

1 COUNCIL OF THE CITY OF PHILADELPHIA

2 COMMITTEE OF THE WHOLE

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Room 400, City Hall

4 Philadelphia, Pennsylvania

Tuesday, September 27, 2011, 10:30 a.m.

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8 RESOLUTION 110459 - Authorizing the Committee
9 of the Whole to hold public hearings to review
10 the Zoning Code proposals for the Zoning Code
11 Commission.
12

COUNCILMEMBERS PRESENT:

13 Anna C. Verna, Chair

14 Jannie C. Blackwell

Darrell L. Clarke

15 Frank DiCicco

Bill Green

16 William K. Greenlee

Curtis Jones, Jr.

17 James F. Kenney

Donna Reed Miller

18 Blondell Reynolds-Brown

Maria Quiñones-Sanchez

19 Marian B. Tasco

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2 COUNCIL PRESIDENT VERNA: Good
3 morning, everyone. This is a continued
4 public hearing regarding Resolution No.
5 110459.

6 I would ask Mr. McPherson to
7 please read the title.

8 MR. MCPHERSON: A resolution
9 authorizing the Committee of the Whole to
10 hold public hearings to review the Zoning
11 Code proposals of the Zoning Code
12 Commission.

13 And our first set of witnesses
14 are Alan Greenberger and Eva Gladstein.

15 (Witnesses come forward.)

16 COUNCIL PRESIDENT VERNA: Good
17 morning.

18 MR. GREENBERGER: Good morning.
19 Are you all ready?

20 COUNCIL PRESIDENT VERNA: Yes.

21 MR. GREENBERGER: Okay.

22 COUNCIL PRESIDENT VERNA: Please
23 identify yourself for the record and
24 proceed with your testimony.

25 MR. GREENBERGER: Good morning,

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2 Madam President and members of Council.

3 My name's Alan Greenberger; I'm Deputy

4 Mayor for Economic Development. I'm

5 joined by Eva Gladstein to my left, who's

6 the Executive Director of the Zoning Code

7 Commission.

8 And there are members of the

9 Zoning Code Commission here. If you could

10 just stand for a second and be identified.

11 (Zoning Code Commission members

12 who are present stand.)

13 (Applause.)

14 MR. GREENBERGER: Thank you very

15 much.

16 I'll be mercifully brief.

17 At the September 14th City

18 Council hearing on Resolution 110459,

19 members of City Council asked us to

20 respond to certain proposals they had made

21 at one at or prior to that meeting. The

22 Zoning Code Commission's Work Plan

23 committee met twice since then to review a

24 list of fifteen such recommendations and

25 create preliminary recommendations for the

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2 full ZCC

3 While the ZCC has not yet taken
4 action on these preliminary
5 recommendations, they were sent for review
6 to each ZCC member over the last few days,
7 and we requested that any concerns or
8 comments be forwarded to us.

9 It's our intention to take these
10 preliminary recommendations to the October
11 12th meeting of the ZCC for review and
12 action. Any subsequent recommendations
13 that we receive from City Council will be
14 reviewed either at the October 12th or
15 later ZCC meetings.

16 I'd like now to summarize the
17 response. We have copies available of the
18 five-page for members of Council and the
19 Clerk. Of the fifteen recommendations --
20 and this is in summary form -- nine were
21 fully accepted, three were partially
22 accepted, and one is scheduled for review
23 later this week. One with regard to the
24 timing of remapping was referred to the
25 Planning Commission, and the one

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2 concerning methadone clinics raised legal
3 issues that are of concern to the Zoning
4 Code Commission.

5 The ZCC thanks members of City
6 Council for sharing their concerns with
7 the Commission and for providing this
8 opportunity to suggest each of the
9 recommendations. The ZCC's is dedicated
10 to continuing its review of these issues
11 and to working with Councilpersons to
12 improve on the current Zoning Code
13 proposals.

14 We look forward to seeing City
15 Council's formal recommendations sent
16 through a Council Resolution on or about
17 or around October 20th. This will provide
18 the Zoning Code Commission with enough
19 time to send its final report to City
20 Council in early November and enable City
21 Council to take action on the new code in
22 this session.

23 We'll be happy to answer any
24 questions that you have.

25 COUNCIL PRESIDENT VERNA: Thank

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2 you.

3 Are there any questions from
4 members of the committee?

5 (No questions.)

6 COUNCIL PRESIDENT VERNA: I
7 think most of the members are reading the
8 questions and responses that were
9 submitted this morning.

10 I don't see anyone who wants to
11 be recognized.

12 Thank you.

13 MR. GREENBERGER: Well, we
14 will -- we'll be here, and if I need to --

15 MR. McPHERSON: Councilman
16 Jones.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilman Jones.

19 COUNCILMAN JONES: I thought you
20 might be disappointed, Madam President.

21 So I just want to say that a lot
22 of the issues that were raised earlier
23 about zoning overlays that protected open
24 space were addressed. I was comforted by
25 the fact that some of the trouble

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2 businesses and knowing the difference
3 between a tavern in a neighborhood and a
4 trouble bar are still going to be the
5 domain of discussion by the ZBA and by
6 input from community members, neighbors,
7 and, God forbid, elected officials.

8 So I am comforted in knowing
9 that, and I want to applaud you and the
10 Zoning Board for trying to codify and save
11 the environment by reducing the amount of
12 trees that have to die in order to
13 understand this Zoning Code, so I want to
14 thank you for that.

15 Thank you, Madam President.

16 COUNCIL PRESIDENT Verna: You're
17 welcome.

18 The Chair recognizes Councilman
19 Clarke.

20 COUNCILMAN CLARKE: Oh. Good
21 morning. Good morning, Madam President.

22 COUNCIL PRESIDENT Verna: Good
23 morning.

24 COUNCILMAN CLARKE: Good
25 morning. I just wanted to get right into

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2 the questioning portion of it if I can.

3 The district that I represent
4 along with Councilman Greenlee -- I'm
5 sorry, Co-Councilman.

6 COUNCILMAN GREENLEE:

7 (Inaudible; off-mic.)

8 COUNCILMAN CLARKE: Well, one of
9 the reasons I say that is that a
10 significant amount of the zoning issues
11 happen in the area that he actually also
12 lives and represents as a ward leader and
13 he is in fact the Co-Council.

14 MR. GREENBERGER: Right.

15 COUNCILMAN CLARKE: Bottom line:

16 If we were to apply the change in the
17 Zoning Code in terms of various categories
18 and elimination of certain in some areas
19 and maybe adding certain over -- I know we
20 don't like to use the term "overlays" but
21 zoning districts.

22 Am I now in a position --
23 because I now -- all of us have to start
24 making decisions about what we do. Would
25 we be in a position to just essentially do

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2 an overlay so if somebody from 29th and
3 Thompson says, "Councilman, you know,
4 how's this going to affect the
5 neighborhood that I live in?" 'Cause, as
6 you know, everything's local. People are
7 like, "How's this going to change? Will
8 that corner store's that's now -- in order
9 to turn into a stop-and-go, will it have
10 to go to Zoning, or will it be an as-of-
11 right?" You know, those type of things.

12 How am I going to be in a
13 position to now adequately and
14 intelligently respond to the constituents
15 who will now start paying attention to
16 this once we're at a point getting ready
17 to pass it?

18 MR. GREENBERGER: Two -- a
19 two-part answer.

20 One is that the -- fundamentally
21 the restrictions that exist now continue
22 to exist through the period of replanning
23 and remapping. There may be -- there will
24 be opportunities during that phase of the
25 work to reconsider any issues that come

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2 up.

3 And then, of course, the other
4 part of the answer is that once the code
5 is in place, Council, per Charter, retains
6 its rights to write new zoning ordinances
7 for conditions that may be come up that
8 weren't anticipated either by way of
9 amending the document that's approved or
10 by making further changes that we simply
11 didn't anticipate.

12 So those rights are always
13 there.

14 COUNCILMAN CLARKE: Okay. And
15 won't we kind of end up where we are now,
16 with Council making all of these zoning
17 code changes --

18 MR. GREENBERGER: Well, you
19 could in --

20 COUNCILMAN CLARKE: And five
21 years from now, we'll be right back where
22 we are now?

23 MR. GREENBERGER: You could. I
24 mean, it took 30, 50 years to get to where
25 we are, so it's a slow process.

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2 But, I mean, our -- certainly
3 our hope is that we can use the rule book
4 that, hopefully, Council will pass as the
5 tool to make the adjustments as we find
6 them needed. And that might be a
7 remapping question that comes up as we
8 look at land uses in each district.

9 But, you know, you can't
10 anticipate everything. And so, there's
11 the possibility that something comes up, a
12 new condition comes up that nobody saw
13 coming that may need legislative
14 adjustment. To the extent that it can be
15 handled within the structure that's been
16 developed, that's what we'll promote every
17 time.

18 But if there's a thing that
19 comes up where there's actually an overlay
20 needed then, you know, we'll deal with it.
21 We'll talk about it and see if that's
22 what's needed, then that's what's needed.
23 That right always exists, and needs to
24 exist, I think.

25 COUNCILMAN CLARKE: Can I -- a

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2 more direct question. Can I take
3 something like this that shows the 5th
4 Council District and have defined on that
5 map where the areas and changes will be,
6 how the changes in the actual code will
7 impact areas that have significant
8 changes?

9 MR. GREENBERGER: You mean on a
10 Council District basis?

11 COUNCILMAN CLARKE: Yeah. I
12 mean -- 'cause it's local now.

13 MR. GREENBERGER: You retain
14 that right. That exists now and that will
15 exist --

16 (Indiscernible; parties talking
17 over each other.)

18 COUNCILMAN CLARKE: Can I be in
19 a position to -- before -- you know, I'm
20 just speaking about myself -- to cast a
21 vote to have something like that?

22 MR. GREENBERGER: You can --
23 like I said, you can it now and you can do
24 it after this passes.

25 COUNCILMAN CLARKE: Well, when I

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2 say "you," I'm kind of asking: Can you do
3 that for me?

4 MR. GREENBERGER: It can be
5 done.

6 COUNCILMAN CLARKE: All right.

7 MR. GREENBERGER: It can be
8 done.

9 COUNCILMAN CLARKE: That would
10 be very helpful --

11 MR. GREENBERGER: I mean,
12 we'll -- you know, like I said, we'll try
13 as best we can to make -- to continue to
14 make the rules as citywide as we can.

15 COUNCILMAN CLARKE: I
16 understand.

17 MR. GREENBERGER: But,
18 obviously, there's a point at which that
19 doesn't work, and --

20 COUNCILMAN CLARKE: Yeah, I
21 understand, but it's just -- and I'm not
22 asking you to -- I'm basically asking you
23 to apply the proposed zoning changes to a
24 map of a district that I represent because
25 I know I'm going to have to ask -- to

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2 answer a lot of questions, and I'm hearing
3 different things from the people in the
4 district that are paying significant
5 attention to this, and most of it good,
6 but some of it still uncertain in terms of
7 the actual application the new code --

8 MR. GREENBERGER: Right.

9 Well --

10 COUNCILMAN CLARKE: -- and the
11 subsequently the remapping.

12 MR. GREENBERGER: Yes. Well,
13 all the same rights exist, and whether --
14 yeah, all the same rights exist that exist
15 today. So the answer to the question is:
16 Yes, that can be done.

17 COUNCILMAN CLARKE: How soon?

18 MR. GREENBERGER: How soon?

19 COUNCILMAN CLARKE: Yeah.

20 MR. GREENBERGER: Uh, it could
21 be done anytime --

22 COUNCILMAN CLARKE: If you could
23 just point out where --

24 MR. GREENBERGER: -- Council
25 wants to make a rule.

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2 (Indiscernible; parties talking
3 over each other.)

4 COUNCILMAN CLARKE: ...
5 potentially be significant changes. And
6 I'm particularly interested in the zoning
7 districts that you're proposing.

8 MR. GREENBERGER: Maybe I'm not
9 following. Tell me the question.

10 COUNCILMAN CLARKE: Right now,
11 we have 22 -- I'm sorry, 55 overlays,
12 right?

13 MR. GREENBERGER: Right.

14 COUNCILMAN CLARKE: And we want
15 to consolidate or reduce it down.

16 MR. GREENBERGER: We've
17 compressed them into -- because they've
18 followed -- particularly the commercial
19 district ones followed the same pattern
20 over and over again.

21 COUNCILMAN CLARKE: Right.

22 MR. GREENBERGER: We simply
23 compressed them and made it into a new
24 category particularly for commercial
25 districts that already had overlays.

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2 COUNCILMAN CLARKE: Right. So
3 where --

4 MR. GREENBERGER: That's the
5 main bit of overlay compression that we
6 did.

7 COUNCILMAN CLARKE: Right. So
8 where I have overlays in the Fifth
9 District, my assumption is that a number
10 of them may change. That's what I'm
11 trying to get at.

12 MR. GREENBERGER: All right.

13 COUNCILMAN CLARKE: Tell me
14 what --

15 MS. GLADSTEIN: There were a
16 number of overlays that cover your
17 district that are within what we're now
18 calling "the Center City District
19 overlay." And for the most part those are
20 retained; you know, obviously the height
21 limit along the Parkway and the other
22 Parkway controls.

23 We did change the controls
24 around form and massing and replaced the
25 existed controls with a new one called

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2 "sky plane." Some of the use controls are
3 fewer, but there still are some use
4 controls within the Center City District.

5 There are also overlays in your
6 district on North Front Street, I believe,
7 on North Broad and on West Girard, some
8 neighborhoods that may be outside of the
9 Center City overlay.

10 And in general, what we're
11 doing, if an area had an overlay that was
12 intended to support it as a neighborhood
13 commercial area, we're recommending in the
14 ordinance that we send to City Council,
15 and you have a draft of that already, that
16 that become a new district that we're
17 calling "CMX-2.5" --

18 COUNCILMAN CLARKE: Right.

19 MS. GLADSTEIN: -- which has
20 greater density than C-2 but less density
21 than C-3 but has more restricted uses than
22 C-2, 'cause it's designed to be more -- to
23 prevent parking in front, for example, of
24 stores and having buildings be built to
25 the property line.

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2 So we're recommending that in
3 areas that are in -- outside of Center
4 City that are covered by an existing
5 overlay in the conversion map actually
6 become CMX-2.5.

7 And that might address some of
8 your concerns in those areas, or they may
9 not. There may be other areas that you
10 would like to convert to CMX-2.5, and that
11 could also be done through the ordinance.

12 COUNCILMAN CLARKE: Okay, okay.
13 That gets me halfway there.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: The
16 Chair recognizes Councilman Kenney.

17 COUNCILMAN KENNEY: Thank you,
18 Madam President. I just want to make a
19 comment more than ask a question.

20 And as an at-large member of
21 Council, I know that the District Council
22 people either that are there now or are
23 coming in are -- have much more of an
24 intense relationship with the Zoning Code
25 than we do generally, but we do have

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2 interest and do get involved.

3 I think that the Commission's
4 done a terrific job over almost, I guess,
5 four years now?

6 MR. GREENBERGER: Four years.

7 COUNCILMAN KENNEY: I mean, I've
8 been to a couple sessions, I watch you
9 guys on TV sometimes at night, which says
10 a lot of my life when I'm watching you on
11 Channel 64.

12 (Laughter.)

13 COUNCILMAN KENNEY: But I try to
14 follow what you're doing, and you're never
15 going to come up with a perfect document.
16 And it occurred to me -- to make an
17 analogy of what you're doing, and it seems
18 like a simplistic residential analogy, but
19 it's almost like, after 50 years, you
20 finally cleaned out your basement of
21 everything that you've accumulated in that
22 time; and then you're going to spend the
23 next 50 years putting stuff back into the
24 basement again.

25 But in the interim, before it

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2 gets all crowded up the way it is now,
3 there's going to be more clarity and more
4 understanding and more direct ability to
5 understand it.

6 Now, ten years from now, fifteen
7 years from now, neighborhoods may change,
8 as I was just talking with Councilman
9 DiCicco. Neighborhoods may have different
10 dynamics and different needs. And then,
11 as Councilman Clarke talking about, you
12 start putting stuff in to protect specific
13 issues.

14 But I think the way to go right
15 now, from what I've learned and what I've
16 heard to, is to kind of make whatever
17 changes Councilmembers have addressed --
18 have raised in this particular interim
19 period but pass this thing, 'cause
20 Councilman DiCicco said, and I agree, if
21 we go beyond this term, this is going to
22 die.

23 And I do think that you've done
24 a terrific job, and I want to commend all
25 of the commissioners for their volunteer

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2 efforts over all this period of time.

3 And I'm willing to take a little
4 minor leap of faith -- I don't think it's
5 that big of a leap, frankly -- to get this
6 done. So we'll be looking forward to
7 working with minor solid document that
8 will make things better for development
9 and neighborhood concerns going into the
10 future.

11 So thank you.

12 MR. GREENBERGER: Thank you,
13 Councilman. I'm sorry you're up late at
14 night watching us on TV.

15 (Laughter.)

16 COUNCIL PRESIDENT VERNA: I
17 would like to echo Councilman Kenney's
18 complimentary remarks. I think you've all
19 done a fantastic job.

20 I just have one question: Have
21 you addressed reentry facilities, those
22 who would have to obtain a permit as a
23 matter of right?

24 MS. GLADSTEIN: We have created
25 a new use category within the Zoning Code

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2 for reentry facilities and have permitted
3 it by right, I believe, only in one
4 district, which would be least restricted,
5 LR -- the current LR district, and by
6 special exception in several other
7 industrial districts.

8 But it would no longer in the
9 same category as a prison or a
10 correctional institution.

11 COUNCIL PRESIDENT VERNA: And is
12 there any mention about spacing
13 requirements between the facility and the
14 residents?

15 MS. GLADSTEIN: We did not make
16 it a regulated use, which is -- which
17 would -- the short answer is: No, we have
18 not done that. If that is something that
19 Council would want to give us direction
20 on, we'd welcome that.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 All right, are there any other
24 -- Councilman Green.

25 COUNCILMAN GREEN: Thank you,

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2 Madam Chair.

3 I certainly share Councilman
4 Kenney's and the President's sentiments
5 with respect to the work of the Zoning
6 Code Commission and feel like in the last
7 week and over the last month, we've made
8 significant progress in terms of
9 eliminating issues that could prevent the
10 enactment of a new zoning code hopefully
11 this year.

12 Just -- I'd like to sort of
13 engage in a little colloquy for the record
14 about a couple of things.

15 I guess the first is, I think
16 where we're headed with this is if -- with
17 the remaining issues on the table, some of
18 which you didn't address or some of which
19 the ZCC is not willing to accept at this
20 point, I think where I am is that we can
21 get to 99.5 percent of what was sent over
22 to us by putting those -- by passing a
23 code without addressing those issues, or
24 dealing with it by -- through a
25 prohibition or some other exception and

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2 just getting through the vast majority of
3 the changes which are the things that are
4 going to move Philadelphia to the pareto
5 optimal frontier.

6 Like, for example, we're not
7 planning a whole lot of development in
8 parks, so we can put that issue aside and
9 deal with it perhaps later this year or
10 next year or -- and other issues perhaps
11 like methadone clinics and other things.

12 And I just wanted to have for
13 the record your thoughts about that as we
14 will, I guess, over the next 20 or 30 days
15 engage in a process that may narrow our
16 differences even further so that we can
17 get this done.

18 MR. GREENBERGER: Good comment.

19 What we're going to try to --
20 what we will do is try to resolve that 0.5
21 percent in the next 20, 30 days as best we
22 can. And if we can't, we agree we'll --
23 the better thing to do is just put it
24 aside.

25 COUNCILMAN GREEN: Thank you.

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2 Thank you, Madam President.

3 COUNCIL PRESIDENT VERNA: You're
4 welcome.

5 The Chair recognizes
6 Councilwoman Blackwell.

7 COUNCILWOMAN BLACKWELL: Thank
8 you. Thank you, Madam President.

9 We have been very pleased with
10 the progress of these hearings and the
11 progress of zoning hearings in my area.
12 They were well attended. And, in fact, I
13 was surprised when some questions came
14 from various community groups who have
15 been involved in attending all of the
16 meetings.

17 I would like to submit two
18 letters: One from Barry Grossbach, Chair
19 of the Spruce Hill Zoning Committee,
20 supporting the zoning changes; and another
21 one from a tax accountant and a member of
22 University City who talks about the -- who
23 talks about the --

24 (Audience member speaks out of
25 turn.)

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2 (Council President Verna bangs
3 gavel.)

4 COUNCILWOMAN BLACKWELL: -- who
5 talks about the issues with regard to the
6 zoning code that deal with the
7 developer -- that deals with the
8 residents/developer issues that evolve
9 where they are concerned that the Zoning
10 Code would reduce the amount of variances
11 but certainly would not allow for
12 notification by developers for changes and
13 issues like height and other areas.

14 So I'll make these available to
15 Miss Gladstein and certainly to the Deputy
16 Mayor for Neighborhood Development, and
17 perhaps we can -- before we meet again,
18 they can review these issues and deal with
19 us on that.

20 MR. GREENBERGER: We'll be happy
21 to read that carefully --

22 COUNCILWOMAN BLACKWELL: Thank
23 you.

24 MR. GREENBERGER: -- and get
25 some answers for you.

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2 COUNCIL PRESIDENT Verna: Thank
3 you.

4 Any other questions or comments?
5 (Audience member speaks out of
6 turn.)

7 COUNCIL PRESIDENT Verna: We
8 will not be disrupted, dear.

9 Thank you both very much.

10 Our next witnesses?

11 MR. McPHERSON: Our next panel:
12 Michael Sklaroff and Janet Milkman.

13 (Witnesses come forward.)

14 COUNCIL PRESIDENT Verna: Good
15 morning.

16 MR. SKLAROFF: Good morning.

17 COUNCIL PRESIDENT Verna: Please
18 identify yourself for the record and
19 proceed with your testimony.

20 MR. SKLAROFF: Yes. My name is
21 Michael Sklaroff. I'm a lawyer and I'm
22 the chair of the Development Workshop, and
23 I come here to address one specific issue,
24 and that issue is the status of the
25 Philadelphia Historical Commission.

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2 I was -- I served along with
3 Miss Leonard for a while on the Historic
4 Commission for twelve years. And for five
5 of those years, I was the chair of the
6 Historic Commission.

7 The modernization of the
8 Historic Commission's procedures was one
9 of eight points in the Development
10 Workshop's proposal to make the new zoning
11 code work for Philadelphia. We had eight
12 points; the eighth point was the Historic
13 Commission.

14 I also would like to say that my
15 other qualification, if any, is that for
16 35 years, I have lived in the Fifth
17 Councilmatic District, where we have been
18 well represented.

19 The Historic Commission is in
20 the Zoning Code, and it is empowered under
21 Section 14-2010 to administer the Historic
22 Preservation ordinance. Its major powers
23 are to designate as historic: building,
24 sites, objects, and structures. That is
25 pretty much a legislative power that has

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2 been delegated by this City Council to the
3 Commission.

4 Its other major power is an
5 administrative power, and that is to
6 review applications for alterations or
7 demolition of historic structures,
8 buildings, objects, and changes to sites.
9 It is those administrative powers about
10 which I would like to speak.

11 When considering these
12 applications for demolition or alteration,
13 the Commission acts like a Zoning Board,
14 but there are certain exceptions to its
15 power, and they are important.

16 The Commission's meetings are
17 meetings; they're not hearings. There is
18 no stenographic record, there's no sworn
19 testimony. And as a re -- and a vote is
20 taken. But appeals go not to the Court of
21 Common Pleas, as with the Zoning Board of
22 Adjustment, but to the Board of Licenses
23 and Inspections Review.

24 And the Commission, I think we
25 all know, is made up of City

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2 representatives, including the including
3 the designee of the Council President,
4 designee of the Director of Commerce, and
5 other City officials, and it's also made
6 up of eight people who represent the
7 community: architects, historical
8 architects, historians, developer
9 representatives, and, importantly,
10 representatives of community groups.

11 Over the years, the Commission,
12 aided by an experienced staff, has
13 demonstrated expertise and wise judgment
14 in its decisions. It will -- and what
15 we're proposing is that with a
16 stenographic record, sworn testimony, and
17 the formalities of the Zoning Board of
18 Adjustment, the appeals from decisions of
19 the board will no longer go to the Board
20 of L&I Review but directly to the Court of
21 Common Pleas.

22 The Board of L&I Review is a
23 broad-based board which decides questions
24 of air-quality permits, waste water
25 discharge permits, on-lot sewage disposal

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2 permits, Dumpster licenses, and gun
3 licenses.

4 It is not well equipped to
5 review Historical Commission decisions; it
6 is not trained in that area. And we
7 believe it would be far more effective and
8 bring the Historic Commission up to a
9 modern standard if the Commission took
10 testimony, heard sworn testimony, had a
11 stenographic record, and appeals went
12 directly to the Court of Common Pleas.

13 This can be done by amendments
14 to the current draft of the Zoning Code,
15 which we advocate. And with regard to the
16 specifics, we hope to have an opportunity
17 on all the eight issues that the
18 Development Workshop has presented to meet
19 further with Eva Gladstein and members of
20 the Zoning Code Commission.

21 And we would love the support of
22 this Council in modernizing the Historic
23 Commission and its procedures.

24 Thank you.

25 COUNCIL PRESIDENT VERNA: Thank

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2 you.

3 Are there any questions or
4 comments from members of the committee?

5 (No questions or comments.)

6 COUNCIL PRESIDENT VERNA: Seeing
7 none, thank you very much.

8 MR. SKLAROFF: Thank you.

9 COUNCIL PRESIDENT VERNA: We
10 will certainly give that every
11 consideration.

12 MR. SKLAROFF: Thank you.

13 COUNCIL PRESIDENT VERNA: Our
14 next witness?

15 Oh, I'm sorry. Please identify
16 yourself for the record.

17 MS. MILKMAN: Good morning. My
18 name is Janet Milkman. I'm the Executive
19 Director of the Delaware Valley Green
20 Building Council. I'm also a resident of
21 the Center City; I've lived here for 15
22 years.

23 But I'm here today on behalf of
24 the Delaware Valley Green Building
25 Council. We are a local chapter of the

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2 U.S. Green Building Council. Our mission
3 is to support green building practices, to
4 promote more liveable communities and
5 neighborhoods.

6 We have about 850 members in our
7 region, about 450 of which live or work in
8 Philadelphia and about 150 of which live
9 in Philadelphia. And our members are
10 construction managers, construction
11 workers, builders, contractors,
12 developers, architects, planners; everyone
13 involved in any aspect of construction and
14 construction products, including
15 recycling.

16 We have been working with the
17 Zoning Code Commission throughout this
18 process, and we strongly support the
19 proposals that have come out of the
20 Commission. We think that, from our
21 perspective, approving this proposal is
22 probably the best thing that the City
23 could do, the best single step the City
24 could take to make our neighborhoods more
25 liveable.

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2 We've worked with the Commission
3 on issues related to parking, related to
4 trees, related to building practices. And
5 we believe that the Commission has done a
6 really wonderful job in pulling together a
7 lot of very difficult issues, as
8 Councilman Kenney said earlier, and just
9 appreciate the chance to give our support
10 in person to this really, really important
11 step.

12 COUNCIL PRESIDENT Verna: Thank
13 you very much.

14 Any questions of this witness?

15 (No questions.)

16 COUNCIL PRESIDENT Verna: Thank
17 you again.

18 MS. MILKMAN: Thanks.

19 MR. McPHERSON: Our next panel
20 consists of Madeline Shikomba, Sylvia
21 Okechukwu, and Magali Larson.

22 (Witnesses come forward.)

23 COUNCIL PRESIDENT Verna: Is
24 Madeline here?

25 (No response.)

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2 COUNCIL PRESIDENT Verna: Is

3 Madeline here?

4 Good morning. Please identify
5 yourself for the record.

6 MS. OKECHUKWU: My name's Sylvia
7 Okechukwu. I am the Business District
8 Manager at Logan CDC.

9 COUNCIL PRESIDENT Verna: Pull
10 the microphone closer to you, please.
11 Thank you.

12 MS. OKECHUKWU: My name is
13 Sylvia Okechukwu. I am the Business
14 District Manager at Logan CDC. I do have
15 copies of my testimony. I wasn't sure who
16 to...

17 COUNCIL PRESIDENT Verna:
18 Sylvia, proceed with your testimony,
19 please.

20 MS. OKECHUKWU: Okay. Good
21 morning. And thank you for the
22 opportunity to testify today in favor of
23 the new Zoning Code.

24 My name is Sylvia Okechukwu, and
25 I am the Business District Manager at

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2 Logan CDC. Logan CDC is a community
3 development corporation serving the Logan
4 neighborhood of Philadelphia. Its mission
5 is to enhance the quality of life for
6 residents (inaudible) community and
7 economic development.

8 I oversee the North Broad Street
9 Improvement Project, a comprehensive
10 revitalization initiative of Logan's main
11 commercial corridor along North Broad
12 Street and Old York Road. Current and
13 completed projects include: the formation
14 and ongoing support of the Logan Business
15 Association; business-corridor canvassing
16 and outreach; business technical
17 assistance, including referrals to service
18 and funding providers; storefront
19 improvement programs, façades and
20 (indiscernible) and application
21 assistance; streetscape enhancements; and
22 a street-cleaning program made possible
23 through funding from the Philadelphia
24 Commerce Department.

25 The lack of clear rules in the

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2 current zoning code (indiscernible) small
3 businesses from opening on our
4 neighborhood commercial corridors,
5 homeowners from fixing up their houses,
6 and developers from building on vacant
7 land. Forty percent of zoning applicants
8 currently need a variance, more than any
9 large city.

10 The new code tells every
11 developer or homeowner making an
12 improvement to his her property exactly
13 what is allowed and is what is prohibited.
14 Having clear rules developed ahead of time
15 with community input is a far more
16 effective way of ensuring good development
17 than efforts to stop or change development
18 after it has been approved.

19 It has been my personal
20 experience on the Logan Business Corridor
21 that the excessive amount of contradictory
22 and confusing information in the current
23 code unnecessarily lengthens the amount of
24 time it takes businesses to open and also
25 discourages aspiring entrepreneurs from

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2 moving forward with the process to open a
3 new business on the corridor. The new
4 code encourages an orderly process for
5 opening businesses on our commercial
6 corridors, which results in new jobs,
7 restaurants, and services for our
8 residents.

9 We are looking forward to the
10 passaging of the code in 2011 and the
11 subsequent remapping to remap our
12 neighborhoods with extensive community
13 neighborhood and a clear vision of what we
14 want our community to be in the future.
15 While remapping is important, the code
16 adoption should not wait until that
17 happens, and we certainly do not want
18 economic development along our commercial
19 corridors to stop during the remapping
20 process.

21 The new zoning code will make it
22 easier for neighborhoods to be preserved,
23 strengthened, and revitalized.
24 Redevelopment of nonconforming uses will
25 be easier as the new code explicitly

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2 allows improvements to nonconforming
3 properties. Transit-oriented development
4 provisions and the new CMX-2.5
5 neighborhood commercial corridor mixed-use
6 district will accommodate a mix of active,
7 pedestrian-friendly retail and service
8 uses in neighborhood commercial corridors.
9 In neighborhoods such as Logan that are
10 located on the Broad Street line and are
11 accessible by cars, trolleys, bus, train,
12 and subway, this would have a major and
13 positive impact. Also, contextual zoning
14 for row home neighborhoods will ensure
15 (indiscernible) and setbacks.

16 The new code also gives the
17 community a formal role in the development
18 process. For the first time, there is a
19 mandate that developers must notify and
20 meet with community groups about large
21 development projects planned in or
22 adjacent to residential areas and projects
23 that do not employment with the Zoning
24 Code. That said, more projects will be as
25 of right and will not require the

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2 community's time to monitor or oppose.

3 Thank you for your time,
4 attention, and interest. Community
5 housing and economic-development
6 initiatives are important vehicles for
7 continued growth and stability in our
8 neighborhoods. I welcome any
9 opportunities to continue this
10 conversation.

11 COUNCIL PRESIDENT Verna: Thank
12 you very much.

13 Are there any questions of this
14 witness?

15 (No questions.)

16 COUNCIL PRESIDENT Verna: Thank
17 you.

18 I would ask our next witness to
19 please identify herself and proceed with
20 your testimony.

21 MS. SHIKOMBA: My name's
22 Madeline Shikomba. I'm a representative
23 of North Washington Avenue Coalition and
24 Concerned Citizens of Point Breeze.

25 I thank you, Council President

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2 Verna and members of Council, for allowing
3 me to speak to you today on
4 (indiscernible) concerning the new Zoning
5 Code proposals.

6 Extensive work has been done on
7 this project.

8 COUNCIL PRESIDENT VERNA: Excuse
9 me, Madeline. Is that microphone working?

10 MS. SHIKOMBA: I think so. Is
11 it? I didn't do anything with it. Is it
12 still working?

13 MR. McPHERSON: Yes, it is.

14 COUNCIL PRESIDENT VERNA: It's
15 better now.

16 MS. SHIKOMBA: Can you hear me?

17 COUNCIL PRESIDENT VERNA: You're
18 going to have to speak into the mic there.

19 MS. SHIKOMBA: I'm sorry. I am
20 speaking into the mic.

21 COUNCIL PRESIDENT VERNA: I
22 know, but we couldn't hear you.

23 MS. SHIKOMBA: Like this? Okay.
24 Now you can hear me?

25 COUNCIL PRESIDENT VERNA: That's

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2 fine.

3 MS. SHIKOMBA: Okay. My name's
4 Madeline Shikomba. I'm a member of North
5 Washington Avenue Coalition and Concerned
6 Citizens of Point Breeze. I appreciate
7 the fact that the Council President Verna
8 and members of Council have given me this
9 opportunity to speak to you concerning the
10 new Zoning Code.

11 We have serious reservations
12 about the new Zoning Code. We recognize
13 all of the lengthy work that the Zoning
14 Code Commission has put into this, and we
15 recognize the fact that the new code is --
16 essentially has to be passed. However, we
17 are asking for a delay on this.

18 What I wish to do is concerning
19 our recommendations. I also wish to thank
20 Council President Verna, Councilwoman
21 Jannie Blackwell, Councilperson Rizzo, and
22 Mr. Green, who responded very courteously
23 to my e-mails that I sent to them
24 concerning the suggestions and
25 recommendations that I had concerning the

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2 new Zoning Code. They allowed me to speak
3 to them either personally or with their
4 staff. However, I did not hear from any
5 other members of City Council, especially
6 some of the members that are on the
7 committee, concerning the proposal.

8 I was unable to attend the
9 hearing last week, and Miss Tiffany Green
10 spoke on my behalf, but I will reiterate
11 some of the following recommendations.

12 One is considering the fact that
13 throughout Section 14-300, the Code
14 states: Meeting the requirements --
15 quote -- I quote from this. Meeting
16 requirements of the resolutions
17 Commission. Currently, Commission
18 regulations have not been approved by the
19 Council. Miss Eva Gladstein informed me
20 that these regulations are currently being
21 drafted by the Commission and are not
22 enforced. In this case, regulations of
23 the Commission should not be in the Code.

24 And is the Zoning Code
25 Commission trying to implement these rules

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2 without the approval of City Council in
3 order to achieve a fait accomplis? And
4 who gave them this authority?

5 Where the word Commission
6 regulations exists in this code, it should
7 be replaced by meeting the requirements of
8 the regulations and the Zoning
9 Administrative Manual, which exists, until
10 such time as the regulations of the
11 Commission are approved by City Council
12 via public hearings.

13 The Commission has no right to
14 put these in there. Nobody gave them
15 authority; I don't think so.

16 Also, concerning the RCOs. This
17 document is extremely developer-friendly.
18 It has muted or reduced the response of
19 RCOs. Currently, there are four options
20 written already in the Zoning Code; the
21 fifth one said "other." "Other" is a
22 loaded word.

23 The Commission -- the Planning
24 Commission has the right to do whatever
25 they want with this particular fifth,

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2 quote, area. What I'm saying to you is
3 that RCOs probably should be extended, not
4 limited. We don't want them writing in
5 there that they have become 501(c)(3)s or
6 that their membership has to be a certain
7 number. This is not right.

8 RCOs should be any group who
9 express interest in their community. And
10 I wrote that in my recommendations, and I
11 hope that they will read them in terms of
12 the recommendations and that they should
13 not be limited.

14 Also, I stress -- firmly stress
15 the need of establishing a independent
16 agency, a public advocate. This position
17 is essential. It is necessary in order to
18 help individuals and groups to understand
19 and navigate through the Zoning Code.
20 Why? Because the agency can act as a
21 go-between between the community and the
22 ZBA, help laypersons navigate the legal
23 labyrinth of the system.

24 The appeal process is so
25 sophisticated that most residents don't

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2 understand it or have knowledge necessary
3 to file an appeal, and most residents
4 can't even afford a lawyer for the appeal
5 process. Besides that, many lawyers are
6 unwilling to take the case because of
7 their current load, or they're already on
8 the payroll of developers, which represent
9 conflicts of interest.

10 I am told that this should not
11 be in the Zoning Code. If not in the
12 Zoning Code, where? They want to push it
13 aside. We need this position somewhere.
14 We need this position established. And I
15 cannot stress how much we should have it,
16 okay? So this position is essential.

17 Last, not least, I wish to plead
18 that perhaps the Zoning Code should not be
19 approved immediately, at least not today,
20 and to take more time to review this
21 document before rendering a decision. The
22 document will have a lasting impact on the
23 effects of the lives of the citizen of
24 Philadelphia for many years to come.

25 The reason being put forth to

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2 expedite its passage is far outweighed by
3 the effect it will have on the communities
4 and the citizens of Philadelphia. And one
5 of the reasons was that the ZBA has over
6 2,000 proposals that needed a decision.

7 Why so many? Because developers
8 have put their projects on hold, waiting
9 for approval of this code. They realize
10 that opposition and protest currently
11 being stressed by communities in which
12 they wish to develop can be bypassed.
13 Once the code is passed in its present
14 state, they can practically do what they
15 want in our neighborhoods. It also allows
16 the Commission to implement regulations
17 that have not been reviewed or approved by
18 City Council through public hearings.

19 I, therefore, plead that you
20 delay approval on this document. I also
21 ask that you respectfully consider
22 Councilperson Green's Zoning Code
23 proposals. They are very interesting and
24 necessary, especially concerning the one
25 concerning our recreational parks, in

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2 which they now want to turn over like
3 federal -- the FDR Park to the
4 Philadelphia Parking Authority so that
5 they could set up parking regulations
6 which will require people to pay to park
7 in Fairmount Park. It's bad enough that
8 poor people, it's the only outlet we have
9 for entertainment, and now you want us to
10 pay for that, too? Okay?

11 So I suggest that you hold off
12 on this and review it more carefully
13 'cause there are a lot of items in here
14 that I have not even talked about the need
15 to be reviewed.

16 Also, the other problem was that
17 I attended a Philadelphia Daily News forum
18 last week, and one of the projects that
19 came up was, Well, we shouldn't delay it
20 because we have six new members coming up.
21 This matter will not die. It was approved
22 by the citizens of Philadelphia, so how is
23 it going to die? And about six new
24 members? Well, they should be here. They
25 are assured of election if they's running

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2 as Democrats. And not that they have to
3 do that much politicking now to win in
4 November. They should be here, knowing
5 about their constituents and what their
6 constituents want.

7 (Applause.)

8 MS. SHIKOMBA: And they not
9 here. I want to know why, okay? So don't
10 use them as an excuse to delay passage of
11 this.

12 There's eleven of you here.
13 (Indiscernible.) So what about the six;
14 they only represent one-third. You
15 two-thirds. Last time I heard, City
16 Council only need a majority. So don't
17 use those lame excuses for having to pass
18 this thing so quickly.

19 Thank you.

20 (Applause.)

21 COUNCIL PRESIDENT VERNA: Are
22 there any questions or comments for
23 Miss Shikomba?

24 (No questions or comments.)

25 COUNCIL PRESIDENT VERNA: Seeing

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2 none, please identify yourself for the
3 record.

4 MS. LARSON: Thank you, Madam
5 Chair. Thank you for -- City Council to
6 let me speak. I am Magali Larson, and I
7 am from the Woodland Terrace Homeowners
8 Association, which is a part of the
9 Crosstown Coalition, and we are pleased
10 that -- with the reforms of the code
11 because -- essentially because the old
12 code was really intractable and difficult,
13 as the witness before me has expressed.
14 We would not like the new code to be as
15 difficult.

16 I am going to be very brief. I
17 wanted to touch on the very passionate and
18 inspiring issue of parking. And this is
19 the parking in the spins, the former IDD's,
20 the institutional districts that the new
21 code also contemplates. I live in the
22 vicinity of one, and I'm afraid that -- I
23 know a lot of how they work -- actually of
24 two on the master plans. There is no -- I
25 want to preface what I have to say by

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2 saying that there's no community input, or
3 very little, in the master plans of the
4 institutional districts, so this is
5 something they do -- or I shall call them
6 "spins" from now on.

7 Now, the new code would allow
8 spins to establish -- my point is very
9 simple. The new code would allow spins to
10 establish parking 2,000 feet from their
11 destination; whereas, now, the maximum
12 distance is a thousand feet.

13 Now, what does that mean? It
14 means that the users will be parking that
15 is allowed at the outer perimeter of the
16 institutional district, at 12-and-a-half
17 blocks from their destination. And, of
18 course, the institutional district in some
19 cases provide will shuttles, which is not
20 necessarily something desirable, but will
21 also charge rent for parking.

22 And we foresee that the users
23 will simply spill over the limits of the
24 institutional district into the adjacent
25 communities, with adverse effect for those

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2 residential neighborhoods that are there.

3 So we ask you to please maintain
4 the distance required for parking at 1,000
5 feet of destination, which is an excellent
6 distance for destinations to which you go
7 once in a while. You know, parking to
8 residents is in general calculated at 300
9 feet; and parking to places of work, from
10 4 to 600.

11 So we think that this issue
12 should be left as it is essentially
13 because of the very adverse effects it
14 could have on the adjacent residential
15 neighborhood which, I repeat, have not
16 much input in the master plan of spins. I
17 have other concerns, but this is what I
18 have come to tell you today.

19 Thank you very much.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 Any questions or comments from
23 members of the committee?

24 (No questions or comments.)

25 COUNCIL PRESIDENT VERNA: Thank

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2 you all very much. We appreciate your
3 taking the time to come in to express your
4 views.

5 Our next witness?

6 MR. McPHERSON: Our next panel
7 consists of Celeste Hardester, Carl
8 Neuber, and Andy Toy.

9 (Witnesses come forward.)

10 MS. HARDESTER: I would
11 respectfully request that another
12 representative speak for me, and he is
13 very close to being here, but he's not
14 here just yet. If we could -- if the
15 Association could move to Panel 5?

16 COUNCIL PRESIDENT VERNA:
17 Certainly.

18 MS. HARDESTER: Thank you.

19 COUNCIL PRESIDENT VERNA: Good
20 morning. Welcome. Please identify
21 yourself for the record and proceed with
22 your testimony.

23 MR. TOY: Should I just start?

24 COUNCIL PRESIDENT VERNA: Andy.

25 MR. TOY: Okay. Good morning,

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2 Council President Verna and members of
3 Council.

4 COUNCIL PRESIDENT VERNA: Good
5 morning.

6 MR. TOY: My name's Andrew Toy,
7 and I'm here as a member of the
8 Philadelphia Association of CDCs, or
9 PACDC; also as a commissioner on the
10 Zoning Code for three years. Thank you,
11 Councilman Clarke. And am currently
12 working with minority and commercial
13 corridor businesses at the Enterprise
14 Center.

15 I want to thank you for the
16 opportunity to speak today about the new
17 code and the need to move forward to
18 advance Philadelphia.

19 The Commission was charged by
20 the citizens of Philadelphia, who
21 overwhelmingly voted for zoning reform in
22 2007, to bring the Philadelphia Zoning
23 Code into the 21st century. Our stated
24 goals were: To make the code easier to
25 understand; improve our city's planning

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2 process; promote positive, sustainable
3 development; and grow our tax base and
4 population; and preserve the character of
5 our neighborhoods.

6 I believe the new code does all
7 these, and the time is right for City
8 Council to move this process forward.

9 There is so much good in the new
10 code that it would be a shame to fail to
11 pass it this year and have to start anew
12 with a new Council this year. The new
13 code has literally taken years of work,
14 combining the most open and engaging
15 community input process with great
16 expertise from Philadelphia and around the
17 country. I personally attended more than
18 a dozen meetings in communities across the
19 City. That input is represented in the
20 new code.

21 You will not hear from the vast
22 majority who are satisfied that we are on
23 the right track, but I guarantee you they
24 will be very disappointed if you do not
25 act to move it forward.

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2 Working with minority and
3 neighborhood small businesses in
4 commercial corridors across the City has
5 given me a keen appreciation for the
6 difficulties in starting and running a
7 business, a successful small business in
8 Philadelphia. I see this at the
9 Enterprise Center and while I was at LISC,
10 working to build neighborhood corridors as
11 assets and anchors within their
12 communities. The new code will help us to
13 accomplish this by encouraging a good mix
14 of pedestrian-friendly uses and densities
15 that build upon our unique transit
16 infrastructure.

17 A lot of thought went into the
18 CMX-2.5 commercial mixed-use districts
19 that creates a broader standard than the
20 current one off overlays that currently
21 exist for so many districts that makes it
22 hard for small businesses, neighbors, and
23 even zoning examiners to understand the
24 nuances that exist in each place. I was
25 involved in discussions through PACDC and

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2 elsewhere with many commercial corridor
3 managers, and there is strong support
4 across the board.

5 While the new code is not
6 perfect, nothing in life is. And if we
7 let that stop us, we would get nothing
8 done, which is sometimes the public
9 perception of government.

10 There are still some pieces to
11 add such as those pertaining to signage.
12 The new code, like most legislation, has
13 compromises that some may disagree with
14 but were, in fact, the result of hard work
15 among various engaged groups and citizens.

16 Civic design review is a good
17 example of this. While more large
18 projects will have community input to
19 improve outcomes, fewer will end up at the
20 Zoning Board, freeing the Board to decide
21 on projects that really are important and
22 are hardships.

23 We use the example of places
24 like Boston and Seattle that have worked
25 with the development community and

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2 neighborhood organizations to develop a
3 process that works for Philadelphia:
4 Putting neighborhoods at the table with
5 developers to work together more
6 collaboratively.

7 And there's always the option of
8 amending the new code, as we've done too
9 often with the old code, when we recognize
10 a loophole or an unintended consequence of
11 the new code. Certainly Council may find
12 areas in need of tweaking, but the hope is
13 that we can move this already very lengthy
14 process to forward to fruition before this
15 Council is done in 2011.

16 I would also caution that we do
17 not go through remapping before adopting
18 the new code. This has not happened in
19 other cities, and the process was fine.
20 In fact, the vast majority of properties
21 will not need any changes once the new
22 code is in place. If a specific block or
23 blocks seem to be out of place in its new
24 designation, it's probable that it needed
25 redoing in its current designation as

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2 well. For example, there are some
3 industrial-zoned properties that are
4 clearly residential or commercial today.
5 The simple solution is what is already
6 done today, and that is to rezone those
7 parcels without having to wait for a giant
8 remapping process to occur.

9 And, finally, just to reiterate
10 what many are saying: Let's move the new
11 code forward. We can do it right now, so
12 let's do it right now.

13 Thanks.

14 COUNCIL PRESIDENT VERNA: Thank
15 you very much.

16 Any questions of this witness,
17 or any comments?

18 The Chair recognizes Councilman
19 Green.

20 COUNCILMAN GREEN: Thank you,
21 Madam President.

22 Thanks for your testimony, Andy.
23 I appreciate it.

24 Just for the record, a couple of
25 things. I don't think you've heard anyone

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2 at least who's spoken today suggest that
3 we not pass the code this year, so I'm not
4 sure what your testimony is referring to.

5 Also, with respect to mapping or
6 not remapping, I put forward and
7 Councilman O'Neill and others,
8 Councilwoman Blondell Reynolds-Brown and
9 other people have put forward
10 recommendations, most of which have been
11 accepted by the ZCC work plan group, which
12 do not suggest a remapping before we adopt
13 the code, and that hasn't been a
14 suggestion since the minority report.

15 And I just wanted to clarify
16 that for you.

17 MR. TOY: Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Any other questions or comments
21 from members of the committee?

22 (No questions or comments.)

23 COUNCIL PRESIDENT VERNA: Seeing
24 none, thank you.

25 Good morning.

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2 MR. NEUBER: Hi, how you doing?

3 Madam President and members of Council,
4 good morning. My name's Carl Neuber. I
5 live at 5-1/2 River Road, and I want to
6 express how zoning has not worked for our
7 community.

8 Years ago, the DEP came to the
9 City and said, You need to put in sewer
10 lines. So the City has to comply and put
11 in sewer lines. So they tried to get
12 community meetings together.

13 The civic leader at the time was
14 Tom Lansman. The residents of River Road
15 put out a petition, four pages long, that
16 said they do not want Tom Lansman to
17 represent them. For some reason, City
18 Planning, if you read as the pages go
19 back, said to deal with the civic leader.
20 So, basically, planning happened on River
21 Road without really the people's input
22 down there.

23 I have a map here. The initial
24 survey called for 42 hookups to the
25 existing (indiscernible) down there. As

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2 zoning went along, they started denying
3 people hookups, I included.

4 When this came before you last
5 year, Bill Kramer had stated there's
6 winners and losers in this. I am actually
7 one of the losers. I actually reside in
8 one of the dwellings that is termed
9 "non-residential." I pay my taxes. I am
10 on the river side, where I reside like
11 other people are on the river side, but
12 they've been granted the right to continue
13 to build and live there, but I have not
14 been given that right.

15 My goal is not to point fingers
16 at anyone and call anyone names or
17 anything else. I'm just asking: How
18 could zoning go so wrong so bad?

19 If you look at this map, which I
20 have copies that you could run out there.
21 It states that there was a community
22 meeting 2/20/08. That meeting never
23 happened. So in other words, this -- from
24 what I understand, this is a master plan
25 with an overlay. This is the first time

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2 it's been done. I don't think it's been
3 done correctly.

4 I'm hoping maybe you could help
5 me take another look at this so I come in
6 compliance. I don't want to be laying out
7 there where I'm doing something against
8 the law. I'm not looking at increasing,
9 putting any more structures on the
10 property; I'm not a developer. But I do
11 want to have the ability to remove --
12 there's all mobile homes down there -- to
13 remove it and actually put a structure in
14 that meets the flood plain regulation.
15 But for some reason, I keep getting denied
16 on it.

17 I'm hoping -- I need your help.
18 Could you please help me. I don't want to
19 make this sound like an OJ -- case if the
20 glove don't fit, you must acquit. But if
21 it's there, please be fair. (Laughs.)

22 COUNCIL PRESIDENT VERNA: We
23 have a poet.

24 The Chair recognizes Councilman
25 Jones.

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2 COUNCILMAN JONES: I want to
3 thank Mr. Neuber for coming in and sharing
4 with this body some of the intricacies on
5 how zoning impacts people.

6 In the case of River Road, I had
7 a opportunity on several occasions to tour
8 that area. It is unique. When I say
9 "unique," it is very unique.

10 And people have developed over
11 time a lifestyle that -- where they are
12 one with the river. Whenever there's a
13 rain event on River Road, they know it and
14 have adjusted a lifestyle to it.

15 At the time, through almost a
16 grandfathering, some people were on the
17 hill side of River Road and others
18 developed temporary locations on the river
19 side of River Road.

20 When we had to standardize
21 that -- and some people don't view
22 progress as other people do; it depends on
23 where you sit and how long you've been
24 sitting there. But \$4 million worth of
25 sewer improvements, in my mind, is

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2 progress.

3 But one of the things -- and
4 where Mr. Neuber was left out -- was
5 people who had developed dwellings on the
6 river, closest to the river, were not
7 allowed to have connections because it was
8 felt by some that it was dangerous to
9 them. And in providing them that sewer
10 connection, we were kind of allowing them
11 a property right that many people,
12 including the Department of Defense, the
13 Environmental Protection Agency, and
14 others thought should not be there. So in
15 this case, someone who had made
16 substantial improvements to their house is
17 kind of left out.

18 Now, you start getting terms
19 that, you know, us in government are
20 comfortable with, called "the greater
21 good." Well, the greater good may be good
22 to some, but in cases like this, it
23 impedes on the quiet enjoyment of their
24 property.

25 So I understand what has

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2 happened. And somehow, these kinds of
3 exceptions need to be figured out on a
4 case-by-case basis.

5 But I wanted to grab some light
6 or try to shed some light to a lifestyle
7 that people in the use of land sometimes
8 have, and sometimes how they're impacted
9 by overlays in zoning determinations
10 similar to what we did on River Road.

11 But I want to thank him for his
12 continued -- that he did not move and made
13 a taxpayer's commitment.

14 MR. NEUBER: I'm still in
15 danger's way with not the proper zoning.
16 That is what I'm saying.

17 COUNCILMAN JONES: So it's kind
18 of in a Catch 22.

19 MR. NEUBER: Are other people
20 that are on the road to the river side
21 have been permitted to stay? And, for
22 some reason, it's just my two that are not
23 in there.

24 Now, they claim that my property
25 is listed as one address, and there's four

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2 different units there: two on the roadside
3 and two on the riverside.

4 Bill Kramer indicates it's not
5 consistent with current zoning to have it
6 that way, but I have maps here. If you
7 look at the address number 27, there's one
8 address, one tax parcel, and they have
9 about eight structures on one parcel, the
10 same as I.

11 Apparently, some works for them,
12 but it doesn't work for me. I need help,
13 please.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 MR. NEUBER: That basically
17 concludes it.

18 I know that it's a first-time
19 draft. I don't think it's accurate
20 enough. That's why they put erasers on
21 pencils; people make mistakes. I'm hoping
22 maybe this could be fixed.

23 Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you very much.

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2 MR. McPHERSON: Our next witness
3 is Majeedah Rashid.

4 (Witnesses come forward.)

5 COUNCIL PRESIDENT VERNA: Good
6 morning.

7 MS. RASHID: Good morning. Good
8 morning, everyone. My name is Majeedah
9 Rashid, and I'm the Chief Operating
10 officer for the Nicetown CDC and a member
11 of the Philadelphia Association of CDCs.
12 I want to thank City Council for allowing
13 me the opportunity to testify today.

14 The Nicetown CDC was started in
15 1999 on a mission to establish community
16 economic development initiatives to
17 improve the quality of life for those who
18 live, work, and play in Nicetown and the
19 surrounding communities. We have fulfilled
20 our mission with goals and objectives that
21 include community organizing, social
22 service delivery, commercial corridor
23 revitalization, affordable housing
24 development, arts and culture, and land
25 management.

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2 We started from a grassroots
3 resident-driven perspective, which is
4 still the core of our comprehensive
5 efforts today.

6 Since 2002, we have prioritized
7 and incorporated citizen participation and
8 support with planning and development
9 through our neighborhood advisory
10 committee program. For the past five
11 years, we have contracted with the City to
12 maintain more than 200 vacant lots
13 throughout Nicetown in the northwest
14 section of the City.

15 Currently, we are building
16 Nicetown Court, a \$14.5 million low-income
17 housing tax-credit development scheduled
18 to complete construction this December 20,
19 2011. This has leveraged Nicetown Court
20 II, a \$20 million low-income housing
21 tax-credit project, which is utilizing
22 NSP2 funds and is scheduled for completion
23 in December 2012. Since 2009, the
24 Nicetown CDC has participated with the
25 City's CDC tax credit program in a

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2 partnership with Comcast Corporation.

3 Our engagement and experience
4 with residents and those local businesses
5 that has consistently indicated a need to
6 establish clear zoning rules. The current
7 code is often vague and difficult to
8 understand, which has been a barrier for
9 small businesses interested in opening on
10 our commercial corridor. The same is true
11 for many of our homeowners who want to
12 improve their homes.

13 The Nicetown CDC has run into
14 this issue many times over the years in
15 the planning and predevelopment of small-
16 and large-scale construction projects.
17 Developers and contractors often need a
18 variance such as the one we needed for our
19 current development of Nicetown Court.

20 In Philadelphia, 40 percent of
21 zoning applicants need a variance, which
22 is more than in any large city. The
23 proposed new zoning code indicates to
24 every developer or homeowner making an
25 improvement to his her property exactly

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2 what is allowed and what is prohibited. I
3 know it would be a lot more effective if
4 we had clear rule that were implemented
5 ahead of time with community input.

6 Believe me, that is a more productive way
7 to ensure good development than all of the
8 work that it would take to stop or change
9 development after it has been approved,
10 not to mention the damage control that you
11 would need to do in the community.

12 The Nicetown CDC is looking
13 forward to the passage of the new zoning
14 code in 2011 and the subsequent remapping
15 of our neighborhood.

16 Nicetown and adjacent
17 communities are transitional and have
18 concerted efforts to improve existing
19 conditions and establish destination
20 points to attract visitors and new
21 businesses. While remapping is very
22 important to this process, we do not want
23 to delay or prohibit critical economic
24 development on our commercial corridors
25 until after it happens.

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2 The new code will help
3 organizations like the Nicetown CDC
4 continue to ensure that neighborhoods that
5 have left out of the picture for decades
6 will have increased community input and a
7 sustainable future.

8 And in relation to the Zoning
9 Code and nonconforming uses, redevelopment
10 of nonconforming uses will be easier as
11 the new code explicitly allows
12 improvements to nonconforming properties
13 and allows a new nonconforming use on a
14 property that is in the same use category
15 as one that existed on the property within
16 the last three years.

17 Transit-oriented development
18 provisions in the new CMX-2.5 neighborhood
19 commercial mixed-use district will
20 accommodate a mix of active, pedestrian-
21 friendly retail and service uses in
22 neighborhood commercial corridors. And
23 the \$28 million redevelopment of the
24 historic Wayne Junction train station in
25 Nicetown is a perfect example of both of

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2 these instances.

3 The new Zoning Code will ensure
4 that the community has a formal role in
5 the development process. The Nicetown CDC
6 also supports this aspect of the new code,
7 which, for the first time, implements a
8 mandate to developers: They must notify
9 and meet with community groups about
10 large-development projects planned in or
11 adjacent to residential areas and projects
12 that do not comply with the Zoning Code.

13 In Nicetown, that is a given,
14 and most developers or those in need of
15 zoning approved come to us, seeking
16 community support. Inquiries are reviewed
17 by the neighborhood advisory committee and
18 the Nicetown CDC and supported only when
19 it coincides with established neighborhood
20 planning in the context of the
21 neighborhood.

22 The Nicetown CDC is currently
23 completing a neighborhood economic
24 development plan which will incorporate a
25 succession of four previous commercial

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2 corridor plans. This is in cooperation
3 with the Department of Commerce, the
4 Philadelphia City Planning Commission, and
5 other departments of the City.

6 That's my testimony. And I
7 thank you again for allowing me the
8 opportunity.

9 COUNCIL PRESIDENT Verna: Thank
10 you very much.

11 Are there any questions or
12 comments from members of the committee for
13 this witness?

14 (No questions or comments.)

15 COUNCIL PRESIDENT Verna: Again,
16 I thank you.

17 MS. RASHID: Thank you.

18 COUNCIL PRESIDENT Verna: Good
19 morning.

20 MR. McKuen: Good morning.

21 COUNCIL PRESIDENT Verna: Please
22 identify yourself for the record.

23 MR. McKuen: Yes. I'm Lawrence
24 D. McKuen, 28 West Evergreen Avenue,
25 Philadelphia, PA, 19118. I'm a practicing

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2 architect, a professor of architecture at
3 Drexel University. I'm representing the
4 Chestnut Hill Community Association today.
5 I am the co-chair of the development
6 review committee there and have, for 18
7 years, been on the land-use planning and
8 zoning committee.

9 I would like to say at the
10 outset -- I'd like to say, as a design
11 professional, someone who reviews zoning
12 proposals for some period of time and
13 someone who's been to several of the many
14 Zoning Code Commission meetings, I applaud
15 the effort, the result in large part, and
16 I'm -- we are, as a community association,
17 generally very supportive of the new
18 zoning code.

19 We do have one item where we
20 would like some change to be made, and
21 that has to do with the civic review
22 process. We have an amendment I'd like
23 to -- I have copies for the various
24 members of Council here.

25 The association has many

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2 committed and experienced citizens,
3 including dedicated design professionals
4 who are skilled in handling reviews of
5 applications for rezonings and zoning
6 variances. These citizens have, over the
7 course of sixty years, been instrumental
8 in guiding development agreements towards
9 informed and positive outcomes in the
10 large majority of cases and have aided in
11 maintaining the unique character of this
12 community, while responding to
13 opportunities for growth and change.

14 Our review process, which allows
15 for citizen input at local publicly-held
16 res of each development proposal, is a
17 highly efficient and effective process
18 commensurate with Chestnut Hill's status
19 as a National Historic District within the
20 Wissahickon Watershed. It is a system
21 that, over the course of time, has proven
22 to work for us. We are concerned that
23 this process will be lost and, so, wish to
24 submit this proposed amendment for
25 consideration.

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2 We look forward to many
3 improvements inherent to the new
4 regulations that will be a great benefit
5 to the City. With some simple
6 modifications, we can be a part of that
7 system while not losing what to committed
8 communities would be an ideal outcome.
9 The proposed amendment to Chapter 14-1(c)3
10 reads as follows:

11 "Where a defined neighborhood
12 has a single neighborhood community
13 organization that routinely reviews
14 applications for rezonings and zoning
15 variances pursuant to an established
16 review procedure, provided that the
17 neighborhood community organization
18 registers annually with the Planning
19 Commission, then that neighborhood
20 community organization may apply to the
21 Planning Commission to be recognized as
22 and to function as the primary registered
23 community organization in that defined
24 neighborhood.

25 "The primary neighborhood

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2 community organization's established
3 reviewed procedures shall apply in lieu of
4 the procedures set forth in Chapter
5 14-303, provided that the review process
6 conducted by the primary registered
7 community organization shall comply with
8 the functionally equivalent minimum
9 requirements set forth in Chapter 14-303.

10 "The primary neighborhood
11 community organization's review process
12 may include requiring an applicant's
13 attendance at regularly scheduled meetings
14 of the primary neighborhood community
15 organization and participation in
16 constructive negotiations with that
17 neighborhood community organization, all
18 of which may extend beyond the minimum
19 45-day period."

20 Our process actually provides in
21 a one-month-and-nine-day period from the
22 time of the application is published in
23 the newspaper, which is a very important
24 part for us, allows us to review that
25 proposal.

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2 The issue for us in the initial
3 part of it is that applications come into
4 the community office at any time during
5 the month and then are scheduled to start
6 at the Development Review Committee, which
7 is on the third Tuesday of any given
8 month. By the fourth Thursday of the
9 following month, it's possible in our
10 process that the applicant will have had
11 his or her application approved by the
12 board and a letter sent on to the ZBA.

13 It is not necessarily our -- it
14 is the intention of this to then dovetail
15 in with the -- at the end of the process
16 in our -- through our review back to
17 follow then the -- what continues on in
18 the current proposed Zoning Code.

19 But that's our amendment.

20 Thank you very much.

21 COUNCIL PRESIDENT Verna: Thank
22 you.

23 The Chair recognizes Councilman
24 Green.

25 COUNCILMAN GREEN: Thank you.

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2 And thank you for your
3 testimony.

4 I just -- have you -- there are
5 a lot of community organizations of the
6 Crosstown Coalition which, you know,
7 includes a number of very organized
8 neighborhoods with specific review
9 processes.

10 MR. MCKUEN: Right.

11 COUNCILMAN GREEN: And I'm just
12 curious as to whether or not you've
13 approached them with a proposal -- with
14 this proposal and what the reaction was to
15 it, because they have all -- as far as I
16 know, they have basically thought that the
17 45 days gave their groups enough time to
18 go through the process that they normally
19 and currently go through.

20 MR. MCKUEN: Well, we have
21 actually attempted to -- and we have had
22 several conversations -- since we're just
23 on the other side of August and vacations,
24 we haven't had a lot of time, since we've
25 really seen that this was going to come

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2 before Council, to discuss it with them.

3 I think our -- I think we've
4 seen that recently, there are some issues
5 that have required longer than a single
6 cycle through our review process.

7 The other thing I guess I'd say
8 is that to the extent that our historic
9 district is outside Center City, where I
10 think a lot of the Crosstown Coalition
11 neighborhoods are in Center City and right
12 near there, conditions sometimes in our
13 community are a little different than in
14 the -- and the context is a little
15 different than what is available or what
16 is typical in Center City.

17 I think -- as I said, given that
18 applications come into our process and
19 everything is regularly scheduled and
20 regularly publicized in our newspaper so
21 that everyone can come to attend, it's
22 just possible in that 45-day period that,
23 depending on when an application came in,
24 it may -- we may, just to do the minimum
25 process, be beyond the 45 days.

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2 COUNCILMAN GREEN: I understand
3 your testimony. I just was curious as to
4 whether or not the --

5 (Indiscernible; parties talking
6 over each other.)

7 MR. MCKUEN: The community
8 association actually in this process acts
9 in concert with the Business Association,
10 the Historical Society, and the Friends of
11 the Wissahickon on a as-needed basis. So
12 it is a group that provides a
13 comprehensive review of each development
14 proposal, whether it's an institution, a
15 business owner, or a resident.

16 COUNCILMAN GREEN: Thank you.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilwoman Tasco.

19 COUNCILWOMAN TASCO: Thank you,
20 Madam President.

21 I have a question for Eva
22 Gladstein, if you would call her back to
23 the table. Eva?

24 (Ms. Gladstein returns to
25 witness table.)

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2 COUNCILWOMAN TASCO: Thank you.

3 MS. GLADSTEIN: Sure.

4 COUNCILWOMAN TASCO: His
5 testimony raises the concerns for me in
6 terms of the recognized community
7 organization.

8 Suppose there are two or three
9 registered community organizations in an
10 area; which one will be recognized? Are
11 you saying the community should have one,
12 or could be there several? And then who
13 will you listen to?

14 MS. GLADSTEIN: I have not seen
15 a written copy of the testimony, though I
16 have had discussions with members of the
17 association, so I'm going to base my
18 comments on --

19 (Mr. McKuen hands document to
20 Ms. Gladstein.)

21 MS. GLADSTEIN: Thank you. I'm
22 not going to read it this minute.

23 This suggestion was one that we
24 actually thought about and considered well
25 over a year ago because there are

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2 neighborhoods with multiple community
3 organizations, and there was some
4 discussion about whether or not one group
5 should be considered the primary group and
6 have, for example, the responsibility to
7 convene the meeting or to notify the other
8 groups.

9 In the end, we felt that was
10 untenable for a variety of reasons. We
11 felt that the City, the Administration,
12 and the Planning Commission should not be
13 in the position of deciding which group --
14 which group's voice was better or should
15 be listened to as compared to other
16 groups.

17 And we also felt that a group's
18 ability and capacity changes over time.
19 So some groups that are very experienced
20 might lose capacity, some groups that are
21 newer and less organized might increase
22 their capacity so that we couldn't
23 determine at any one point which group
24 should have a special designation.

25 And we also felt that we

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2 couldn't necessarily hold them accountable
3 in terms of whatever activities they might
4 be responsible for with relationship to
5 the other group.

6 So that's a long way of saying
7 that we felt uncomfortable making a
8 decision about registered community
9 organizations and any organizations that
10 would fit the regulations as are
11 promulgated would be -- under our proposal
12 would be recognized and would have the
13 same rights.

14 Our proposals do suggest that
15 the groups, if there are multiple groups,
16 that they would need to coordinate the
17 meeting time so that the developer would
18 not have to travel to various places for
19 the meeting, but that they could each
20 document what their position is on the
21 project.

22 COUNCILWOMAN TASCO: Okay.

23 Thank you very much.

24 MR. MCKUEN: Can I respond to
25 that?

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2 COUNCIL PRESIDENT VERNA: Thank
3 you very much.

4 COUNCILWOMAN TASC0: Thank you.

5 MR. MCPHERSON: Our next panel
6 is: Greg Moses, James Harris, and Lillian
7 Davis.

8 (Witnesses come forward.)

9 COUNCIL PRESIDENT VERNA: Good
10 morning, Greg. Nice seeing you.

11 MR. MOSES: Good morning.

12 COUNCIL PRESIDENT VERNA: Did
13 you want to be identified first?

14 MR. MOSES: We'll we want to
15 start with Mr. Harris and then Mrs. Davis,
16 then...

17 COUNCIL PRESIDENT VERNA: Okay,
18 fine.

19 Mr. Harris, please identify
20 yourself for the record and proceed with
21 your testimony.

22 MR. HARRIS: Yes. Honorable
23 Anna Verna?

24 COUNCIL PRESIDENT VERNA: Yes.

25 MR. HARRIS: My name is James

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2 Harris, and I'm Assistant Director of
3 Southwest Aid, and I've been in that
4 capacity for the past 15 years.

5 And my concern today is that
6 facility that's being applicated [sic] in
7 our area. We want to show some concerns
8 why we think it would be a detriment to
9 our community, so I have some things that
10 I want to inject as to why I think it
11 would be so.

12 So as the community leader in
13 Southwest Philadelphia, I am writing to
14 alert you to an aspect of the draft Zoning
15 Code of which you might not be aware. The
16 proposed elimination of the longstanding
17 rule that prisoner facilities be located
18 more than 500 feet from home. As you
19 probably know, the current Zoning Code
20 prohibits regulated use from locating
21 within 500 feet of residential
22 neighborhood.

23 There are a number of different
24 types of regulated uses, and a prison is
25 one of them. So under the current code,

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2 there is a 500 buffer between prisons and
3 homes.

4 For years, the Administration
5 has been promoting so-called prisoner
6 reentry facilities, which, in addition to
7 accommodating prisoners on their way out
8 of prison, also includes day reporting and
9 the housing of offenders awaiting bail.

10 Sentencing of a transfer to
11 state prison. Under the current Zoning
12 Code, this type of facility is probably
13 considered a prison and is, therefore,
14 prohibited from being 500 feet of a
15 residential neighborhood.

16 The draft Zoning Code -- City
17 Council is currently considering enacting
18 a new zoning code. We support rezoning,
19 we support zoning reform. However, in the
20 direction of Councilperson Jannie
21 Blackwell, the new draft code contains a
22 provision at 14601 that completely
23 reverses current policy on private prisons
24 by creating a new category called "reentry
25 facilities" not subject to the 500-foot

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2 buffer zone.

3 These reentering facilities
4 should be allowed an exception to the
5 districts formerly known as L-1, L-2, L-3,
6 L-4, and L-5 for industrial.

7 On page 6, paragraph 2, that is
8 the changes that we're basically concerned
9 about, because this is a way of not having
10 to honor the code law that's been on the
11 books for a long time.

12 Now, if this is changed, it's
13 not going to help our community, you know.
14 It's going to give you the opportunity to
15 bypass the 500-foot code that has been on
16 those books for a long time.

17 Now, this is our greatest
18 concern. And when I think about the fact
19 -- you know, I've been in my opinion
20 neighborhood since 1984. Now, anything
21 that concerns a prison is going to put my
22 community in detriment.

23 Now, for a long time, I have
24 considered and tried to do everything I
25 could for my community, but prisoners

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2 don't do anything for a community, they
3 don't do anything for a community.

4 The thing about it is, if
5 there's a prison located in any area,
6 other businesses are not going to come
7 into that area. And that is our greatest
8 concern, because whatever happens with our
9 properties, we're going to suffer the
10 consequences. And that's for sure.

11 You know, I have been wearing
12 this shirt for a long time, and I wanted
13 to do everything that I possibly can to
14 make sure my community does not suffer
15 anything that's going to be a detriment to
16 their -- their concerns would be they're
17 being able to, you know, if the provident
18 law is injected, the next is going to go
19 away. And the thing about it is, they're
20 not going to -- some of 'em are not going
21 to be able to survive.

22 And I always consider the fact
23 that, you know, a prison to me -- I'm
24 going to give you a typical example. You
25 know, if you have a prison and you inject

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2 it into any area, it's going to be like
3 putting a cat in a room full of rats; they
4 going to scatter. And if there is
5 businesses -- if you put a conducive
6 business there that's going to make money,
7 other businesses are going to come to that
8 area because they see the potential of
9 your being able to make some additional
10 money because of that business.

11 But anything other than that,
12 you going to -- hey, it's going to be just
13 like a plague. They going to see you,
14 they know what is there, and they're not
15 going to come into that area.

16 We have colleges that have come
17 from -- from -- particularly one college,
18 Philadelphia College of Pharmacy and
19 Science, they have come all the way to
20 46th and Woodland Avenue; that's very near
21 the area where the prison site is being
22 proposed.

23 Now, if you put anything there,
24 that college is not going to come any
25 further. And I wouldn't blame them

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2 because this is not going to be conducive
3 to what they want, you know. And it's
4 their proposal, you know.

5 So I -- that is my greatest
6 concern. We want you to think about this
7 very -- we also submitted some letters to
8 other Councilmembers, and we want you to
9 be concerned about -- Hey, it might not be
10 you today, but it might be you next. You
11 might be caught in the crosshairs. So
12 always be aware of the fact that, hey, it
13 didn't happen now but it could happen
14 later.

15 So I want you to make sure that
16 we -- you know, we also want to also think
17 about the fact that, you know, in my
18 neighborhood, for the past few years, we
19 have had many entities that have come in
20 there that has been conducive to our
21 neighborhood. We had a million-dollar
22 church, four, five years ago. We have a
23 charter school that's a multi-million
24 dollar school. We have a proposed site
25 for another million-dollar church, and we

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2 have also have another site located a
3 block away for the Cambodians.

4 We went and we put the effort to
5 go down there to sanction these businesses
6 because they were conducive. We also had
7 to fight other businesses that attempted
8 to come inside our neighborhood -- mainly
9 a paint shop and, just a month ago, a auto
10 repair shop.

11 Now, I'm always willing to do
12 what I can for my neighborhood. And the
13 thing that hurts me the most is when I see
14 something that's coming in there,
15 attempting to come in there, that's going
16 to bring my neighborhood down and create
17 hardship for my constituents.

18 I'm also a committee person;
19 I've been a committee person for the last
20 eleven years. Now, I want to say to
21 myself, you know, when I put this shirt on
22 and I come forth, I want my constituents
23 to know that I'm ready to fight the battle
24 for them. And I want them to understand
25 that we do what we can do and we try to

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2 keep our neighborhoods safe from harm.

3 And that's my great concern today.

4 And I appreciate your listening,
5 and I hope some understanding will be
6 injected.

7 Thank you very much.

8 COUNCIL PRESIDENT VERNA: Thank
9 you, Mr. Harris, and thank you --

10 (Applause.)

11 COUNCIL PRESIDENT VERNA: Thank
12 you for all the work you do in the
13 community.

14 MR. HARRIS: Thank you.

15 COUNCIL PRESIDENT VERNA: And
16 for the many years you've been doing it.

17 MS. DAVIS: Thank you.

18 COUNCIL PRESIDENT VERNA: We're
19 very appreciative.

20 Now we'll recognize the very
21 pretty Lillian Davis next.

22 MS. DAVIS: Yes. Good morning,
23 everybody.

24 I just want to thank you for
25 having me and giving me the opportunity to

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2 be able to speak. This is my first time.

3 I'm not a bit nervous, but this is my
4 first time. And there are some things
5 that I have, you know, been wanting to
6 say, and this is my opportunity.

7 I do live in the southwest area
8 of the so-called prison system that they
9 trying to get there. And I'm -- it's not
10 a good thing to know what's going on in
11 our area. There's many of us, you know,
12 don't like it, and I don't. And I've been
13 there for almost 40 years, right here in
14 my home, and I raised two children here.
15 And I -- I -- it was a great place. And
16 to us now, it's still a great place. And
17 we want to keep our community, and I agree
18 with Mr. Harris, as best as we can keep
19 it.

20 Due to this time, the situation
21 of things going on, we need to keep our
22 community the best we can. We have a lot
23 of old peoples in the community, young
24 people, children, and we need to look out
25 for them.

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2 I'm old myself. And one day --
3 I'm speaking now, but one day I might not
4 be able to say what I'm saying. And I'm
5 speaking for the community, not just for
6 me. And I do thank God for, you know,
7 helping us this far.

8 I do give a lot of great thanks
9 to Mr. Moses that, you know, did a great
10 job in the community that's helping us to
11 get where we are. He fought, he worked
12 hard. We're standing by him to do the
13 best that we can in helping him.

14 So there's a few questions that
15 I really want to ask here. Yes, and we do
16 have people here that's holding signs -- I
17 don't want to leave out nobody, because
18 we're here instead of our community. And
19 I do want to thank them for being here.
20 And oh, boy, it looks good back in back of
21 me. I thank God for that, you know.

22 (Applause.)

23 MS. DAVIS: And we want to stand
24 up for our people. And as I said before,
25 we need to speak with -- I'd like to just

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2 direct this question to Mrs. Blackwell --

3 COUNCIL PRESIDENT VERNA: No,
4 no, I'm sorry.

5 MS. DAVIS: -- the Councilwoman.

6 COUNCIL PRESIDENT VERNA: I'm
7 sorry.

8 MS. DAVIS: You can't do that?

9 COUNCIL PRESIDENT VERNA: We
10 don't allow that.

11 MS. DAVIS: All right.

12 COUNCIL PRESIDENT VERNA: You
13 can make your statements.

14 MS. DAVIS: Okay, no problem.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 MS. DAVIS: I'm willing to --
18 I'm an obedient person and I want to be
19 obedient.

20 But what I really wanted to say
21 is there are -- I just want to read this
22 little note here, this letter, and the
23 reason why we don't want a prison, a
24 halfway house in our community.

25 In (indiscernible) California,

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2 the low-income workers found themselves
3 poor after a new person -- after a new
4 prison opened in 1989 because rent
5 increased up 25 percent, 35 percent during
6 construction, and did not go down after
7 the building crew left town.

8 The decline in the house prices
9 threatened the security of longtime
10 homeowners, often low-income or elderly
11 residents. When the value of their
12 housing decline so does their nest egg,
13 and you know what that is.

14 Prison halfway houses produce
15 nothing, and they buy very little from
16 local economies. Prisons use water, lots
17 of it. You put water in a prison -- you
18 put -- you put water in a prison, you get
19 sewage.

20 A prison makes great demands on
21 infrastructure but does not necessarily
22 pay for them. The community gets stuck
23 with the expense of roads, water, waste
24 treatment, sewage, streetlights, and
25 traffic and cops. If these prisons are so

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2 great, why isn't there one in the Bala
3 Cynwyd area?

4 Nothing naturally gravitates
5 towards the prison. There is no related
6 industrials that will set up a shop at the
7 edge of a prison the way that various
8 kinds of experts such as taxes, advisors,
9 mechanics, or printers or eateries or
10 other specialists clustered around our
11 kind of industrials.

12 And as -- as I stated, we want
13 you to look into this thing a little
14 closely. We are old people that lives in
15 the community. We struggled down through
16 the years to have a property. We worked
17 hard. Snow, ice, rain, winter cold. We
18 did this to have a decent place to live
19 where we got where we are now, up in age.
20 And we're looking forward to that. But we
21 cannot be comfortable with a prison a few
22 blocks down from our homes.

23 It's not right, it's not right.
24 You don't take advantage of old people
25 like this. This is our community; we made

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2 the community. So why do we have to
3 suffer for what these prisoners, which has
4 broke the law, did what they shouldn't
5 have done. We are living here. Why
6 should we have to suffer for what they
7 did. It's not right, it's definitely not
8 right.

9 It's going to be a time when
10 you're not going to be able to walk out
11 your door. It's going to be a time when
12 you got to keep your windows closed at all
13 times. You can't take the bus or trolley
14 or walk a block or two blocks to get the
15 trolley to go and take care of your
16 obligations.

17 This should be looked into very
18 closely.

19 (Audience member speaks out of
20 turn.)

21 COUNCIL PRESIDENT Verna: Thank
22 you.

23 I'm sorry. We -- if you want to
24 speak, you'll come up to the microphone,
25 but do not disrupt the hearing, please.

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2 Thank you very much.

3 Greg?

4 MR. MOSES: And, once again,
5 good morning -- good afternoon to the
6 Council.

7 Just a couple of short things
8 really.

9 One, the -- what Sister Davis
10 was referring to when she said they were
11 incorrect in what they did, she was
12 referring to the Zoning Board of
13 Adjustment when they made their decision
14 to approve.

15 COUNCIL PRESIDENT VERNA: They
16 took their time in making their decision.

17 MR. MOSES: Right. And, you
18 know, and so forth and so on.

19 The other part that we really,
20 really are focused on is the part in how
21 the construction of the new Zoning Code is
22 going to go. We found in there that
23 Councilwoman Blackwell has a paragraph in
24 there referring to reentry, okay? I
25 believe it's on page 6, paragraph 2.

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2 That troubled us very, very
3 highly because -- and that's the only
4 thing in there that concerned that. That
5 troubled us very, very much because, there
6 again, that was a deviation away from what
7 we believe the Zoning Code is supposed to
8 be for.

9 The Zoning Code is supposed to
10 be here to help the people of the
11 community, all right? and the people that
12 live here. And we felt as though that
13 clearly was a statement -- or clearly was
14 an indication of where you're saying no,
15 you know, this -- you know, you don't have
16 to worry about the 500-foot rule that has
17 been on the books by the Licenses and
18 Inspections for many, many years. And
19 that paragraph was speaking of just, you
20 know, ignoring that and not having to
21 adhere to that at all.

22 We felt that was incorrect, that
23 was a mistake. We know mistakes do
24 happen. And, you know, we would ask that,
25 you know, be either withdrawn or

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2 overlooked when you're drawing up your
3 City Council -- the new City Council rules
4 for the zoning.

5 The last thing -- I will leave
6 it right here and say is that, you know,
7 as you see, you see a number of people
8 here with us. And there are many, many,
9 many more. There are a number of groups
10 that are with us, okay? We are actually
11 called the Southwest Coalition of
12 Community Groups, and that consists of at
13 least no less than twelve groups, okay?
14 And we thank them all for being here today
15 too and for helping us as well.

16 That being said, I'll leave it
17 there and open for any questions.

18 COUNCIL PRESIDENT VERNA: What
19 is the status of the appeal that the
20 community has made?

21 MR. MOSES: Okay, the appeal,
22 its status, we're supposed to have it, I
23 believe it's on October the 12th.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

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2 MR. MOSES: Right. That's
3 when -- in other words, it went into
4 waiting, and the hearing itself is
5 supposed to be October the 12th, before
6 Judge Idy Fox.

7 COUNCIL PRESIDENT Verna: Very
8 good. Thank you.

9 Are there any questions or
10 comments from members of the committee?

11 (No questions or comments.)

12 COUNCIL PRESIDENT Verna: Thank
13 you all very much for coming in. We
14 appreciate all that you do for the
15 community.

16 MR. MOSES: Thank you.

17 COUNCIL PRESIDENT Verna: Thank
18 you so much.

19 MR. HARRIS: Thank you so much.

20 MR. MOSES: Thank you very much.

21 COUNCIL PRESIDENT Verna: This
22 will conclude our hearing.

23 And, again, I thank you all for
24 your participation and your interest.
25 Thank you again. Have a good day.

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2 (Proceedings end at 12:10 p.m.)

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1 C E R T I F I C A T E

2
3 I HEREBY CERTIFY that the
4 proceedings of the City of Philadelphia Council
5 Committee of the Whole are contained fully and
6 accurately in the stenographic notes taken by
7 me on Tuesday, September 27, 2011, and that
8 this is a true and correct statement of same.
9
10
11

12 JOSEPHINE CARDILLO

13 Registered Professional Reporter
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