manufacturing and Industry within the
10 Department of Commerce. I am also here
11 in support of Bill No. 150499.

12 Last November, I testified to
13 this Committee about the importance of
14 industrial land preservation as a
15 priority for economic growth and public
16 safety. We know jobs in the industrial
17 sector pay well and provide important
18 bridges to the middle class for so many
19 Philadelphians, which is why Commerce and
20 PIDC spend considerable time and
21 resources supporting its growth. We also
22 know that industrial businesses need
23 separation from residential and
24 commercial-retail uses in order to
25 operate efficiently. When industrial

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2 businesses are pushed out of existing
3 corridors, the likelihood of those
4 businesses relocating out of the City
5 increases exponentially, often induced by
6 the use of tax credits by neighboring
7 states.

8 I'm happy to report that since
9 last year, we've made important progress
10 in implementing processes and procedures
11 to better manage preservation and growth.
12 The 2010 Industrial Land Use Strategy's
13 recommendations have been incorporated
14 into every single district plan that is
15 now being remapped. The Port Richmond
16 Industrial Development Enterprise was
17 made a Registered Community Organization
18 to allow those businesses, most of whom
19 are property owners, the chance to
20 respond to development plans within their
21 district. We've enjoyed a positive
22 dialogue and coordination with the Zoning
23 Board of Adjustment, helping to better
24 articulate the problem areas and having
25 that lead to more scrutiny and

1 10/21/15 - RULES - BILL 150374, etc.
2 questioning of those who are quick to
3 claim a hardship as a strategy for
4 back-dooring a more lucrative development
5 plan. And we are now working with our
6 partners in Council, the City Planning
7 Commission and other agencies to develop
8 a more robust internal review system for
9 preserving industrial sites.

10 Bill 150499 provides the
11 Department of Commerce with needed time
12 and context to better coordinate with
13 applicants, engage building owners before
14 their variance hearings, and offer more
15 prepared recommendations to Council
16 offices, the Planning Commission, and the
17 ZBA. The bill's rule change will also
18 send a message to applicants that if they
19 do plan to use an existing industrial
20 property for non-industrial,
21 non-conforming activity, then their due
22 diligence must consider the effects it
23 will have upon neighboring businesses or
24 face united opposition from Commerce,
25 PIDC, and Planning. Zoning decisions are

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2 made for important reasons, and when
3 variances are granted due to lax
4 oversight or rushed engagement, it erodes
5 our ability to retain employers in the
6 City and identify space for employers
7 that we hope to attract.

8 Thank you for your time, and
9 I'm happy to answer any questions.

10 COUNCILMAN GREENLEE: Before
11 you start, let me just have the record
12 reflect that Councilman Squilla, a member
13 of the Committee, is present.

14 Sir, please.

15 MR. DALFO: Good morning,
16 Mr. Chairman and members of the
17 Committee. My name is Tom Dalfo and I
18 represent the Philadelphia Industrial
19 Development Corporation. I'm here to
20 testify in support of Bill No. 150499.

21 This bill will require property
22 owners to notify the Director of Commerce
23 when a development proposal is required
24 to provide notice to the Registered
25 Community Organizations.

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2 This expansion of the notice
3 provisions will provide an opportunity
4 for the Commerce Department to coordinate
5 with the staff of the Planning Commission
6 and PIDC to evaluate whether a given
7 proposal will impact functioning
8 industrial districts around the City.

9 As Mike noted, this represents
10 an implementation of recommendations made
11 from the Industrial Land Use and Market
12 Strategy as well as the Manufacturing
13 Growth Strategy, which was to preserve
14 the geographic and operational integrity
15 of Philadelphia's industrial districts.

16 By providing timely notice to
17 the Director of Commerce, this ordinance
18 will provide adequate time to complete a
19 thoughtful analysis of the impact of
20 proposals that require a use variance in
21 an existing industrial district. It will
22 also provide a chance to coordinate with
23 manufacturers as well as the trades that
24 are represented in them located in an
25 affected district to determine the

1 10/21/15 - RULES - BILL 150374, etc.
2 impacts on their operations as well.

3 I would ask that the Committee
4 consider this bill favorably.

5 Thank you for the opportunity
6 to testify. I'd be happy to answer any
7 questions you may have.

8 COUNCILMAN GREENLEE: Thank you
9 to all three of you.

10 Councilman Henon.

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

13 And good morning, gentlemen.
14 Thank you for your testimony. I want to
15 state for the record it's a pleasure
16 working with all of you on this
17 notification, and it is a simple
18 notification in preserving our industrial
19 lands in the City of Philadelphia, when I
20 think we all know that it is critical to
21 preserve some of that for light
22 industrial and industrial land, whether
23 it's warehousing or distribution where we
24 can create economic development. And all
25 too often when things are busy -- I mean,

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2 right now you look out, for example, you
3 see more cranes in the last year than
4 we've seen in the last ten years. So
5 that's really good for the economy. And
6 as commerce is expanded and we're
7 expanding our ports and we're looking to
8 preserve the valuable land that we do
9 have here in the urban Philadelphia to
10 create opportunities, moving in 2015 on
11 notification, which this process already
12 encompasses and has in place where the
13 direct neighbors are being notified and
14 the registered community groups are
15 notified, the ZBA is -- obviously this is
16 upon appeal for various reasons, and the
17 District Councilpersons are being
18 notified. Adding the Director of
19 Commerce I think is such an easy thing to
20 do, especially when it comes to, I think,
21 the division that we have as a city
22 moving forward while maintaining the
23 notification process.

24 So it's a pleasure. I think
25 this is a great step in the right

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2 direction.

3 A point of personal privilege,
4 as a result of the Manufacturing Task
5 Force created by an Executive Order,
6 there was a report of Manufacturing
7 Growth Strategy that is the blueprint,
8 and this is a part of it. And also part
9 of it was the creation in the Commerce
10 Department of the Office of Manufacturing
11 and Industry, which Michael Cooper heads
12 up in concert with PIDC and Planning. So
13 I think the intergovernmental
14 coordination is incredibly important and
15 it's been incredibly successful, and
16 moving forward, I think it's absolutely
17 the way to break down the silos that
18 people complained about over the last
19 couple decades.

20 So I want to thank them for all
21 their attention in Commerce in industrial
22 preservation, but in addition, I want to
23 thank Mike Cooper for his years of
24 service not only with PIDC but now with
25 the Commerce Department, as he's going to

1 10/21/15 - RULES - BILL 150374, etc.
2 be moving on. Other parties have
3 recognized his talent. It's going to be
4 our loss, but from a personal
5 perspective, I wish you well and look
6 forward to staying in continuing contact
7 with you here in the City of
8 Philadelphia.

9 MR. COOPER: Thank you,
10 Councilman.

11 COUNCILMAN GREENLEE: And good
12 luck to you, Mr. Cooper.

13 MR. COOPER: Thank you.

14 COUNCILMAN GREENLEE:
15 Councilman, thank you for all the work
16 you've done on this issue. You started
17 just about as soon as you got here, and
18 things are going certainly in the right
19 direction in that field.

20 The record will please reflect
21 that Councilwoman Bass, a member of the
22 Committee, is present.

23 Any other questions for the
24 three witnesses on this bill?

25 (No response.)

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2 COUNCILMAN GREENLEE: Seeing
3 none, thank you all very much.

4 (Thank you.)

5 COUNCILMAN GREENLEE: Anyone
6 else here to testify on Bill No. 150499?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, Ms. Marconi, our last bill today,
10 please.

11 THE CLERK: Bill No. 150374, an
12 ordinance establishing a neighborhood
13 improvement district in the area
14 generally bounded by, and including, 11th
15 Street to the West, Filbert Street to the
16 North, 8th Street to the East and Market
17 Street to the South, with the exception
18 of certain condominium units at 801
19 Market Street Condominium not included in
20 the District, to be known as the Gallery
21 Neighborhood Improvement District;
22 designating Gallery Neighborhood
23 Improvement District Corporation, a
24 Pennsylvania nonprofit corporation, as
25 the Neighborhood Improvement District

1 10/21/15 - RULES - BILL 150374, etc.
2 Management Association for the District;
3 approving a plan for the District,
4 including a list of proposed improvements
5 and their estimated cost, and providing
6 for assessment fees to be levied on
7 property owners within the District;
8 authorizing the Director of Commerce, on
9 behalf of the City, to execute an
10 agreement with Gallery Neighborhood
11 Improvement District Corporation,
12 relating to the District; and authorizing
13 Gallery Neighborhood Improvement District
14 Corporation to assess property owners
15 within the District a special property
16 assessment fee to be used in accordance
17 with the approved plan; all in accordance
18 with the provisions of the Community and
19 Economic Improvement Act, and under
20 certain terms and conditions.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN GREENLEE: Mr. Bumb,
24 good morning. Please.

25 MR. BUMB: Good morning,

1 10/21/15 - RULES - BILL 150374, etc.
2 Mr. Chairman and members of the Committee
3 on Rules. My name is Duane Bumb and I am
4 the Senior Deputy Director of Commerce.
5 I am here to testify in favor of Bill
6 150374, establishing the Gallery
7 Neighborhood Improvement District.

8 Pursuant to the Community
9 Economic Improvement Act, two public
10 hearings are required prior to approving
11 a new Neighborhood Improvement District.
12 The first required hearing was held on
13 September 15th, 2015 before this
14 Committee, at which time Commerce
15 testified in favor of the bill --

16 COUNCILMAN GREENLEE: Mr. Bumb,
17 a little closer to the microphone. Thank
18 you.

19 MR. BUMB: The first hearing
20 was on September 15th, 2015 before this
21 Committee, at which time Commerce
22 testified in favor of the bill and in
23 favor of an amendment that was adopted by
24 the Committee. We are here again today
25 at this second public hearing to reaffirm

1 10/21/15 - RULES - BILL 150374, etc.
2 our support for this bill.

3 As stated at the previous
4 hearing, the intent of this legislation
5 is to create a Neighborhood Improvement
6 District, or NID, that overlaps with the
7 Tax Increment Financing, or TIF, district
8 created for the Gallery Mall through Bill
9 150380. The Gallery TIF bill was passed
10 by City Council on June 18th, 2015. The
11 NID will exist for approximately 20 years
12 to coincide in time and location with the
13 TIF. All of the properties included in
14 the NID are owned and controlled by PREIT
15 by deed or by long-term lease.

16 During the last hearing, this
17 Committee adopted an amendment providing
18 caps for the proposed uses of the NID
19 assessments, guaranteeing that
20 project-based NID assessments are for
21 improvements that exceed those approved
22 by this Council earlier this year,
23 ensuring that NID assessments pertaining
24 to anything other than a TIF shortfall
25 payment will not have a higher priority

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2 over municipal liens and clarifying that
3 assessments cannot be collected from
4 either the City or the Redevelopment
5 Authority.

6 The Commerce Department
7 supports an additional amendment to be
8 offered to the Committee today which
9 clarifies that real estate taxes always
10 have priority over NID liens. We believe
11 this is consistent with the Community
12 Economic Improvement Act and consistent
13 with the parties to the Gallery
14 transaction and, consequently, support
15 this amendment.

16 Again, we seek this NID as a
17 logical and important extension of the
18 TIF that has already been created, in
19 that it may increase the ability of PREIT
20 to secure financing for the Gallery
21 project through the TIF structure. For
22 these reasons, we ask that you adopt the
23 amendment and vote Bill 150374 out of
24 Committee with a favorable
25 recommendation.

1 10/21/15 - RULES - BILL 150374, etc.

2 I'd be happy to take any
3 questions you may have.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Bumb.

6 Before we hear from anyone
7 else, questions to Mr. Bumb?

8 Councilman Squilla.

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

11 As far as the City is
12 concerned, the NID used for the TIF in
13 order to secure financing, we believe --
14 the City believes from your statements
15 that this is a viable way to secure that
16 financing?

17 MR. BUMB: Yes, we do, and
18 we've reviewed that both with the City
19 Solicitor's Office, counsel for the
20 developer, as well as technical staff for
21 City Council.

22 COUNCILMAN SQUILLA: All right.
23 Thank you very much.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilman.

1 10/21/15 - RULES - BILL 150374, etc.

2 Any other questions for

3 Mr. Bumb?

4 (No response.)

5 COUNCILMAN GREENLEE: Seeing
6 none, Ms. Salter, you're already there.
7 So please identify yourself for the
8 record and proceed. Right into the
9 microphone, though.

10 MS. SALTER: My name is Irma
11 Lopez Salter and I am here representing
12 the Gallery Merchants Association, which
13 is the -- it's the 14 of us, the
14 merchants.

15 I'm here today -- okay. Wait.
16 I've been a merchant at the Gallery for
17 23 years, until my lease was not renewed
18 December 2014 and I was forced out to
19 leave because of the construction, which
20 has not started yet. Today I'm here
21 again to first ask some questions before
22 my testimony, and my questions are:

23 I understand that there's over
24 a \$5 million budget for the NID. Where
25 do that money come from? Who appoints

1 10/21/15 - RULES - BILL 150374, etc.
2 the Board members, the executive staff,
3 titles, salary, and job descriptions?
4 Who are the 51 percent? I'm confused
5 about that, because I only know two
6 owners of the Gallery. So I don't know
7 what the 51 percent. I thought that we
8 was included in that. Future residents,
9 I thought that's what we are.

10 And then could you define the
11 assessed property owners? Like I said, I
12 only know two. The rest of them,
13 representations are based on square
14 footage of property in the NID. Please
15 explain does this mean large stores,
16 kiosks, and retail merchandising units
17 that pay -- the rent payers, in other
18 words?

19 The NID, I understand, is
20 responsible to the collection of property
21 assessment fees by raising rents of the
22 businesses in the district, large or
23 small, to ensure the property assessments
24 are paid for 20 years. So for this
25 reason, I'm offering myself to be a

1 10/21/15 - RULES - BILL 150374, etc.
2 member of the NID as a future resident, a
3 past resident, and a business owner,
4 taxpayers, and become one of the 51
5 percent, because I still don't understand
6 where do we come in as the 51 percent
7 when there's only two owners.

8 So, again, amend what's here
9 today to include me or a small business
10 member to the NID and be part of the --
11 and, of course, you know that we want to
12 be part of the ribbon cutting ceremony to
13 open the Market Street Designer Outlet
14 Gallery of Philadelphia in 2017.

15 Now, I understand that in 1998,
16 a bill was submitted or gave you the
17 power, City Council, to have people
18 collect -- you know, see the rents,
19 collect it. I don't understand. If the
20 NID is going to be owning the Gallery,
21 not nobody across the street from the
22 Gallery, back the street of the Gallery,
23 but inside the Gallery. And according to
24 my understanding, I'm going to be in the
25 Gallery two years from now when we open

1 10/21/15 - RULES - BILL 150374, etc.
2 up. So why can't I be a member of the
3 NID so I could help make sure that the
4 assessment, taxes are paid, so I could
5 know what else is happening, so I could
6 help you cross the T's --

7 COUNCILMAN GREENLEE: You got
8 to speak in the microphone.

9 MS. SALTER: -- cross the T's,
10 dot the I's. Because we've been paying
11 taxes all these years, and in fact, the
12 Gallery been there for like, what, 40, 50
13 years, and a lot of small businesses have
14 been there paying and trying to keep up
15 with all the taxes and expenses. If RDA
16 did not do their part, that's not our
17 fault. So don't blame us, because now
18 that you own -- now that the Gallery owns
19 the public land and it's going to have
20 money to fix everything up. But we're
21 part of that.

22 So I'm asking you to, before
23 you support this bill, to answer some of
24 these questions and to consider having
25 the renters or the businesses, no matter

1 10/21/15 - RULES - BILL 150374, etc.
2 how large or how small, as long as you're
3 there paying taxes, paying rent, which
4 you will use to pay the taxes with,
5 include us in.

6 And I thank you, and I would
7 love to hear some of the answers to the
8 questions.

9 COUNCILMAN GREENLEE: Before I
10 recognize Councilman Squilla, just one
11 question. As I understand, the vendors
12 are not -- they're not going to be
13 assessed for the NID, right?

14 MS. SALTER: I can't hear you.

15 COUNCILMAN GREENLEE: The
16 vendors, you're saying you want to be on
17 the Board, but are they part of the NID,
18 I mean, as far as being assessed? I
19 thought the agreement was --

20 MS. SALTER: I mean, we pay
21 rent. We pay rent, and you use our rent
22 money to pay your bills, and the taxes is
23 one of your bills. That's like, you
24 know, you rent a property and the owner
25 collects and then their taxes go up, so

1 10/21/15 - RULES - BILL 150374, etc.
2 they go up on our rent, and so then you
3 use the money to pay the taxes. So
4 indirectly, yes.

5 COUNCILMAN GREENLEE: But
6 you're not assessed directly through the
7 NID, right? You would not be, correct?

8 MS. SALTER: I mean, according
9 to what you want to do or you want to
10 vote on today. But you could change
11 that.

12 COUNCILMAN GREENLEE: So you
13 want to be part of the NID? You want to
14 be assessed?

15 MS. SALTER: I want to be
16 assessed --

17 COUNCILMAN GREENLEE: You want
18 to be assessed?

19 MS. SALTER: I'm going to be
20 assessed anyway.

21 COUNCILMAN GREENLEE: I think
22 that was what was talked about before.
23 So that's why I'm a little confused.

24 MS. SALTER: No, no. I'm going
25 to be assessed anyway. I mean, maybe you

1 10/21/15 - RULES - BILL 150374, etc.
2 think I don't understand, but I do
3 understand that you use my rent money to
4 pay your bills, and part of your bills
5 are the taxes.

6 COUNCILMAN GREENLEE: So the
7 vendors -- and I assume you're speaking
8 for the group?

9 MS. SALTER: Uh-huh.

10 COUNCILMAN GREENLEE: -- is
11 saying they want to be assessed as part
12 of the NID? Is that what you're saying?

13 MS. SALTER: I want to be on
14 the NID Board.

15 COUNCILMAN GREENLEE: Wait a
16 minute. You got to answer my question
17 first. Because my understanding was when
18 we had these hearings before and, you
19 know, there was a lot of back and forth
20 and a lot of negotiation and all that, I
21 thought one of the things was that the
22 vendors did not want to be assessed.

23 MS. SALTER: Well, who did you
24 hear that from?

25 COUNCILMAN GREENLEE: That was,

1 10/21/15 - RULES - BILL 150374, etc.
2 I thought, was the testimony here. So
3 you're saying you don't -- so that's why
4 I'm asking you directly. Do you as a
5 vendor want to be directly assessed
6 through the NID?

7 MS. SALTER: I believe that I'm
8 being assessed anyway, so, yes.

9 COUNCILMAN GREENLEE: Okay.
10 And you believe that's what the vendors
11 want, they want to be assessed?

12 MS. SALTER: The vendors are
13 here. They trust me. Anybody that don't
14 trust me --

15 COUNCILMAN GREENLEE: You got
16 to speak in the microphone.

17 MS. SALTER: Okay.

18 COUNCILMAN GREENLEE: So you
19 think -- all right. You answered that.
20 Councilman Squilla.

21 COUNCILMAN SQUILLA: Thank you.
22 Thank you, Mr. Chairman.

23 First, the ownership will be
24 the PREIT/Macerich merger, will be the
25 ownership of the building. They will

1 10/21/15 - RULES - BILL 150374, etc.
2 have 100 percent ownership of the
3 property. The NID assessments will be
4 placed on the inlying stores. It will
5 not be placed on the vendors. The
6 vendors will pay rent. The inlying
7 stores will pay rent. If the NID goes
8 into play and the assessments will go
9 onto the inlying stores, that will be
10 additional money that needs to be paid by
11 the inlying stores to PREIT in order for
12 them to pay their finances. The --

13 MS. SALTER: Excuse me. And
14 that goes by square footage?

15 COUNCILMAN SQUILLA: Yes.

16 MS. SALTER: Okay.

17 COUNCILMAN SQUILLA: But the
18 vendors will not be charged. If you want
19 them to be charged additional dollars to
20 pay more than their monthly rent, I guess
21 PREIT would allow that to happen, if you
22 guys want to chip in and pay more every
23 month to pay off their debt.

24 The reason for the NID was to
25 secure their financing for the TIF, the

1 10/21/15 - RULES - BILL 150374, etc.
2 tax incremental financing that went into
3 place. Since the vendors are not part of
4 the current program, that's something
5 that would have to be negotiated between
6 you and PREIT, the owner of the
7 operation.

8 We've never -- I mean, we've
9 been doing NIDs and BIDs for a long time.
10 We've never had people voluntarily want
11 to pay more to be included in that, but
12 there's always a first time.

13 The Board is going to be made
14 up by probably most likely the PREIT
15 Board since they're the ownership of the
16 Gallery. This is a little bit different
17 than a normal NID that you see, a
18 neighborhood NID or BID that you see in
19 Passyunk Avenue, Center City and places
20 like that. Each assessed property owner
21 there pays a percentage of their taxes to
22 the NID or the BID in order for special
23 services. This is in order to -- this is
24 the Gallery itself assessing their
25 inlying stores additional, over the rent,

1 10/21/15 - RULES - BILL 150374, etc.
2 additional dollars to help secure their
3 financing. So it's a little different,
4 and I think maybe you have some confusion
5 on that aspect of it.

6 MS. SALTER: So the NID is a
7 non-profit organization, and where do the
8 money come from? I didn't hear that
9 part.

10 COUNCILMAN SQUILLA: Where does
11 the money come from? It's going to come
12 from all the store owners who
13 participate.

14 MS. SALTER: But we're not
15 there. So right now if --

16 COUNCILMAN SQUILLA: You're not
17 there, so there is no NID. The NID --

18 MS. SALTER: So the NID don't
19 open until 2017?

20 COUNCILMAN SQUILLA: Right,
21 until you sign your lease. When you sign
22 your lease and those inlying stores
23 become part of that, that will become
24 them agreeing to their lease to be part
25 of the NID. So there is no NID right

1 10/21/15 - RULES - BILL 150374, etc.
2 now. There is no Board right now. And
3 you need to secure your financing when
4 you have to start paying it back, and if
5 there's no stores there, there's no NID.
6 So as each person signs up, unless
7 somebody has any other additional
8 information to add to that, that's how
9 this is going to work.

10 So to want to be taxed
11 additionally, if you and your vendors
12 want to do that, I guess you could bring
13 that to PREIT as you go apply for your
14 contracts and your leases when you go to
15 be part of the NID process. So that NID
16 will be created at that time, when the
17 stores start filling up and the Gallery
18 starts to open up.

19 MS. SALTER: Well, I think that
20 the merchants don't mind because they
21 want a voice to be -- because I'm pretty
22 sure that this \$5 million non-profit
23 organization has more to do than just to
24 wait until once a year when the tax bill
25 comes in and then have a meeting. I'm

1 10/21/15 - RULES - BILL 150374, etc.
2 pretty sure it's going to be more than
3 that.

4 COUNCILMAN SQUILLA: That will
5 be done at the time. It's like when the
6 regular NIDs, the way it works is, a
7 percentage of your real estate taxes
8 normally goes toward a BID or a NID. So
9 if own a home and your house is \$100,000
10 and you have to pay 5 percent of that a
11 year in order to be associated with that
12 BID. If you don't pay that, then there
13 is a lien they could put against your
14 property. This is a little bit
15 different, in that this assessment is
16 going toward to show the bank that
17 they're able to get additional dollars
18 from their store owners if for some
19 reason they're not able to make their
20 financial agreements that they made to
21 borrow the money to do this project. And
22 that's the purpose of this NID. So it's
23 not a NID like a Neighborhood Improvement
24 District the way it initially was set up
25 in some of the other formats.

1 10/21/15 - RULES - BILL 150374, etc.

2 MS. SALTER: Oh, I understand
3 that it's inside the Gallery.

4 COUNCILMAN SQUILLA: This is
5 just the Gallery.

6 MS. SALTER: Right. I
7 understand.

8 COUNCILMAN SQUILLA: It's only
9 one property owner. He's the only one --
10 it's a NID within itself, and it's just
11 for financing of their debt.

12 MS. SALTER: Okay. Okay.
13 Well, I think that maybe PREIT would like
14 to meet with us and talk to us.

15 COUNCILMAN SQUILLA: Listen,
16 and I'll invite you to the ribbon cutting
17 and we'll make sure you're there when we
18 cut the ribbon, open that up and --

19 MS. SALTER: That's good, but I
20 want to know -- see, let me just tell you
21 like I meant to share with you. I just
22 need to be in their lives and I want them
23 in my life for two years so I can know
24 what's happening every step of the way
25 before we cut that ribbon.

1 10/21/15 - RULES - BILL 150374, etc.

2 COUNCILMAN SQUILLA: Irma, I
3 know you're going to be in my life. So
4 if you're in my life, you're going to be
5 in their life. So we're all going to be
6 in our lives together as this moves
7 forward. So you're not going to stop
8 questioning and wanting to be a part of
9 this and you want your business back in
10 the Gallery when it opens up. So we're
11 going to be walking this one step at a
12 time as we move forward, and hopefully
13 this project gets done and in two years
14 it opens back up to a brand new place
15 that can make a lot of people a lot of
16 money.

17 MS. SALTER: Well, for my last
18 statement, I humbly request that I be
19 part of the NID and I also request that
20 maybe PREIT would give me the honor to
21 meet with them so they could know that
22 I'm there to be part of the partnership,
23 not to be against, just to be in --
24 because if the big stores have inside and
25 know what's going on, at least the little

1 10/21/15 - RULES - BILL 150374, etc.
2 stores should also or the little vendors.
3 This way, one vendor could come and meet
4 with them and say, Oh, you know, our
5 taxes are going to go up, whatever.

6 COUNCILMAN SQUILLA: I agree
7 with you, and I will set up a meeting
8 with PREIT, and me and you, we'll sit
9 down with their group. But you're not
10 going to include somebody who is not in
11 the NID. It's not like saying, All
12 right, we're going to have a NID of all
13 people in our area and we're going to
14 have somebody from Jersey be on it,
15 because it doesn't affect them, it
16 doesn't involve them. So to be on the
17 Board is going to be very difficult and
18 most unlikely, just so you know that.
19 I'm not just saying that -- because
20 you're not associated with the NID,
21 you're not part of the NID and you're not
22 included in it. So to have somebody on
23 the Board who would not be a part of it
24 is very unlikely.

25 COUNCILMAN GREENLEE: Thank

1 10/21/15 - RULES - BILL 150374, etc.

2 you, Councilman.

3 The record will reflect
4 Councilman Johnson, a member of the
5 Committee, is present.

6 Any other questions for
7 Ms. Salter?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, thank you.

11 Thank you both.

12 Anyone else here to testify on
13 Bill No. 150374?

14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, and for the record, as Mr. Bumb
17 mentioned, there is an amendment to this
18 bill that will be offered at the
19 Committee meeting.

20 That concludes our hearing of
21 the Committee on Rules. We will now go
22 into our public meeting, and the Chair
23 recognizes Councilman Goode.

24 COUNCILMAN GOODE: Thank you,
25 Mr. Chairman. I move that Bill 150645 be

1 10/21/15 - RULES - BILL 150374, etc.
2 reported out of this Committee with a
3 favorable recommendation and the rules of
4 Council be suspended to permit first
5 reading at our next Council session.

6 (Duly seconded.)

7 COUNCILMAN GREENLEE: It's been
8 moved and seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN GREENLEE: Opposed?

12 (No response.)

13 COUNCILMAN GREENLEE: Hearing
14 none, Bill No. 150645 is reported out of
15 this Committee with a favorable
16 recommendation with a rules suspension.

17 Councilman Goode.

18 COUNCILMAN GOODE: I move that
19 Bill 150499 be reported out of this
20 Committee with a favorable recommendation
21 and the rules of Council be suspended so
22 as to permit first reading at our next
23 Council session.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: It's been

1 10/21/15 - RULES - BILL 150374, etc.
2 moved and seconded.
3 All in favor?
4 (Aye.)
5 COUNCILMAN GREENLEE: Opposed?
6 (No response.)
7 COUNCILMAN GREENLEE: Hearing
8 none, Bill No. 150499 is reported out of
9 this Committee favorably with a rules
10 suspension.
11 Councilman Goode.
12 COUNCILMAN GOODE: I move the
13 amendment to Bill 150374 be approved.
14 (Duly seconded.)
15 COUNCILMAN GREENLEE: It's been
16 moved and seconded.
17 All in favor?
18 (Aye.)
19 COUNCILMAN GREENLEE: Opposed?
20 (No response.)
21 COUNCILMAN GREENLEE: Hearing
22 none, the amendment is approved.
23 Councilman.
24 COUNCILMAN GOODE: I move that
25 Bill 150374, as amended, be reported out

1 10/21/15 - RULES - BILL 150374, etc.
2 of this Committee with a favorable
3 recommendation and the rules of Council
4 be suspended so as to permit first
5 reading at our next Council session.

6 (Duly seconded.)

7 COUNCILMAN GREENLEE: It's been
8 moved and seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN GREENLEE: Opposed?

12 (No response.)

13 COUNCILMAN GREENLEE: Hearing
14 none, Bill No. 150374, as amended, is
15 reported out of this Committee favorably
16 with a rules suspension.

17 Being no further business
18 before the Rules Committee today, thank
19 you all for your participation.

20 (Committee on Rules concluded
21 at 10:55 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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October 21, 2015

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