

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 29, 2010
10:15 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN JACK KELLY
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN JANNIE BLACKWELL

BILLS 100552, 100656, 100678, 100709, 100720,
100721, 100750, 100761, 100773

- - -

1
2 COUNCILMAN KENNEY: Ladies and
3 gentlemen, may I please have your
4 attention. Good morning.

5 Good morning. We have a quorum
6 of the Rules Committee to discuss -- to
7 conduct business today with
8 Councilmembers Miller, Goode, myself,
9 Councilman Kenney, who is chairing,
10 Councilman Greenlee and Councilman
11 DiCicco.

12 We would ask everyone, please
13 take a seat. We have a requirement that
14 everyone be seated. There's plenty of
15 room. There's plenty of chairs. Thank
16 you very much.

17 The first bill is Bill No.
18 100721, which is an ordinance amending
19 Title 14 of The Philadelphia Code,
20 entitled "Zoning and Planning," by
21 amending Chapter 14-1600, entitled
22 "Miscellaneous," by adding a new Section
23 establishing the Fox Chase Environmental
24 Control District, all under certain terms
25 and conditions.

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2 (Witness approached witness
3 table.)

4 COUNCILMAN KENNEY: Mr. Kramer,
5 please identify yourself for the record.

6 MR. KRAMER: Good morning,
7 Councilman Kenney and members of the
8 Rules Committee. I am William Kramer,
9 Division Director of the Development
10 Planning Division of the Philadelphia
11 City Planning Commission. I am here
12 today to testify on Bill No. 100721,
13 which was introduced by Councilmember
14 O'Neill October 28th, 2010.

15 Bill No. 100721 amends the
16 Philadelphia Zoning Code by adding a new
17 Section establishing Fox Chase
18 Environmental Control District.

19 Bill No. 100721 affects the
20 property known generally as Fox Chase
21 Farms, which is a 34.8 acre farm located
22 along Pine Road, the Pennypack Creek and
23 the Philadelphia County border. The
24 property is currently zoned "REC"
25 Recreational and is not being changed by

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2 this legislation. This farm is used as
3 an educational farm not generally open to
4 the public, with the exception of
5 periodic special events. The
6 Philadelphia School District and the
7 Fairmount Park Commission cooperatively
8 operate Fox Chase Farm as an agricultural
9 education facility. Programs include an
10 active 4H Club and many visits by school
11 children throughout the region.

12 Bill No. 100721 creates a new
13 Section establishing the Fox Chase
14 Environmental Control District. The
15 District encompasses the Fox Chase Farm
16 and will limit the uses to permit an
17 educational farm, agricultural activities
18 for educational purposes, educational
19 programs relating to horticulture,
20 agriculture, environmental and historical
21 studies, and programs coordinated by the
22 School District of Philadelphia or the
23 Department of Parks and Recreation.

24 The Philadelphia Department of
25 Parks and Recreation currently has no

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interest in placing commercial farming at this location or in changing the ongoing programs. The farm is City owned and operated, with the assistance of the Friends of Fox Chase Farms. Fox Chase Farms is one of the last working farms in any major city and has produced agriculture for over 300 years. The majority of the farm is actually located in Montgomery County. Accordingly, this legislation only covers a small portion of the farm.

The current zoning of the property of "REC" Recreation does not permit commercial farming or any other commercial activity as a matter of right. This bill creates a zoning overlay to restrict a use at the property which is already not permitted under the current Code provisions. Accordingly, the provisions of this legislation are considered redundant and provide no additional protection for the Fox Chase Farm.

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2 The Philadelphia City Planning
3 Commission considered Bill No. 100721 at
4 its meeting of November 16th, 2010.
5 After consideration, the Commission
6 recommended that Bill No. 100721 be
7 disapproved.

8 This concludes my testimony. I
9 appreciate the opportunity to appear
10 before you today and would be pleased to
11 answer any questions you may have.

12 COUNCILMAN KENNEY: Thank you
13 very much.

14 Is there anyone here from the
15 Parks and Recreation Department?

16 (No response.)

17 COUNCILMAN KENNEY: There's
18 supposed to be written testimony. Is
19 there anyone to testify from Parks and
20 Rec?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing
23 none, additionally my understanding is
24 the School District -- does the School
25 District have an interest -- an

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2 interested party in this bill?

3 (No response.)

4 COUNCILMAN KENNEY: Is anyone
5 from the School District here?

6 (No response.)

7 COUNCILMAN KENNEY: Thank you.

8 The next folks on the list are
9 Fred Maurer -- I'm sorry. Councilman
10 Greenlee, please.

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

13 Just real quickly, Mr. Kramer.
14 This sounds fairly similar to -- I mean
15 in scope to a bill we did a couple weeks
16 ago in Roxborough.

17 MR. KRAMER: Absolutely.

18 COUNCILMAN GREENLEE: And I
19 guess my question is the same as it was
20 then. If you can't do it now, if this
21 bill -- Councilman O'Neill is proposing
22 to put these restrictions on, I guess,
23 just to kind of make it clear where the
24 community is coming from. I guess like
25 it sounds like what's the harm in that,

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2 then. I mean, you say it's redundant.

3 Maybe it is, but what's the harm in that?

4 You know what I'm saying?

5 MR. KRAMER: I don't know that
6 I would term it as "harm." I think from
7 a Code perspective as someone who writes
8 and reads and deals with Code, it adds a
9 lot of unnecessary language to the Code,
10 which makes it unnecessarily complicated.

11 The whole purpose of any kind
12 of Code provision is to send a matter to
13 the Zoning Board of Adjustment or not
14 permit it. The Code already does that.
15 And, again, we've said it's redundant,
16 and I cannot say that it's going to
17 present as a harm issue, the passage of
18 the bill. It doesn't really harm
19 anything. It just adds another piece of
20 language to the Code.

21 COUNCILMAN KENNEY: Councilman
22 O'Neill.

23 COUNCILMAN GREENLEE: Okay.
24 Thank you.

25 COUNCILMAN O'NEILL: I would

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2 agree that it may be extra protection,
3 but I think that's just what the
4 situation calls for, as was the case in
5 Roxborough.

6 Thank you.

7 COUNCILMAN KENNEY: Thank you.

8 Mr. Maurer, please identify
9 yourself for the record and proceed.

10 MR. MAURER: Fred Maurer. And
11 I have a copy here for the Clerk. You
12 can give a copy to Mr. O'Neill as well.

13 Ready?

14 COUNCILMAN KENNEY: Please
15 proceed.

16 MR. MAURER: My name is Fred
17 Maurer and I testify on Bill No. 100721.

18 I was present at a public
19 meeting when Commissioner Michael
20 DiBerardinis spoke of converting some
21 vacant lands, City lands, into garden and
22 farms. At the end he said some large
23 parcels could then be made into
24 profit-making farms. He never talked
25 about taking public lands for farms.

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2 When he talked about public lands, he
3 only mentioned Recreation Department
4 lands, and he suggested some excess
5 Recreation lands could be used as a
6 community neighborhood garden. He
7 implied the loss of Recreation lands
8 would be de minimis. He never mentioned
9 a large change of legal uses. He never
10 mentioned a large change in Rec lands or
11 in parks.

12 When he was asked about
13 Fairmount Park lands, he only said there
14 would be no changes in them. From that
15 early time, we marked that there was no
16 taking of Fairmount Park lands or changes
17 outside of its designed landscapes.

18 I now hear there's a plan by
19 Commissioner DiBerardinis to convert the
20 Fox Chase Farm out of its publicly
21 dedicated public missions and to be used
22 for a for-profit farm enterprise. The
23 Rec Commissioner DiBerardinis has now
24 made a plan to take Fox Chase Farm and to
25 lease it as a for-profit-making

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2 agricultural farm. This is a major
3 change of public policy, and that was
4 done in secret. It smells bad, with
5 politicians pandering and favoritism. I
6 ask, where is the openness we were
7 promised?

8 I think Commissioner Mike
9 DiBerardinis has to reveal and present
10 the whole scenario of who and how this
11 policy change was formulated. It should
12 be made a public record, and be made
13 available now.

14 As a concerned citizen, I want
15 to see any transcripts where this change
16 of Fox Chase Farm was ever considered and
17 gave consent. The last time I requested
18 to see a transcript, Commissioner Michael
19 DiBerardinis denied me. I ask, how can I
20 be an informed citizen when all the
21 evidences are hidden?

22 I think the public records of
23 transcripts, logs, reports and
24 correspondence should be made and be made
25 available now.

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2 I think Commissioner Michael
3 DiBerardinis has no authority to change
4 any public dedicated lands like Fox Chase
5 Farm or it be converted to any other uses
6 that were accepted and approved by the
7 Fairmount Park Commission, and it is all
8 under the Public Trust Doctrine.

9 When we lost the Fairmount Park
10 Commission governance, we also lost 160
11 years of rules of law that is now park
12 law and in precedents. We now have no
13 plans on how to protect our dedicated
14 parks.

15 The Rec Commissioner Michael
16 DiBerardinis spent the whole year to make
17 a plan on how to sell and how to convert
18 them out of our public rights. But the
19 Rec Commissioner DiBerardinis now fails
20 to honor our laws. When the City
21 Planning Commission assigned the "REC"
22 code on public lands, it also assigned it
23 special use, that it was public lands and
24 never to be made into any private uses.

25 When the Pennsylvania

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2 Historical Commission certified the Fox
3 Chase Farm as historically significant,
4 that land is also protected under the
5 state and federal historical preservation
6 laws, and it cannot be changed or
7 modified by any City department.

8 In legal facts, Fox Chase Farm
9 has reverted to a state property and it
10 is protected in a state -- the
11 Constitution Bill of Rights, Article 1,
12 Section 27.

13 When the Rec Commissioner fails
14 in his public duties, it needs a better
15 means to somehow reset the obligations.
16 This special ordinance, the Fox Chase
17 Environmental Control District, does no
18 more than substitute for the care that
19 the Fairmount Park Commission had exerted
20 on all park lands.

21 I find no fault in its concept
22 and I recommended its adoption.

23 There are caveats that the City
24 Council has no power under the State Act
25 of 1967 and its City Charter to order

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2 that Fairmount Park Commission in advance
3 and Orphans Court has a role.

4 Thank you.

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

7 Jean Gavin, please.

8 (Witness approached witness
9 table.)

10 COUNCILMAN KENNEY: Is James
11 Kates in the room? Is Mr. Kates here
12 also? Could you please come forward at
13 the same time. And Susan Anmuth.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN KENNEY: Sir, you
17 can have that seat there.

18 Please identify yourself for
19 the record and proceed with your
20 testimony.

21 MR. KATES: My name is James
22 Kates. I'm Vice-President of the Friends
23 of Fox Chase Farm.

24 COUNCILMAN KENNEY: Do you have
25 prepared testimony?

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2 MR. KATES: Yes, I do.

3 COUNCILMAN KENNEY: Whoever
4 wants to go first.

5 MS. GAVIN: I am Jean Gavin, a
6 member of the "Save Burholme Park" group
7 that did exactly that, saved the park.
8 Thanks to SCRUB's support, a thorough and
9 thoughtful decision by an Orphans Court
10 judge and a smart, winning lawyer, we
11 saved Burholme Park.

12 Now, we believe that the
13 planned takeover of the Fox Chase Farm is
14 the City's next step in its bid to sell
15 off all of Fairmount Park.

16 Mayor Nutter pretended that he
17 was a supporter of the Philadelphia parks
18 when he was a Councilman. I voted for
19 him for this reason alone. However, the
20 very first month that he took office as
21 Mayor, he visited the Fox Chase Cancer
22 Center in secret, without even one
23 discussion with Save Burholme Park
24 members, and gave away our park. Then
25 when Samuel C. Stretton, our lawyer, won

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2 in Orphans Court against the opposition's
3 multiple, high-priced, big-time lawyers,
4 the City, under Mayor Nutter, appealed to
5 the Commonwealth Court of Pennsylvania.
6 This state court upheld Judge Herron's
7 Orphans Court decision unanimously.

8 Judge Herron has protected
9 parkland in Philadelphia and in all of
10 Pennsylvania in his thorough and
11 thoughtful 2008 opinion, and the
12 Commonwealth Court upheld this opinion
13 unanimously. But Mayor Nutter has yet to
14 understand this news. It's up to City
15 Council to crack this nut.

16 Save Burholme Park members
17 support Councilman O'Neill's Bill No.
18 100721 to save our unique treasure of Fox
19 Chase Farm from the threat of big
20 business commercial growers. The Rules
21 Committee will have the first crack at
22 this difficult task. Support Councilman
23 O'Neill in his attempt to defend our
24 inheritance, Fox Chase Farm and Pennypack
25 Park.

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2 Save Burholme Park's happiest
3 day was on December 9, 2008 when Judge
4 John W. Herron's decision secured our
5 Burholme Park. Burholme Park was saved
6 in spite of a political "done deal"
7 through the strong support of three
8 heroes for the environment. First was
9 SCRUB's Executive Director, Mary Tracy;
10 second, Samuel C. Stretton, our fantastic
11 lawyer; and a wise judge, No. 3, John W.
12 Herron with his unanimously approved,
13 thorough, thoughtful decision. These
14 heroes saved Robert Waln Ryerss' Burholme
15 Park for the people. They were
16 successful in saving parkland from big
17 business interests.

18 Now, the Rules Committee must
19 take up the fight. Please support
20 Councilman O'Neill's Bill 100721 today as
21 your first step to save the rest of
22 Fairmount Park. Keep Fairmount Park,
23 quote, "free to the people forever,"
24 unquote, which is a quote from the Ryerss
25 will, for Philadelphia's present and

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2 future citizens.

3 COUNCILMAN KENNEY: Thank you
4 for your testimony.

5 Please identify yourself for
6 the record, sir, and proceed.

7 MR. KATES: My name is James
8 Kates. I am Vice-President of Friends of
9 Fox Chase Farm.

10 Good morning, members of the
11 Committee on Rules. My name is -- I
12 already said my name. We want to
13 publicly thank Councilman O'Neill for
14 sponsoring this legislation to protect
15 Fox Chase Farm from commercial
16 development.

17 Fox Chase Farm is currently
18 under a long-term lease between the
19 Fairmount Park Historic Trust and the
20 School District of Philadelphia. The
21 educational program plays host to 10,000
22 elementary school children. It includes
23 mentally gifted programs for middle
24 school children and pre-vet program for
25 high school students. The environmental

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education program and special events are organized by the staff of the Pennypack Environmental Center with the help from volunteers. These program events attract another 10,000 participants. The farm is also host to an active 4H program that provides 22 children the opportunity to help raise steers, goats and pigs so that they can represent Philadelphia County at the Pennsylvania Farm Show. Two of those 4H children are with me today, and when I'm through, they'll make some very brief remarks.

The Friends of Fox Chase Farm with over 400 family members feels that any proposal to use parts of this property to accommodate a few commercial growers may risk programs that positively affect so many and does not seem to be the best use of this facility. We have worked very hard for 20 years to preserve and improve this property and the public programs it provides. In just one day, we were able to collect over 300

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2 signatures to oppose any commercial use
3 of this property, which is listed on the
4 National Register of Historic Places.

5 I think I turned one of those
6 in before, but I have another copy of
7 this petition if you'd like to see it.

8 We are not opposed to the
9 concept of growing fresh vegetables close
10 to where City residents of the City can
11 get access to them. We just don't
12 believe it would be practical at this
13 facility. There are over 50 head of
14 livestock at the farm, including cattle,
15 sheep, goats, horses and pigs. The
16 fields are used for grazing the animals
17 and growing hay for winter feed. The
18 farmer cuts hay and bails hay at a nearby
19 facility owned by a religious order to
20 supplement what he can grow at the farm
21 for winter feed. The 35 acres of land
22 within the City include 13.4 acres that
23 cannot be farmed, consisting of forest,
24 steep slopes, riparian buffers and
25 farmstead buildings. The remaining

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2 acreage within the City is vitally needed
3 for grazing and represents the best
4 scenic view of the farm enjoyed by the
5 passing public.

6 The acreage within Montgomery
7 County includes 20 in steep-sloped forest
8 and 38 acres with swales designed to
9 control storm water. Utilizing the
10 acreage in the back part of the farm
11 would require a new access road, which
12 would take more land and running water
13 lines, because there's no water in those
14 back fields, and intensive agriculture
15 requires irrigation.

16 There are plenty of other more
17 suitable places for this green
18 initiative. The Somerton Tank farm site
19 and the former Krewstown mounted police
20 stable are nearby sites. According to a
21 recent report, there are over 40,000
22 vacant properties in the City, including
23 one-third owned by the City. Brown to
24 green would help revitalize neighborhoods
25 and bring fresh food closer to those who

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2 can benefit the most.

3 Please send this bill to the
4 full Council for approval.

5 Thank you very much. And I'd
6 like to introduce Noah and Lindsey, who
7 will make a brief statement.

8 COUNCILMAN KENNEY: If they
9 could just pull the microphone close up,
10 sit up at the microphone so we can hear
11 you, whoever would like to go first. You
12 can pull the microphone down. Perfect.

13 You could just state your name
14 and say what you have to say about the
15 bill.

16 MR. LAMUTYAN: Hi. My name is
17 Noah Lamutyan (ph). I'm a member of 4H
18 in Fox Chase Farm in Philadelphia. 4H
19 has given me the opportunity to learn
20 about farm animals and interact with
21 them. The majority of all the members
22 are from Philadelphia, so if it wasn't
23 for 4H, they might have never learned
24 what they are learning now.

25 My last animal was a pig named

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2 Fibby, and I would brush him, I would
3 walk him and I would play with him, and
4 then I showed him. And then now I have a
5 goat named Skipper, and I brush him, I
6 walk him and I play with him. And I
7 might never have had this opportunity if
8 it wasn't for Fox Chase Farm giving 4H
9 the permission to house their animals
10 there.

11 COUNCILMAN KENNEY: Thank you
12 very much for your testimony.

13 Please identify yourself and
14 proceed. Pull that microphone right up.
15 Thank you.

16 MS. CLARK: Hi. My name is
17 Lindsey Clark and I am 11 years old.
18 This is my second year in 4H in the Goat
19 Club. I have had three goats, and each
20 one is so different. I have learned new
21 things with each goat, things like how
22 goats are used for either wool, milk or
23 meat. I have learned responsibility that
24 is hard work. The animals need care
25 whether it is 100 degrees out, raining

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2 out or freezing cold.

3 There are no farms near me
4 except the Fox Chase Farm. If land is
5 taken away, I would not be able to do 4H
6 animal care anymore.

7 I met the Commissioner of
8 Abington at the train station this
9 morning. He was contacted by 4H, because
10 a lot of the farm is in Abington
11 Township, though most of the kids in 4H
12 Club live in Philadelphia. He told me
13 all 15 Commissioners were against anybody
14 coming to use the farmland for uses. I
15 am thankful for his support.

16 I have a younger brother who
17 has been looking forward to joining 4H
18 Club when he is old enough. Please leave
19 the farm the way it is now for me and all
20 the other young children waiting to have
21 a turn.

22 COUNCILMAN KENNEY: Thank you
23 very much for your testimony. Thanks for
24 coming in.

25 That concludes the list of

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2 witnesses for this bill.

3 Oh, please have a seat.

4 How many other witnesses are
5 there for this bill? Two? Okay.

6 Because I sense the view of the Committee
7 is that we're going to support Councilman
8 O'Neill's bill. So if you're in favor of
9 it, that's great, and we need to -- we
10 got a big schedule today.

11 So please identify yourself for
12 the record.

13 MS. ANMUTH: Good morning. My
14 name is Susan Anmuth and I'm a member of
15 the Friends of Fox Chase Farm, and I too
16 am here to speak to the bill that
17 Councilman O'Neill has begun.

18 My husband and I are volunteers
19 and we've been volunteers for many years
20 at the farm. We consider the farm a
21 jewel, and we, along with the others that
22 you see here, have worked very hard to
23 ensure that Fox Chase Farm remains a
24 working farm for the public to enjoy.
25 The public is what this is all about.

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2 Any change in the farm would really
3 impact and have a profound impact upon
4 the farm community.

5 I have two points. One, why
6 would the City even consider jeopardizing
7 a program that involves over 10,000
8 school children every year? Fox Chase
9 Farm hosts children every single day of
10 the school year, from preschool to high
11 school. Children come here for lessons
12 from all over the City, and these
13 children are from each of your districts.

14 As a City resident and as an
15 elementary school teacher, I have brought
16 children to the farm many, many times to
17 learn things that they do not learn in
18 the classroom, things like maple
19 sugaring, nutrition, tree identification
20 and where their food actually comes from,
21 as well as an appreciation of nature.

22 Movement around the farm during
23 these lessons is controlled, but not
24 restricted. Children are touring,
25 looking for leaves, measuring trees,

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2 visiting the animals and more. We worry
3 about the real dangers of increased
4 traffic, of heavy farm equipment and of
5 the additional people that would be
6 around the children if this is not
7 approved.

8 No. 2, we also wonder why you
9 would choose to take away already
10 established green space. In addition to
11 the 4H Club that you heard about, we also
12 have a farm garden where the produce that
13 is grown is given to area food banks. We
14 also have the public festivals, which
15 draw thousands of people from all over
16 the City.

17 In recent years, the Friends of
18 Fox Chase Farm, our hundreds of family
19 members and our public, have had to fight
20 to maintain and protect the space. Even
21 though we are now on the National
22 Register of Historic Places, this
23 landmark seems that it is never safe. We
24 do not want to see our farm parceled out.
25 We don't want to have to police

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2 strangers. We don't want to have to
3 worry about their use of pesticides and
4 all the other safety concerns, especially
5 since there are many other places in the
6 City that are better suited for this.

7 As we passed around this
8 petition at our last festival, Applefest,
9 there were several Kensington residents
10 who came up to us and said, Why would
11 they do this to the farm? Why don't they
12 do this in our neighborhood? We would
13 really appreciate it. And that is our
14 question. We all know that green space
15 has been shown to increase property
16 values and the well-being of residents,
17 and that's what we ask for. We need our
18 Fox Chase Farm green space.

19 We invite you out to visit the
20 farm. It is at 8500 Pine Road in
21 Philadelphia. And we would like to thank
22 Councilman O'Neill for introducing this
23 bill.

24 Thank you.

25 COUNCILMAN KENNEY: Thank you

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2 very much for your testimony.

3 The last witness, please come
4 forward.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY: Good
8 morning. Please identify yourself.

9 MS. STRACKHOUSE: Good morning.
10 My name is Lucy Strackhouse and I'm the
11 Executive Director of the Fairmount Park
12 Historic Preservation Trust and I'm here
13 today to offer testimony on Bill 100721.

14 The Fairmount Park Historic
15 Preservation Trust administers the
16 long-term lease with the Philadelphia
17 School District for Fox Chase Farm, which
18 was entered into on November 1st, 1999
19 and expires on October 31st, 2029. The
20 lease has specific language, Exhibit E,
21 which does not allow any uses by the Park
22 and Recreation Department without
23 appropriate permitting from the
24 Philadelphia School District. Please see
25 Exhibit E attached to this document for

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2 further information, and I'll review that
3 quickly.

4 The Fox Chase Farm Campus of
5 Abraham Lincoln High School is a working
6 demonstration farm operated with the
7 purpose of educating the residents and
8 school children of Philadelphia and the
9 surrounding region in regards to the
10 history of agriculture as well as
11 present-day agri-business. Additionally,
12 it serves as a learning center for
13 horticultural, agricultural,
14 environmental and historical studies for
15 the teachers and school children of
16 Philadelphia as well as the community at
17 large. Programming includes educational
18 tours and activities related to
19 agriculture developed and implemented by
20 staff and students from Abraham Lincoln
21 High School. The farm is also used by
22 teachers and staff from the various
23 schools of the School District as a
24 living land laboratory for experimental
25 studies in all disciplines. The

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2 Education Department of the Fairmount
3 Park Commission, with appropriate
4 permitting by the School District, also
5 uses the Fox Chase Farm for public
6 activities on non-school days for its
7 programming. All activities for the farm
8 are coordinated by Abraham Lincoln High
9 School.

10 We believe that Exhibit E
11 accomplishes the intent of Bill No.
12 100721, and we respectfully ask the
13 Committee not to approve this
14 legislation. We also agree with our
15 colleagues in the Park and Recreation
16 Department, Planning Commission and the
17 Park and Recreation Advisory Commission
18 that Bill No. 100721 places unnecessary
19 restrictions on Fox Chase Farm.

20 Thank you for your
21 consideration.

22 COUNCILMAN KENNEY: Thank you
23 for your testimony.

24 Councilman O'Neill.

25 COUNCILMAN O'NEILL: I agree

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2 it's in the lease, just as I agree it can
3 be found in the Code.

4 This is crystal clear. This
5 leaves everyone who has testified in
6 favor of this, spoken in favor of it,
7 with a clear understanding that this can
8 never happen.

9 Thank you.

10 COUNCILMAN KENNEY: Thank you
11 very much.

12 Thank you for your testimony.

13 MS. STRACKHOUSE: Thank you.

14 COUNCILMAN KENNEY: That will
15 conclude the witness list on this bill.

16 I just want to make an
17 announcement that there will be three
18 bills that will be held today. They will
19 not move forward at the request of the
20 sponsors. The first is Bill No. 100720,
21 which was introduced by Councilman
22 DiCicco. It's an ordinance amending
23 Title 9 of The Philadelphia Code,
24 entitled "Regulation of Businesses,
25 Trades and Professions," and Title 14 of

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2 The Philadelphia Code, entitled "Zoning
3 and Planning," by adding special
4 provisions regulating advertising signs
5 in designated Commercial Advertising
6 Districts; designating Market Street
7 between 7th and 13th as a Commercial
8 Advertising District. That will not be
9 heard today. That will not be heard
10 today. That will not be voted on in this
11 committee.

12 The second bill Councilman
13 DiCicco is asking to be held is Bill No.
14 100678, an ordinance amending Title 14 of
15 The Philadelphia Code, entitled "Zoning
16 and Planning," by adding a new Section
17 14-1642, entitled "I-95 Condemnation
18 Corridor," to permit the relocation of
19 certain structures and devices in
20 connection with the PennDOT project to
21 widen portions of I-95. That will not be
22 heard today and will not be voted on. So
23 if you're here to testify on that, you're
24 welcome to stay, but I didn't want to
25 waste your time, because it won't be

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2 heard.

3 The third bill being held at
4 the request of Councilman Clarke is Bill
5 No. 100761, an ordinance amending Section
6 14-1629 of The Philadelphia Code,
7 entitled "Yorktown Special District
8 Controls," by amending the specific
9 District Boundaries; all under certain
10 terms and conditions. Again, that bill
11 will not be heard today and will not be
12 voted on.

13 COUNCILMAN O'NEILL:

14 Councilman?

15 COUNCILMAN KENNEY: Councilman
16 O'Neill.

17 COUNCILMAN 'O'NEILL: Can I ask
18 for a rules suspensions when the
19 Committee considers Fox Chase Farm.

20 COUNCILMAN KENNEY: Yes.

21 COUNCILMAN O'NEILL: Thank you.

22 COUNCILMAN KENNEY: Thank you.

23 The next bill for discussion is
24 Bill No. 100552, an ordinance amending
25 the Philadelphia Zoning Maps by changing

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2 the zoning designations of certain areas
3 of land located within an area bounded by
4 Race Street, 4th Street, 5th Street,
5 Florist Street; and by amending Section
6 14-303 of The Philadelphia Code, entitled
7 "'C-3' Commercial District," all under
8 certain terms and conditions.

9 Mr. Kramer, please identify
10 yourself for the record.

11 MR. KRAMER: Good morning,
12 Chairman Kenney and members of the Rules
13 Committee. I am William Kramer, Division
14 Director of the Development Planning
15 Division of the Philadelphia City
16 Planning Commission. I am here today to
17 testify on Bill No. 100552, which was
18 introduced by Councilmember DiCicco
19 September 16th, 2010.

20 Bill No. 100552 amends the
21 Philadelphia Zoning Maps by amending the
22 zoning designations of certain areas of
23 land located within an area bounded by
24 Race Street, 4th Street, 5th Street and
25 Florist Street, and amends the

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2 Philadelphia Zoning Code by amending
3 Section 14-303 of The Philadelphia Code,
4 entitled "'C-3' Commercial."

5 This bill amends the zoning
6 designation of this block from its
7 current designation of "L-4" Limited
8 Industrial to a designation of "C-3"
9 Commercial. The bill as written amends
10 Section 14-303 of the Philadelphia Zoning
11 Code through a variety of permitted and
12 prohibited uses, adjustments to the
13 height regulations of the Old City
14 Special Controls District and
15 modifications to both parking and loading
16 requirements.

17 Bill No. 100552 will also allow
18 for one non-accessory outdoor advertising
19 sign providing digital display and
20 changeable copy. The sign will be
21 embedded into the east-facing wall of the
22 building at the western portion of the
23 property and have a maximum sign area of
24 1,200 square feet, with no additional
25 regulations.

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2 The City Planning Commission
3 staff has worked with the applicant to
4 amend the legislation to address the
5 concerns of the Planning Commission while
6 addressing the needs of the applicant
7 while also communicating with the
8 community. Respectfully, we submit the
9 following amendments for your
10 consideration.

11 The amendments make certain
12 technical language changes and reflect
13 the following changes to the Code: To
14 remove the Old City Special Controls
15 District use qualifications for the
16 property; permit a maximum of 35,000
17 square feet of restaurant, entertainment
18 or public assembly; permit a height
19 maximum of 145 feet along the western
20 portion of the property for the hotel;
21 change the parking requirements to
22 require one space for each three hotel
23 units and one space for every 200 square
24 feet of restaurant, entertainment and
25 public assembly uses. This change will

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2 bring the minimum number of required
3 off-street parking to 220 spaces as
4 proposed; remove the provisions of this
5 bill allowing the non-accessory signage
6 as a matter of right; provide that the
7 map changes would be a permanent change
8 while the requested Code relief aspects
9 of this legislation would have a two-year
10 sunset provision.

11 We feel that this will allow
12 for the project to meet the building
13 envelope as proposed, provide parking for
14 their needs and provide the majority of
15 uses they are requesting, while not
16 having firm agreements with any tenants.

17 Despite the best efforts from
18 all the parties, there is a difference of
19 opinion regarding the provisions of Bill
20 100552 that deal with signage. The
21 Planning Commission believes that the
22 issue is a significant one and should be
23 the subject of a separate piece of
24 legislation. The applicants are seeking
25 to obtain legislative relief to allow for

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2 accessory signage with LED capacity to
3 permit changeable messages.

4 At its meeting of October 19th,
5 2010, the Philadelphia City Planning
6 Commission recommended that Bill No.
7 100552 be approved with the amendments as
8 previously outlined.

9 That concludes my testimony.
10 I'd be happy to answer any questions you
11 may have.

12 I do have the copy of our
13 proposed amendments, but I do know that
14 there are very similar amendments that
15 are circulating amongst the Council.

16 COUNCILMAN KENNEY: Thank you
17 very much for your testimony.

18 Please let the record reflect
19 that since we've begun, Councilwoman
20 Blondell Reynolds Brown and Councilman
21 Kelly have come to the table and they are
22 here.

23 Councilman Goode.

24 Councilman DiCicco, do you --

25 COUNCILMAN DiCICCO: Go ahead.

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

4 Thank you, Councilman DiCicco.

5 Good morning, Mr. Kramer.

6 MR. KRAMER: Good morning.

7 COUNCILMAN GOODE: A couple
8 questions just for the record. Some of
9 them may seem strange, but who is the
10 head of the City Planning Commission?

11 MR. KRAMER: The head of the --
12 the Chair of the Planning Commission is
13 Alan Greenberger, Deputy Mayor, head of
14 Commerce.

15 COUNCILMAN GOODE: So he is
16 Deputy Mayor for Planning and Economic
17 Development?

18 MR. KRAMER: Yes, sir.

19 COUNCILMAN GOODE: He serves in
20 both purposes?

21 MR. KRAMER: Yes, sir.

22 COUNCILMAN GOODE: I assume
23 that's to coordinate those efforts?

24 MR. KRAMER: I believe so, yes.

25 COUNCILMAN GOODE: And he is a

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2 voting member of the Commission?

3 MR. KRAMER: Yes, sir.

4 COUNCILMAN GOODE: So as the
5 Commission considers projects, are
6 economic development concerns taken into
7 consideration?

8 MR. KRAMER: Absolutely. Yes,
9 sir.

10 COUNCILMAN GOODE: And so those
11 requirements that are economic
12 development requirements; more
13 specifically, economic opportunity
14 requirements, are they considered?

15 MR. KRAMER: They are
16 considered. I don't want to indicate
17 that it is specifically brought out as
18 part of the presentation to the
19 Commission proper, but they -- it's hard
20 for me, because they are part of the
21 meetings going into it and certainly are
22 issues that are discussed at great
23 length.

24 COUNCILMAN GOODE: If an
25 economic opportunity plan is required for

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2 a project, would the City Planning
3 Commission approve the project without an
4 economic opportunity plan being
5 established?

6 MR. KRAMER: Yes, sir, they
7 would, and they do that because under the
8 zoning provisions of the Code, it's not a
9 requirement under the zoning provisions.
10 I understand it is a legislative one.

11 COUNCILMAN GOODE: And I
12 understand that Alan Greenberger is the
13 Deputy Mayor for Planning and Economic
14 Development?

15 MR. KRAMER: Yes, sir.

16 COUNCILMAN GOODE: It means he
17 serves in both capacities?

18 MR. KRAMER: Yes, sir.

19 COUNCILMAN GOODE: It means
20 he's a voting member of the Commission.
21 In fact, he chairs the Commission. He
22 has the responsibility to make sure that
23 the economic development concerns are
24 considered along with the zoning
25 concerns?

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2 MR. KRAMER: Yes, sir.

3 COUNCILMAN GOODE: I understand
4 that's not your job, but I was just
5 asking the question for the record, and I
6 will talk to Mr. Greenberger about that
7 in the future, about as we consider those
8 projects, before the Planning Commission
9 recommends that we vote yes, that those
10 things that should be in place with
11 regard to economic development,
12 specifically economic opportunity, be
13 addressed, or at least if they are
14 required particularly by law, that they
15 be in place before the Planning
16 Commission considers them.

17 With that said, is there
18 actually a specific project here?

19 MR. KRAMER: There has been a
20 project that has been proposed. As to
21 how real any of it is, I would defer to
22 the applicants, who are also in the room.
23 They could address that.

24 COUNCILMAN GOODE: Were you
25 reviewing a specific project?

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2 MR. KRAMER: I have seen plans
3 for a specific project for this
4 particular block, yes, sir.

5 COUNCILMAN GOODE: Do we know
6 how many jobs are associated with that
7 project?

8 MR. KRAMER: No, sir. That
9 part of it I was not aware of. I'm
10 certain it was mentioned at one point or
11 another, but I do not know.

12 COUNCILMAN GOODE: So the
13 Planning Commission does not deal with
14 economic development concerns at all?

15 MR. KRAMER: As a Planning
16 Commission, no. We're looking at the
17 zoning provisions and the legislative
18 relief required to meet the provisions of
19 the Code. And, unfortunately, it is --
20 it's difficult to pull it out of it
21 completely, but, yes, it's not something
22 that we put on our front burners. We're
23 looking more for loading and parking,
24 that kind of a thing.

25 COUNCILMAN GOODE: I understood

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2 that to be the case. I just wanted to
3 ask those questions for the record.

4 MR. KRAMER: Thank you.

5 COUNCILMAN KENNEY: Thank you
6 very much.

7 Any other questions for this
8 witness?

9 (No response.)

10 COUNCILMAN KENNEY: Thank you,
11 Mr. Kramer.

12 MR. KRAMER: If I may, just as
13 a cautionary thing, there was a technical
14 amendment to the maps with regards to the
15 Law Department. Those have been made in
16 the copies of the amendment that I have
17 and I don't know that they've been made
18 to the provisions of the amendment that
19 was submitted by the applicant, just to
20 make sure that it's clear so we don't
21 have any other future problems with it.

22 COUNCILMAN KENNEY:
23 Councilwoman Brown.

24 COUNCILWOMAN BROWN: Yes,
25 Mr. Chairman. Can we please have the

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2 question raised about the number of jobs
3 answered by the appropriate party.

4 COUNCILMAN KENNEY: Yes, we
5 will.

6 COUNCILWOMAN BROWN: Thank you,
7 Mr. Chairman.

8 COUNCILMAN KENNEY: Thank you,
9 Mr. Kramer.

10 MR. KRAMER: Thank you.

11 COUNCILMAN KENNEY: Mr. Shiavo.

12 And also let the record reflect
13 that Councilman Clarke -- I'm sorry.
14 Hold on one second.

15 Mr. Shiavo, just hold on one
16 second. We did not have a request
17 specifically to us about the developer
18 testifying at any particular time. The
19 sponsor of the bill and other members of
20 the Committee think it's appropriate to
21 have the developer at least lay out the
22 plans first prior to having comments.
23 It's hard to get comment on the plans
24 that haven't been presented yet. So I
25 appreciate your understanding.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN KENNEY: Please
5 identify yourself for the record, whoever
6 is ready to -- hold on. We have a --

7 MR. PATTERSON: Sure. Good
8 morning. My name is Ronald Patterson.
9 I'm with the law firm of Klehr Harrison,
10 1835 Market Street, and I am here
11 representing ARC Properties, Inc., which
12 is the property owner and proposed
13 developer of this property. With me is
14 Mr. Robert Ambrosi, who is a principal of
15 ARC.

16 If I may proceed?

17 COUNCILMAN KENNEY: Please.

18 MR. PATTERSON: As I mentioned
19 Mr. Ambrosi or identified him, his last
20 project was the Ten Rittenhouse project
21 that we're all familiar with. This
22 property has an address of 401 Race
23 Street. It includes the entire block of
24 Race Street between 4th and 5th Streets,
25 with the bridge bordering it to the rear,

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2 which is Florist Street. It's comprised
3 of approximately 46,000 square feet,
4 which is over one acre in size. There's
5 an existing three-story building with
6 parking lot areas that was formerly known
7 as the Pincus building. It is located in
8 an "L-4" Limited Industrial zoning
9 district, which is kind of out of
10 character with the rest of Old City and
11 it seems to appear so because it's at the
12 outer bounds near the bridge, the
13 Franklin Mint and Franklin Square.

14 As Council will hear from
15 Mr. Ambrosi, we propose a real financed
16 project to reuse and build upon the
17 existing building and to create a
18 fabulous mixed-use location driven by a
19 hotel -- this is a hotel use -- of a
20 dramatic design with all of its accessory
21 uses. That would include a pool, a deck,
22 banquet facilities and conference rooms.
23 Also we're proposing on Floor 1 some
24 retail/commercial restaurant space and
25 also a second phase, residential

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2 structure to the east, consisting of five
3 stories along 4th Street that would have
4 approximately 45 condominiums. The hotel
5 has approximately 156 rooms proposed.

6 We're also proposing on-site
7 parking, using a creative configuration
8 of tandem parking, valet parking and
9 mechanical. That's why you see that
10 relaxation in the ordinance, because the
11 Zoning Code does not recognize those
12 types of configurations. The Zoning Code
13 only requires, for example, that a space
14 be 9 by 18 and there is a drive aisle
15 that you can pull in and pull out. You
16 cannot put cars one behind another. So
17 this gives us the ability to add
18 additional parking in those creative
19 configurations, if necessary.

20 We're also proposing an
21 accessory sign, which would be an LED
22 display that's facing northward, shielded
23 from the Old City area, once and if the
24 residential structure in Phase 2 gets
25 built.

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2 Finally, to allow more surface
3 parking, as you'll see on the plan and
4 for better traffic circulation from Race
5 Street to 4th Street, we're actually
6 proposing and have an agreement to
7 purchase property from the DRPA at a cost
8 of about 1.6 million. Even though
9 they've been giving grants away to other
10 projects, we are buying the property.
11 The property is vacated parcels that the
12 Streets Department had taken over years
13 ago as part of the street vacation. So
14 Streets was transferring it to DRPA, and
15 we're proposing to buy the property.

16 Again, this is a hotel project.
17 The hotel is driving the design. The
18 main proposed use is a hotel. And hotel,
19 believe it or not, is considered a
20 residential use, not a commercial use,
21 and that is not permitted in "L-4" Light
22 Industrial. So we are asking for the
23 zoning change to "C-3" for the most part
24 to allow the hotel use.

25 We're also looking to the other

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2 components that comprise the project as a
3 whole to allow for the height of the
4 hotel to exceed the Old City overlay of
5 65 feet to 145. And we are pushing that
6 towards the west, towards Franklin
7 Square, out of the neighborhood per se.
8 A restaurant and possible accessory uses
9 with some music and possibly dance areas
10 where that, including restaurant, is not
11 allowed in Old City, and the creative
12 parking configuration I mentioned.

13 The Planning Commission
14 recommended the ordinance pass of land
15 use planning rather than a ZBA variance,
16 if you might ask, because of the property
17 size and project scope and to allow for
18 the structures and uses.

19 As Mr. Ambrosi will get into
20 more detail, this is an \$80 million
21 project with 150 construction jobs. It
22 would be union, with 260 permanent jobs
23 proceeding. We hope to start
24 construction or demolition in December.
25 And while the ordinance is written

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2 broadly in the minds of some, you'll see
3 that there is a two-year sunset reversion
4 clause that will revert the ordinance
5 from "C-3" back to "L-4" should the
6 project not move forward.

7 And after the culmination of
8 about two years of discussion, with most
9 of it concentrated on the last year,
10 we've obtained the support of the Old
11 City District, the Visitor Center, the
12 Constitution Center and Historic
13 Philadelphia. And we further narrowed
14 the scope of the ordinance by negotiating
15 a private agreement, proviso agreement,
16 with the Old City Residents Civic
17 Association, and we also expect to have
18 conditional licensing agreements for the
19 LCB license there. And by way of
20 example, while "C-3" allows restaurants
21 in infinite number, our agreement as
22 proposed would only allow for two LCB
23 areas, one in the hotel and one possibly
24 on the first floor. We have not reached
25 an agreement or signed that agreement

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2 with the OCCA, and they're here to
3 testify on their behalf. A lot of these
4 restrictions and provisos are narrowing
5 of the ordinance, which will be
6 inappropriate to be contained in the
7 legal language of the ordinance.

8 You'll hear that we differ with
9 the Old City Association in terms of
10 having a restaurant use and its accessory
11 uses, as well as the accessory LED
12 display sign.

13 With me is Robert Ambrosi, who
14 is going to briefly go through the
15 project proposed.

16 COUNCILMAN KENNEY: Before you
17 do that, could you point out for me where
18 the sign would be, where the sign on the
19 building would actually be.

20 MR. PATTERSON: The accessory
21 sign.

22 COUNCILMAN KENNEY: The bridge
23 is here.

24 COUNCILMAN DiCICCO: The bridge
25 is on the left side.

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2 COUNCILMAN KENNEY: On the
3 condo portion of it?

4 MR. AMBROSI: Yes.

5 COUNCILMAN KENNEY: On the
6 condo portion?

7 MR. AMBROSI: I'm sorry. On
8 the hotel portion.

9 COUNCILMAN KENNEY: I'm just
10 trying to orient myself. The top
11 structure is condo or hotel?

12 UNIDENTIFIED SPEAKER: This is
13 the hotel; this is the condo.

14 COUNCILMAN KENNEY: And the
15 sign would be where?

16 UNIDENTIFIED SPEAKER: On the
17 north face.

18 COUNCILMAN KENNEY: On the
19 north face of the hotel.

20 Do you have an elevation of
21 that?

22 UNIDENTIFIED SPEAKER: (Witness
23 indicating.)

24 COUNCILMAN KENNEY: That's
25 facing?

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2 UNIDENTIFIED SPEAKER: The
3 bridge.

4 MR. AMBROSI: That would also
5 be set back a couple of feet into the
6 building.

7 COUNCILMAN KENNEY: Identify
8 yourself for the record.

9 MR. AMBROSI: I'm sorry. My
10 name is Robert Ambrosi. I'm Chair of ARC
11 Properties.

12 Council, thank you for hearing
13 us today and --

14 COUNCILMAN KENNEY: You proceed
15 with your normal testimony. I was just
16 trying to get an idea of where the sign
17 was.

18 MR. AMBROSI: Sure. I was
19 going to cover that as we go along.

20 I think each of you should have
21 a little pamphlet here showing the slides
22 that we're going to be showing. Is it
23 possible for me to stand up or do I need
24 to remain seated? It would just be a lot
25 easier if I could point to the board as

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2 we go through.

3 COUNCILMAN KENNEY: If you can
4 get the microphone -- no. We're okay.
5 We're good.

6 (Mr. Ambrosi handed wireless
7 microphone.)

8 MR. AMBROSI: Again, thank you
9 very much for hearing our testimony
10 today.

11 We have a number of slides here
12 we're going to go through. The first
13 slide I'd like to start with is the
14 experience of ARC Properties. We're a
15 25-year-old company. We've done over 200
16 projects across the country. We've won
17 numerous awards, including an award from
18 the Environmental Protection Agency, New
19 Jersey Builder Association, School of
20 Architecture, ICSC, which is the top
21 retail institution in the country. The
22 reason I bring it up is not to brag about
23 us. The reason I bring it up is to show
24 you that we are very sensitive to design.
25 The last project we did in Philadelphia

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2 was Ten Rittenhouse Square, which I think
3 everybody would agree is the best
4 residential building in Philadelphia.
5 And so we have a good track record, and
6 it's important. And we focus on the New
7 York to Washington, DC market, which, of
8 course, Philadelphia is now our primary
9 target.

10 I want to spend a minute on
11 this aerial photograph, because in
12 planning this project, we were very, very
13 careful in what we are doing. It's a
14 very unique site because the site is
15 walking distance to the Convention
16 Center, to the Liberty Bell, to Market
17 Street and also to the new casino. At
18 the same time, it's a very isolated site,
19 because this site is surrounded by the
20 Mint on one side, the entire city block,
21 Franklin Square on the other side, Ben
22 Franklin Bridge on the other side and, of
23 course, 4th Street and the residential
24 tower there. So in creating what we've
25 created, as we go through, you'll see

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2 that we've been very sensitive to all of
3 our neighbors in trying to reach an
4 agreement.

5 By the way, this building has
6 been vacant for about six years. At one
7 time I believe it was a ten-story
8 building, which they took down to a
9 three-story structure.

10 This is a closer shot of the
11 site. Again, here you can see the Mint,
12 which is a very dark street right now,
13 Franklin Square, the bridge and how this
14 project is really isolated. During the
15 last two years, we did meet with Historic
16 Philadelphia, we met with the
17 Constitution Center, the Visitor Center.
18 In fact, some of these people are here
19 today to testify on our behalf. We also
20 met with the Old City District and the
21 Old City Civic Association. We have the
22 full support of all the organizations
23 except for the Old City Civic
24 Association, which in general we have
25 support, but there are two issues of

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2 disagreement. One issue of disagreement
3 is the amount of restaurant space that we
4 would have on Race Street and the other
5 area of disagreement, to my knowledge, is
6 the building signage.

7 It's very important, I'd ask
8 everyone to understand -- and, by the
9 way, I want to dispel a couple of rumors.
10 There was a flyer going around that we
11 were doing a 35,000 square foot
12 nightclub. That was never, ever part of
13 our submission. Originally we submitted
14 35,000 square feet. It was going to be a
15 bowling alley, a restaurant, a retail
16 store and a small music venue of about
17 2,000 square feet. Then we went out, we
18 started to talk to other people. We
19 reduced it to 23,000 square feet,
20 including a dance floor of 500 square
21 feet, which is a 20 by 20 area. Old City
22 Civic Association does not want any
23 entertainment or any live music.

24 This is a very difficult site.
25 One restaurant cannot survive here. The

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2 Mint occupies all of Race Street. If you
3 can imagine 18th Street on Rittenhouse
4 Square, if there were one restaurant
5 there, sure the restaurant would do okay.
6 Now take away the square and put up a
7 concrete building. Would the restaurant
8 survive? No, the restaurant would not
9 survive.

10 We need to have a critical mass
11 here so that the project can survive. I
12 am very sensitive, very sensitive to
13 everybody's needs. We are not looking to
14 do a 35,000 square foot nightclub as the
15 rumor was circulated, and that was
16 totally false.

17 One other thing I'd like to
18 mention, in doing this also we've met
19 with all the unions. This is a union
20 construction job. I know Unite Here is
21 here now. I've met with -- I can't
22 remember his first name -- Antony several
23 times and I told him as soon as we select
24 an operator, we will put him in touch
25 with the operator to negotiate an

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2 agreement. I do not have the authority
3 to negotiate an operative agreement with
4 the unions until I have an operator.

5 So I know the unions are here.
6 Every job we've ever done in Philadelphia
7 has been union. I see no reason why this
8 one would not be union. I simply don't
9 have the authority to negotiate until I
10 have an operator. So I want to make that
11 clear.

12 In designing this project,
13 we've also been very sensitive to the
14 views. We rented a crane. We went up
15 every level of the property, and we've
16 looked at the best views. Because not
17 only do we want to design this project
18 from the outside looking in, we want to
19 design it from the inside looking out.

20 Pictured here are four
21 different views of what you would see
22 from the various amenity spaces and rooms
23 both in the hotel and the residential
24 building.

25 This here is a picture of the

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2 old building and the new building. As
3 you can see, we're trying to preserve
4 some of the old building and then add to
5 the new building to keep some of the
6 nature of the building. I happen to
7 think the building is a good-looking
8 building. It needs to be fixed up. It
9 needs to be enhanced, but if you can
10 picture a retail along the first floor,
11 retaining some of the brick and then
12 building a new structure on top of it, it
13 can be a real grand project.

14 I'm going to describe for you
15 quickly the project, and as Ron stated,
16 this is an \$80 million project. It will
17 create about 260 permanent jobs and 150
18 construction jobs. The project here
19 would be retail along the first floor.
20 Then again, keep in mind, this is the
21 Mint right here. We've taken the Mint
22 out of the picture so that you can see
23 the storefronts along Race Street.

24 COUNCILMAN KENNEY: I'm sorry.
25 The street with the trees is what street?

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2 MR. AMBROSI: This here is 5th
3 Street. This is Race Street.

4 COUNCILMAN KENNEY: Fine.
5 Thank you.

6 MR. AMBROSI: The back
7 buildings are 4th.

8 This curb, if I draw in the
9 Mint building, you will not see this
10 retail. This entire block is a 50 foot
11 high concrete wall. So the retail here
12 is a very sensitive issue. It really is.

13 Anyway, here the first floor
14 would be retail. The second -- and we
15 will go through all the floor plans when
16 I make this presentation.

17 The second floor will be
18 parking. The third floor will be hotel
19 rooms. The fourth floor will be the
20 hotel lobby with the amenity space, and
21 above that will be the hotel. On 4th
22 Street, there will be the residential
23 building.

24 I want to look at this plan now
25 to show you the sensitivity that we've

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2 had in designing this. When we first
3 started designing this project, we met
4 with Old City Civic Association and we
5 had a much higher tower on 4th Street.
6 There were a number of different things
7 we had. We had less parking. We had a
8 higher tower. Over the past two years,
9 we've reduced the building on 4th Street,
10 and we've retained the height on the
11 building on 5th Street, because we've
12 been very sensitive to putting a buffer
13 on 4th Street from the residential
14 neighborhood so that we can serve the
15 residential neighborhood in a quiet,
16 peaceful way, and then we grew the
17 project towards Race Street near the
18 Constitution Center, near Franklin Square
19 where there needs to be more activity.
20 We've put the entrances to the retail
21 along 5th Street. The combination of
22 retail uses that we're looking at ideally
23 would be a food store on 4th Street.
24 That would be great. There needs to be
25 some activity in here facing the large 50

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2 foot wall. We're not going -- we can't
3 get a high-class woman's store here.
4 It's impossible. They don't want to be
5 across the street from a 50 foot wall.
6 So what we need to do is to anchor this
7 entire project with some sort of activity
8 that will give it a critical mass with
9 the entranceways on 5th Street so that
10 people visiting, the 2.8 million visitors
11 a year and the 150,000 cars a day, know
12 it's here. There's no other way of
13 identifying this retail along Race Street
14 at all.

15 So we've been very sensitive to
16 how this project grows and integrates
17 into the neighborhood.

18 This is a copy of the first
19 floor plan. For the moment, I've taken
20 out the residential here, just so that
21 you can see exactly what's here. Right
22 now on 4th Street, there's a vacant lot,
23 there's a steel building and a concrete
24 building. The idea would be to renovate
25 the first floor of the concrete building,

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2 and this is primarily where the
3 restaurant space would go. As you can
4 see, we've designed the entrance to all
5 of the restaurant space on the corner of
6 5th and Race. We originally had planned
7 a bowling alley in between in the steel
8 building, which we have not been able to
9 reach an agreement on. We're talking to
10 a health club. We're talking to a spa
11 kind of operator, but this cannot be,
12 again, a boutique, woman's clothing
13 store, because you're facing the 50 foot
14 wall and you're isolated because of the
15 surrounding properties.

16 Eventually the vacant lot here
17 would be the residential. The hotel
18 entrance would be here. There would be a
19 sky lobby. So you'd walk into here,
20 you'd go up three floors in the elevator
21 to the sky lobby, and that becomes your
22 grand lobby. Parking is on the second
23 floor. So we've provided these parking
24 ramps that would go up to the second
25 floor. There would be access off of 5th

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2 Street exiting onto 4th Street.

3 COUNCILMAN DiCICCO: Through
4 Florist.

5 MR. AMBROSI: Through Florist.

6 The second floor here would be
7 all parking, parking on site for 220
8 cars. We can even get more than that if
9 we add more lifts. This does not include
10 the parking all along Florist Street or
11 the current parking along -- that's down
12 on 4th Street at the moment.

13 By the way, in the parking
14 we've also agreed to put PhillyCarShare
15 within the parking facility to make it
16 easy for the residents and to serve their
17 needs.

18 COUNCILMAN KENNEY: I'm sorry.

19 COUNCILMAN KELLY: Is that
20 parking for the hotel?

21 MR. AMBROSI: This is parking
22 for the complex. It would be ticket
23 parking where you come in, go up,
24 valet -- it would be valet lift parking.

25 COUNCILMAN KELLY: How about

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2 the residents?

3 MR. AMBROSI: The residents
4 would be parking here also.

5 COUNCILMAN KENNEY: I'm sorry.
6 The area of land that you're looking to
7 acquire from the DRPA, that's Florist
8 Street too, isn't it?

9 MR. AMBROSI: Yeah. What we're
10 doing actually, we're acquiring an
11 easement in perpetuity along Florist
12 Street. They still retain the rights to
13 fix the bridge and to service the bridge
14 and do everything else.

15 COUNCILMAN KENNEY: Do you go
16 further out than the building line?

17 MR. AMBROSI: I think we go out
18 12 feet as far as a permanent right, and
19 beyond that, the DRPA has the right to
20 take the land back if they need it.

21 COUNCILMAN KENNEY: Okay.

22 MR. AMBROSI: What we've done
23 here, you're seeing, is, this is -- the
24 blue area here is the existing concrete
25 building, and I think we've created

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2 something very, very unique. What we're
3 doing is, we're cutting out a 75 by 75
4 foot hole in the roof, in the concrete
5 roof, and it's go to be like sitting here
6 and this would all be a park, and the
7 rooms on the inside would all be facing
8 this nice park, and from the fourth floor
9 looking down, you'd be able to look at
10 this park. So if somebody were having an
11 event here; for example, somebody were to
12 have a wedding or a business celebration,
13 they could rent out these rooms and this
14 would be a private space, completely
15 isolated, completely in nature open.
16 There's no glass roof. This is all
17 natural, open landscape. And as you can
18 see, we've wrapped the rooms around the
19 outside as well as wrapping rooms around
20 the inside. These rooms here would have
21 access to a terrace. We're actually
22 thinking of putting little fire pits
23 outside where people could slide the door
24 open in the winter or even the summer,
25 have their own little private fire pit.

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2 This here shows the fourth
3 floor. Again, I think it's a very
4 unique, interesting design. We've been
5 very careful about the views. And,
6 again, I want to preface this. There is
7 a building here, a five-story residential
8 building, buffering this entire area from
9 the 4th Street and everything that is
10 east of 4th Street. This, again, I'll
11 remind you, is the Mint, which is a 50
12 foot concrete wall. You got Franklin
13 Park here and you've got the bridge here.
14 So this is a very isolated project.

15 In the lobby area here, we have
16 an entranceway. We have meeting rooms.
17 We have a gym. We have a swimming pool.
18 We have a restaurant with a terrace
19 overlooking the Liberty Bell, and we have
20 this outdoor backyard area with seating
21 area, again, some fire pits. This area
22 here would be walking trails and things
23 of that nature. So it's a real green --
24 and this will be a green project, by the
25 way. It will be a LEED's project that

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2 we're doing.

3 In doing a hotel, we originally
4 had an L-shaped hotel that was much
5 larger than this, and, again, working
6 with the various organizations, they
7 wanted us to cut the hotel down, make it
8 more lean. We have done that. In fact,
9 we reduced the original square footage by
10 36,000 square feet from what was
11 originally proposed and accepted, by the
12 way, originally by all the different
13 people we had worked with.

14 We've already discussed the
15 accessory sign. I think the sign is very
16 important. We've designed it very
17 carefully. We've set it back into the
18 building. We've angled it on an angle so
19 you can only see it from one opening
20 coming down the bridge. It only faces
21 one way. This project is isolated. It's
22 surrounded by the Mint, Franklin Square
23 and the bridge. We don't have the
24 benefit of having neighbors across the
25 street from us, of having that activity.

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2 There has been concern that
3 this would turn into Market Street. This
4 can't turn into Market Street. None of
5 our neighbors can build everything.
6 Everything is isolated and fixed. But
7 unless we have the critical mass, this
8 will fail. It needs to have its own
9 identity. It needs to be a destination.
10 It needs to have a critical mass.

11 Thank you very much. I
12 appreciate it.

13 COUNCILMAN KENNEY: Thank you
14 very much for your testimony.

15 Councilman DiCicco.

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

18 Mr. Patterson, do you have more
19 testimony? Because I can hold my
20 questions until --

21 MR. PATTERSON: No, I don't,
22 unless there are any questions. I have
23 Anne Fidulan (ph) here from Dale
24 Construction who can talk about the EOP
25 plan, and I have some witnesses in

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2 support.

3 COUNCILMAN KENNEY: Understand,
4 so I want to try to run the list so we
5 have a little bit of balance. We had
6 requested a witness list and didn't get
7 it. So I have people who have requested
8 to be here, so I want to kind of get
9 it --

10 MR. PATTERSON: I just want to
11 make sure I can answer your questions.

12 COUNCILMAN KENNEY: Everybody
13 will be heard. I just want to make sure
14 we have a little bit of balance back and
15 forth, and maybe we can get some of the
16 issues out there that may be resolvable
17 as a result of that discussion. But on
18 the EOP, Councilman Goode or Brown,
19 whatever, if you want to pursue that.

20 COUNCILMAN GOODE: If you could
21 just -- I have reviewed the plan
22 attached. If you could just explain the
23 plan.

24 MS. FIDULAN: Sure. No
25 problem. I think Mr. Patterson said my

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2 name is Anne Fidulan. I am the head of
3 Development for the Dale Corporation. On
4 this project we're serving in a
5 development and construction advisory
6 capacity. We're not going to be the
7 contractor on this project. However,
8 likely one of the rules we're going to
9 play is to oversee compliance with all
10 the various local regulations, one of
11 which being compliance with the EOP plan.

12 Just speaking about our
13 background as Dale Corporation, we have a
14 long history of success in the City in
15 complying with minority and women hiring
16 requirements. Our most recent job, Cecil
17 B. Moore that we completed, we hit 27
18 percent. We're continually trying to
19 strive to get to 30 or above and to
20 comply with all the regulations. We take
21 it very seriously. This is not just
22 something we check off to say yes, we've
23 complied with the regulations.

24 We have worked with the
25 Administration around issues about how do

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2 we balance sometimes the needs of Section
3 3, local hiring, with hiring unions and
4 hiring minorities. Oftentimes what
5 happens is, we'll do a job in North
6 Philadelphia and then we'll have another
7 job in West Philadelphia. However, if we
8 move that worker who we've established a
9 good relationship with in North Philly to
10 the West Philly job, we don't get the
11 credit for it, and what we would like to
12 do is create permanent jobs for these
13 people, not just have them work in West
14 Philly and then say, Sorry, we don't get
15 credit for you in North Philly. We want
16 to really try to work with people to give
17 them careers, not just a job-by-job or a
18 project-by-project employment.

19 Anyway, regarding this project,
20 One Franklin Square at 4th and Race
21 Street, we have a draft EOP plan that has
22 been put together. I believe it's been
23 submitted to the Committee. And we will
24 continue to work with the pertinent City
25 Administration folks to further refine

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2 the plan.

3 As was mentioned, I think,
4 earlier, we anticipate 100, 150
5 construction jobs at peak, probably
6 during peak construction. In startup of
7 the project, we're around 150 to 200
8 jobs, and then depending on the ultimate
9 uses of the retail/commercial space and
10 the hotel, we anticipate around 260
11 permanent jobs.

12 As far as goals that we've
13 established for the project, which my
14 understanding has been agreed on, we're
15 trying to hit minority participation of
16 ten percent for professional services,
17 five percent for female-owned businesses.
18 We will make best efforts to hit those
19 goals. And, again, our intention is to
20 try to surpass those.

21 As far as employment goals,
22 we're looking at 50 percent for
23 Philadelphia residents. That's what we
24 try to hit for new hires. Thirty-two
25 percent for minority. Again, at Dale

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2 Corporation we're constantly hovering
3 around that 30 percent, a little bit
4 better range. Again, our role here is to
5 oversee this for this developer to help
6 whoever is hired as the contractor to hit
7 those goals. We have long-term
8 relationships with many minority
9 subcontractors and women-owned
10 subcontractors, and we hope to provide
11 access to those relationships to the
12 developer.

13 Employment for construction
14 workforce for females will be about seven
15 percent.

16 Again, we are very successful
17 in hitting minority. It's always
18 sometimes a struggle to get the WBE
19 numbers, but, again, we've had a lot of
20 success in that area.

21 As far as for the project,
22 subcontractors, again, we're trying to
23 hit 25 percent for minority, ten percent
24 for female and best efforts for disabled.
25 These goals have been -- like I said,

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2 they've been agreed to. We will make
3 every effort to work with the developer
4 and whoever is hired in the contract to
5 exceed these goals, not just to meet
6 them. And, like I said, we take this
7 very seriously. Not just something we
8 want to check off, do we have our zoning
9 approval, have we met our minority, but
10 we want figure out how we can create
11 long-term employment and long-term
12 relationships in both the minority and
13 the women-owned business sectors.

14 COUNCILMAN GOODE: Thank you
15 for your testimony. So the developer has
16 made you responsible for the economic
17 opportunity plan?

18 MS. FIDULAN: I would say that
19 they have asked us to help them and to
20 serve in an advisory capacity to ensure
21 compliance with the plan.

22 COUNCILMAN GOODE: And the
23 developer testified that he has spoke
24 with the building trades about the
25 project?

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2 MR. AMBROSI: Yes, that is
3 correct.

4 COUNCILMAN GOODE: Did you
5 speak to building trades about the
6 economic opportunity plan?

7 MR. AMBROSI: I did not have --
8 I'm not sure because I did not have the
9 direct conversations with them about
10 that. I can report back to you on that
11 one.

12 COUNCILMAN GOODE: Who spoke
13 with the building trades? You spoke to
14 the building trades?

15 MR. AMBROSI: My partners have.

16 COUNCILMAN GOODE: Are your
17 partners available?

18 MR. AMBROSI: Yes.

19 COUNCILMAN GOODE: They're
20 available here?

21 MR. AMBROSI: Would you like...

22 (Witness approached witness
23 table.)

24 MR. COSENZA: Good morning.

25 COUNCILMAN KENNEY: Good

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2 morning. Please identify yourself.

3 MR. COSENZA: My name is Fred
4 Cosenza with the Philadelphia Building
5 Trades. I spoken with Dan McCaffery
6 about the minority participation, that we
7 are 100 percent on board, and with 50
8 percent unemployment, those numbers will
9 be very easy to get to. We are in full
10 support of this.

11 I am also on every oversight
12 committee for minority participation in
13 the City, University of Penn. Anywhere
14 that we have minority participation, we
15 do and will hit those goals for this
16 project. And, once again, we are 100
17 percent behind this project. With the
18 people that we have out of work, we need
19 this work like we need oxygen.

20 COUNCILMAN GOODE: Did you
21 discuss wage rates?

22 MR. COSENZA: No. The wage
23 rates are wages --

24 COUNCILMAN GOODE: Set by
25 prevailing wage.

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2 MR. COSENZA: Yes.

3 COUNCILMAN GOODE: So they're
4 set by law.

5 MR. COSENZA: Yeah. The
6 unions -- this will be constructed with a
7 union contractor, where our wages are set
8 prevailing wage rates.

9 COUNCILMAN GOODE: By law.

10 MR. COSENZA: Yes.

11 COUNCILMAN GOODE: For the 150
12 jobs.

13 MR. COSENZA: I'm hoping it's
14 more like 200.

15 COUNCILMAN GOODE: Okay. Can
16 someone respond to the 260 permanent jobs
17 in terms of wage rates? Can someone,
18 developer or counsel, some response to
19 the permanent jobs?

20 MR. AMBROSI: What is your
21 specific question on the permanent jobs?

22 COUNCILMAN GOODE: What is the
23 wage quality? What's the job quality?

24 MR. AMBROSI: I don't know. We
25 have to select an operator. Once we have

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2 approvals, we select an operator. The
3 operator will then sit down --

4 COUNCILMAN GOODE: You do not
5 have an operator?

6 MR. AMBROSI: I'm sorry?

7 COUNCILMAN GOODE: You do not
8 have an operator?

9 MR. AMBROSI: We do not have an
10 operator yet. We're interviewing four
11 different operators.

12 COUNCILWOMAN BROWN: Point of
13 information.

14 COUNCILMAN GOODE: One quick
15 question before the point.

16 You do realize this is a formal
17 transcript?

18 MR. AMBROSI: I'm sorry?

19 COUNCILMAN GOODE: You do
20 realize this is a formal transcript?

21 MR. AMBROSI: I don't
22 understand the question.

23 COUNCILMAN GOODE: This is a
24 formal legal transcript. Either you have
25 an operator or you don't have an

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2 operator. Either you've decided upon an
3 operator or you have not decided upon an
4 operator.

5 MR. AMBROSI: We have not
6 decided on an operator at this moment.
7 We are interviewing four operators right
8 now.

9 COUNCILMAN GOODE: So you do
10 not have an operator for the hotel?

11 MR. AMBROSI: We do not. We
12 have a franchise. It will be a Starwood
13 franchise, and we're now interviewing
14 four operators and management companies
15 for the hotel.

16 COUNCILMAN GOODE: So it will
17 be a Starwood franchise?

18 MR. AMBROSI: It would be a
19 Starwood aloft.

20 COUNCILMAN GOODE: So you do
21 know who will be operating the hotel?

22 MR. AMBROSI: The hotel
23 franchise will be Starwood. The
24 operator, my terms, my definition -- I'm
25 sorry. My definition of the operator is

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2 the management company who manages and
3 operates the hotel. So we are
4 interviewing four groups right now.

5 COUNCILMAN GOODE: Have you
6 discussed with Starwood at all the job
7 quality of wage rates associated with
8 whatever jobs they will be overseeing?

9 MR. AMBROSI: No, I have not.

10 COUNCILMAN GOODE: Why not?

11 MR. AMBROSI: Because they will
12 not talk to me until I have an approval.
13 The way the process normally works is, I
14 fill out a franchise agreement. Once the
15 franchise agreement is approved, I need
16 to get my approvals for the project. At
17 that point we appoint a manager, and at
18 that point the manager, Starwood, and
19 myself sit down, and then you have those
20 discussions.

21 COUNCILMAN GOODE: So they want
22 us to approve the project without
23 ensuring any job quality or wage rate for
24 the 260 jobs?

25 MR. AMBROSI: We have not even

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2 had that discussion yet.

3 COUNCILMAN GOODE: Why have you
4 not had the discussion?

5 MR. AMBROSI: It's not
6 appropriate.

7 COUNCILMAN GOODE: It is
8 appropriate to discuss construction jobs
9 with a prevailing wage rate, but it's not
10 appropriate to discuss permanent jobs and
11 the job quality and wage rates? That's
12 ridiculous.

13 MR. AMBROSI: No. I don't
14 agree with you. I'm sorry. I'm the
15 developer. There's a contractor who
16 builds my building. I can have a direct
17 conversation with that contractor.

18 COUNCILMAN GOODE: I
19 understand. I'm going to advise you very
20 quickly. This can be a very long
21 discussion.

22 MR. AMBROSI: I'm sorry. I
23 just don't understand the question. I'm
24 really trying to cooperate. I'm not
25 trying to be an obstacle, but I'm trying

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2 to explain the process.

3 COUNCILMAN GOODE: And I'm
4 trying to explain to you the process.

5 Are you aware of the fact that
6 there are living wage laws around this
7 country?

8 MR. AMBROSI: Yes.

9 COUNCILMAN GOODE: And you
10 actually do developments along the
11 eastern seaboard?

12 MR. AMBROSI: Yes.

13 COUNCILMAN GOODE: You do
14 development in New York?

15 MR. AMBROSI: Do I develop --

16 COUNCILMAN GOODE: In New York.

17 MR. AMBROSI: No, I do not.

18 COUNCILMAN GOODE: Well, your
19 material said you did. In DC?

20 MR. AMBROSI: It said the New
21 York metropolitan area, yes. We develop
22 in the DC metropolitan area also.

23 COUNCILMAN GOODE: And
24 Baltimore?

25 MR. AMBROSI: Yes.

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2 COUNCILMAN GOODE: Have you
3 done development in any jurisdiction that
4 had living wage laws?

5 MR. AMBROSI: I'm sure I have,
6 but I want to clarify one thing. I'm not
7 a contractor. I'm a developer.

8 COUNCILMAN GOODE: I understand
9 that.

10 MR. AMBROSI: Okay.

11 COUNCILMAN GOODE: So you have
12 done development in jurisdictions where
13 there were living wage laws?

14 MR. AMBROSI: I'm sure I have,
15 yes. Right here at Philadelphia must be.
16 We developed Ten Rittenhouse Square.

17 COUNCILMAN GOODE: And the
18 living wage laws did not extend to the
19 developer?

20 MR. AMBROSI: I'm sorry?

21 COUNCILMAN GOODE: And the
22 living wage laws did not extend to the
23 developer?

24 MR. AMBROSI: I'm sorry,
25 Councilman. I'm just not familiar with

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2 that process or the terms. I'm not
3 trying to avoid your question. I'm
4 really not. I just don't understand the
5 terminology in the questions. Normally I
6 hire a contractor. The contractor has
7 those negotiations, and I have
8 construction lawyers that handle that
9 work. It's not my area of expertise.

10 COUNCILMAN GOODE: So you are
11 more concerned with the construction of
12 the project, not the operation of the
13 project or the permanent jobs that are
14 created?

15 MR. AMBROSI: I don't get
16 involved in the details of the operation.

17 COUNCILMAN GOODE: So who here
18 is responsible for the permanent jobs
19 that are being created?

20 MR. AMBROSI: That would be the
21 contractor.

22 COUNCILMAN GOODE: But the
23 contractor is not here.

24 MR. AMBROSI: We haven't
25 selected a contractor. The contract will

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2 go out for bid. Right now we've hired
3 Turner Construction.

4 COUNCILMAN GOODE: So you want
5 an approval from this Committee and from
6 this Council regarding permanent jobs
7 that will be created, but you want us to
8 not have to review the job quality or
9 wage rates associated with it; is that
10 what you're saying?

11 MR. AMBROSI: Ron, could you
12 answer this question?

13 MR. PATTERSON: I don't think
14 that's what he's saying. He's saying we
15 would work towards the goals of the plan,
16 since he cannot commit to who is going to
17 operate it. I think if you're looking
18 for assurances, we can give you as much
19 assurance as we can. I mean, are you
20 asking for a particular commitment?
21 Maybe Mr. Ambrosi could put it on the
22 record.

23 COUNCILMAN GOODE: I'm asking
24 for a specific commitment that in any
25 project that comes before this Committee

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2 or any other Committee of Council, that
3 there is acknowledgment the City has set
4 a wage standard and that it be included,
5 just as an economic opportunity plan has
6 to be included in certain projects that
7 moving forward from this day, that we
8 include job quality and wage rates and an
9 acknowledgment that there is a wage
10 standard that the Mayor and City Council
11 and an overwhelming majority of the
12 voters agreed with on November 2nd.

13 MR. PATTERSON: Okay. I mean,
14 if that's the law, we have no problem
15 with it. We'll include it in our
16 contracts.

17 COUNCILMAN GOODE: To the
18 extent that the law does not extend there
19 yet or it does, it is an accepted
20 principle and we expect it to be
21 discussed moving forward in terms of
22 development projects. If there is some
23 sort of economic hardship, a financial
24 hardship that exists, there are waivers
25 that exist, there's exemptions for small

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2 businesses, but there's no reason why in
3 this city we should embrace development
4 simply for the purpose of creating
5 construction jobs or creating permanent
6 jobs when those permanent jobs may be
7 poverty-level jobs. At some point we
8 have to make a stand, and that begins
9 today at least in this Committee in terms
10 of asking not just a question about
11 business and workforce diversity, but
12 about job quality and wage rates. So you
13 should expect that question from now on,
14 and I expect you to respond to that
15 question in writing in terms of what you
16 intend to do before I'm prepared to vote
17 for this legislation.

18 Thank you, Mr. Chairman.

19 MR. AMBROSI: We will.

20 COUNCILMAN KENNEY:

21 Councilwoman Brown, did you have anything
22 to add?

23 COUNCILWOMAN BROWN: Yes, I do.

24 Good morning. Let me first
25 thank you for your testimony and, quite

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2 frankly, an exemplary track record in the
3 industry. Let me underscore, put in bold
4 letters, with exclamation points all of
5 the remarks and expectations stipulated
6 by my colleague, Councilman Goode. My
7 questions are similar.

8 What is your philosophical
9 position when it comes to wage rates and
10 wage standards, separate from what you
11 expect or do not expect of your
12 contractors?

13 MR. AMBROSI: I was just
14 informed by one of my colleagues that
15 Starwood has in their contract that they
16 will comply with the local wage laws. So
17 I don't see it being an issue. I just
18 got that information just now. I'm just
19 not familiar with it. That's why. I'm
20 not trying to avoid your question. I'm
21 really not.

22 COUNCILWOMAN BROWN: Well, this
23 is the time and often our only
24 opportunity to be very clear and precise
25 about what our expectations are when it

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2 comes to the equal opportunity plans.

3 MR. AMBROSI: I understand, and
4 we were just not prepared for the
5 information. If I knew, I would tell
6 you.

7 COUNCILWOMAN BROWN: Surely.

8 Okay. To the lady to your
9 right, please, how long have you been
10 affiliated with the gentleman here, this
11 developer, given their 25-year rich
12 history, particularly in the area of
13 what -- Dale Industries or Dale
14 Corporation?

15 MS. FIDULAN: Dale Corporation.
16 In this particular case, we've just been
17 associated with this project. So I would
18 say maybe 12 months, two years, something
19 like that, because we've been dealing
20 with the development side of things and
21 advisory services there.

22 As far as Dale Corporation,
23 we've been in existence for a little over
24 50 years in predominantly the
25 Philadelphia area. Kind of recent

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2 history, probably for the past seven to
3 ten years, our bread and butter has been
4 Low Income Housing Tax Credit projects.
5 We've done a lot of those. We also do
6 upwards 40 to 60 million with the
7 Philadelphia Housing Authority. We have
8 a lot of private contracts as well, but I
9 would say really our bread and butter and
10 how we cut our teeth was coming up in the
11 Low Income Housing Tax Credit world,
12 affordable housing.

13 And so we're very familiar with
14 compliance regarding various sources of
15 public monies, in particular in
16 Davis-Bacon compliance, Section 3
17 compliance, and the minority and female
18 business participation.

19 COUNCILWOMAN BROWN: Very
20 helpful. Please define for me your
21 definition of "best efforts." What does
22 that mean?

23 MS. FIDULAN: I think "best
24 efforts" is, we have to document that we
25 really pulled out all the stops. We do

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2 sort of the traditional job fairs and
3 those kinds of things, but, for example,
4 we were just at the NAMC dinner where we
5 were invited to speak. We do outreach
6 events like that, because we're always
7 looking for good, qualified
8 subcontractors. Hopefully we can help
9 out with the minority and the women-owned
10 ones. Like I said before, sometimes it's
11 a challenge for the WBEs, but we have a
12 very good track record with MBEs. And we
13 like to establish long-term
14 relationships. So we really are trying
15 to form relationships with
16 subcontractors, and I think a lot of
17 contractors that do this kind of work are
18 trying to do something similar where
19 you're able to use that contractor on
20 several different jobs and form a
21 long-term commitment, and sort of that's
22 how we are able to provide the best
23 service to our client as well.

24 COUNCILWOMAN BROWN: So is it
25 fair to say, then, that Dale Corporation

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2 will ultimately be principally
3 responsible for honoring the terms of the
4 EOP plan?

5 MS. FIDULAN: We are not going
6 to be a signatory to the EOP plan, but we
7 are going to be there advising so that
8 if, for example, a contractor may come to
9 Mr. Ambrosi and say, you know, we're only
10 able to hit 20 percent or we're only able
11 to hit 22 percent, then I feel like our
12 job is to make sure that they have pulled
13 out all the stops and to say, Have you
14 tried this, have you contacted these
15 folks, we've used them in the past, and
16 to get them over that mark. I would say
17 that's what our role is.

18 COUNCILWOMAN BROWN: So
19 procedurally for the record stipulate how
20 you indeed recruit, outreach to MBE/WBEs
21 for subcontracting opportunities. How do
22 you do that process-wise?

23 MS. FIDULAN: Like I said, we
24 attend events, we hold job fairs, we
25 publicize. There's certain listing

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2 services working with the Office of
3 Employment Opportunity that the City has.
4 We get information from them about
5 qualified subcontractors, who's been
6 approved, who's on the various list as a
7 certified subcontractor. So we do
8 outreach to them directly. Then also,
9 like I said, we attend events and we
10 encourage minority subs to contact us and
11 to put themselves out there. And we were
12 at the NAMC event about a year ago and
13 they have something at the Enterprise
14 Center. Della Clark had an event, and we
15 attended that and we spoke and we handed
16 out material there. I would say we must
17 have handed out -- I don't even know how
18 much material, but a handful of the
19 contractors actually contacted us. We
20 met with every single person that
21 contacted us, and we were able to bring
22 two or three of them on board.

23 COUNCILWOMAN BROWN: Okay.
24 Thank you for your testimony.

25 My last question is, you

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2 mentioned that you will have -- the
3 building will be green and that it will
4 be LEED certified. Which level?

5 MR. AMBROSI: We don't know
6 yet, because it's an existing building
7 and we're trying to determine to what
8 level we can go. But to be competitive
9 today, you need to have a green or a
10 LEED-certified building.

11 COUNCILWOMAN BROWN: Okay.
12 Thank you for your testimony.

13 COUNCILMAN KENNEY: Thank you
14 very much. Just in addition to the EOP
15 conversation, it would seem to me that in
16 the economy that we're in, it's somewhat
17 easier to find all kinds of contractors
18 as opposed to an economy where the
19 construction industry is booming and you
20 have maybe a lot of the minority
21 contractors already tied up on jobs. I
22 mean, both non-minority and minority
23 contractors are out of work. So I would
24 suspect it's easier in this economy to
25 get people in.

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2 MS. FIDULAN: I would say that
3 people are definitely hungry and people
4 are looking for work. I think the key
5 thing for the general contractor is to
6 make sure that subcontractor is qualified
7 and in good enough financial standing so
8 they can start and finish the job. We
9 don't want to lose a contractor in the
10 middle of the job.

11 However, we have sort of,
12 again, stepped up to the plate and, if
13 people are having trouble making their
14 union payments or whatever, tried to do
15 what we can to enforce them to make sure
16 that they get through the job and that
17 it's a success for them as well.

18 COUNCILMAN KENNEY: Thank you.

19 Councilman DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Mr. Chairman, and good morning.

22 Mr. Ambrosi, I just want to go
23 back to you, the issue of the signage. I
24 attended a public meeting with you the
25 other night in Old City and that, as you

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2 said, was one of the points of contention
3 or opposition from Old City Civic
4 Association and maybe others. I'm really
5 not clear what the numbers are opposed as
6 those who might not be concerned with the
7 sign.

8 You mention -- well, let me ask
9 you this question: If the project were
10 built today, the first phase, not the
11 residential piece, just the hotel, and
12 the sign was there and I lived on 4th
13 Street, would I be able to see that sign?

14 MR. AMBROSI: The way we have
15 it angled, no, because it's built into
16 the building setback on an angle with
17 shields. So you would not be able to see
18 it, except from one point on the bridge,
19 on the Ben Franklin Bridge. That's the
20 way it's been designed.

21 COUNCILMAN DiCICCO: So no
22 residents would be able to see that?

23 MR. AMBROSI: Not to my
24 understanding. We've had actually an
25 architect come out there, do a survey, do

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2 light sign surveys, and the reason it's
3 being set back into the wall with shields
4 on all sides is to give one particular
5 angle to the bridge and that's all.

6 COUNCILMAN DiCICCO: Because I
7 thought -- maybe I misunderstood with
8 some of the people talking over each
9 other the other night -- that there may
10 be some illumination that would be
11 visible to the residents or some of the
12 residents on 4th Street, and is that
13 accurate or not?

14 MR. AMBROSI: The site lines
15 that the architect has designed has said
16 no, but I will go further. We've even
17 agreed not to install that sign until the
18 residential building on 4th Street is
19 built, and since that building is the
20 same height as the residential building
21 across on 4th Street, it would be
22 impossible to see.

23 COUNCILMAN DiCICCO: That's
24 where I was going. I was going to ask
25 would you agree to --

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2 MR. AMBROSI: Yes. We would
3 agree not to install the sign until the
4 residential building were built.

5 COUNCILMAN DiCICCO: That was
6 number one. And also -- and I don't know
7 how we do this. The signage could have
8 some interchanging texts on it from time
9 to time. Would you be willing or at
10 least be willing to have a conversation
11 with either the City of Philadelphia
12 and/or the DRPA so that in the event
13 there was an emergency, some sort of a
14 public service announcement could be
15 broadcast over that sign, people coming
16 into Philadelphia? Megan's law, as an
17 example. I think Councilman Kenney and I
18 were talking about this the other day.

19 MR. AMBROSI: Not only that.
20 When we first proposed this or we had
21 discussions with DRPA, they wanted to use
22 it as a warning or as some sort of
23 indication sign.

24 COUNCILMAN DiCICCO: I wanted
25 to get that on the record. As you know,

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2 I'm a Commissioner -- at least today I'm
3 still; I don't know about tomorrow. But
4 I'm still a Commissioner there. I just
5 wanted to get that on the record, that
6 that's something --

7 MR. AMBROSI: Yes.

8 COUNCILMAN DiCICCO: -- that
9 you would incorporate into this signage.

10 The 35,000, which is now down
11 to 23,000 square feet of retail?

12 MR. AMBROSI: There's an area
13 allocated of 35,000 square feet of total
14 retail. One user we had was going to do
15 different venues. OCCA wanted one user
16 for the entire space. That's how the
17 discussion originally started. It's hard
18 to find one user for an entire space,
19 because we don't want one large space, we
20 want to break it down into smaller
21 spaces. So the one user that we had
22 wanted to do a bowling alley, a retail
23 store, a restaurant and a small music
24 venue. So there would actually be four
25 different uses within that 35.

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2 I don't know how many square
3 feet it will be, because we're now
4 talking, for example, to a gym. That gym
5 may take the 13,000 square feet that we
6 were looking at for the bowling alley.
7 That would reduce us to 23,000 square
8 feet. Even in the 23,000 square feet,
9 the last user we talked to was going to
10 do four different restaurants in the
11 23,000 square feet. It would have been a
12 Mexican restaurant, a pub, a sushi
13 restaurant and there was going to be a
14 small music venue with a 500 square foot
15 dance floor.

16 COUNCILMAN DiCICCO: Could you
17 explain that a little bit more? Because
18 that, again, is, I think, the biggest
19 point of contention from the community,
20 and I'd like to establish on the record
21 what your sense of that remaining portion
22 of those four -- give us some idea of
23 what that would be, how it would play
24 out.

25 MR. AMBROSI: There needs to be

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2 a restaurant because we need a restaurant
3 to service the hotel. I think a small
4 entertainment component is important.
5 There's no reason why a jazz club,
6 there's no reason why some sort of a live
7 music venue. We need to create a place
8 that has its own momentum, that has a
9 critical mass to it. Again, we're faced
10 with the Mint on one side, we have
11 Franklin Square on the other side, we
12 have the Ben Franklin Bridge and we have
13 our own residential building acting as a
14 buffer to 4th Street.

15 Old City Civic Association's
16 objection had been, We don't want it
17 turning into Market Street. That's the
18 last thing I want, because it would
19 destroy the hotel, but it can't turn into
20 Market Street because there are no
21 neighbors here. There's nothing that
22 could be developed on three sides of this
23 project.

24 MR. PATTERSON: If I could
25 clarify, not a nightclub, and there's

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2 restrictions on the use that would be in
3 the contract with the hotel operations,
4 correct?

5 MR. AMBROSI: Yes. That is
6 correct. And, by the way, Starwood
7 has -- how should I say this -- rights as
8 to what is going to go in that building.
9 They don't want a nightclub there.

10 We never proposed a nightclub.
11 That was rumor that was circulated.
12 There were some flyers circulated. That
13 was never proposed by us, never.

14 MR. PATTERSON: Just a point of
15 clarification, I would add that under the
16 Zoning Code, once you have music that's
17 other than piped in and once you have
18 even an area of 100 square feet that you
19 can dance upon, it's considered a
20 nightclub. So that's the issue.

21 It's not a nightclub as far the
22 uses are concerned, and that's why we
23 took the time to place and draft these
24 restrictions if they were approved.

25 COUNCILMAN DiCICCO: Are there

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2 any hotels in the area that would serve
3 as some sort of an example of what your
4 hotel would turn out to be as far as a
5 retail component?

6 MR. AMBROSI: It's hard --
7 there certainly are hotels in the area
8 with some restaurants and light music
9 venue, but this is a little different,
10 because a lot of hotels will have
11 adjacent properties, where someone can
12 walk out of their hotel, go across the
13 street, go to a restaurant, or walk out
14 of the hotel and go across the street and
15 hear jazz, or walk out of the hotel and
16 go across the street and do some other
17 activity. We don't have that option
18 here. You can't walk across the street
19 to the Mint, unless you want to print
20 money, which wouldn't be bad, or -- I
21 mean, you can't walk across the street to
22 the bridge. There's residential right
23 behind us and you have Franklin Square,
24 which, by the way, is very difficult to
25 cross.

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2 So, yes, we have the benefit of
3 having Franklin Square and the
4 Constitution Center there, but they don't
5 bring amenities to this building. We
6 need to make this an exciting enough
7 place where it has a critical mass to
8 succeed, otherwise it will not work.

9 COUNCILMAN DiCICCO: And,
10 again, just not to belabor the point,
11 based on the conversation the other night
12 at the meeting and some other
13 conversations I had with you,
14 Mr. Patterson, Prime Rib, the restaurant
15 Prime Rib, under the Code would be
16 considered a nightclub. Is that an
17 accurate statement?

18 MR. PATTERSON: That's my
19 opinion, yes.

20 COUNCILMAN DiCICCO: Because
21 they have a piano, a singer there
22 occasionally.

23 MR. PATTERSON: And an area to
24 dance.

25 COUNCILMAN DiCICCO: And an

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2 area to dance. And it's part of a
3 condominium, which used to be a hotel but
4 it's now a condominium. People reside in
5 that building. That's correct?

6 MR. PATTERSON: Correct.

7 COUNCILMAN DiCICCO: Thank you.

8 At this time, I don't have any
9 further questions.

10 COUNCILMAN KENNEY: Any other
11 questions for these witnesses?

12 Thank you very much. If you
13 could just --

14 COUNCILMAN CLARKE: Councilman?

15 COUNCILMAN KENNEY: I'm sorry.
16 Councilman Clarke. I apologize.
17 Councilman Clarke.

18 COUNCILMAN CLARKE: Real brief.
19 Thank you, Mr. Chairman.

20 Good morning. Ms. Fidulan, I
21 just had a general question for not
22 necessarily just Dale, but you represent
23 Dale today with respect to the
24 participation goals, and I know you're
25 going to answer this in a positive way,

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2 but I got to put it out there.

3 In some areas it's thought that
4 there are certain criteria or guidelines
5 informally established as it relates to
6 the geographical location of a
7 development and/or whether or not there's
8 any government support, which I think,
9 frankly speaking, limits the
10 participation goals citywide, because --
11 and the reason I say that, because I've
12 experienced a situation in my district
13 there was a significant project taking
14 place in one part of my district where
15 there were pretty good numbers both in
16 terms of contracts and workforce, and in
17 another part of the district the same
18 developer and the same contractor that
19 was a block out of my district, frankly
20 speaking, had virtually none.

21 From your perspective, your
22 company -- and if you can talk
23 generally -- is it normally the practice
24 that you feel, contractors feel that in
25 certain areas, that the demographics

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2 reflect the goals of some of our EOP
3 plans or other commitments as it relates
4 to the City for Section 3? I think you
5 know where I'm going with this.

6 MS. FIDULAN: I do think at
7 times there is a conflict. All the goals
8 are very worthwhile. So Section 3 is a
9 very worthwhile goal. Minority, female
10 participation and disadvantaged business
11 is a very worthwhile goal, and we are a
12 union town, because we also believe in
13 good, solid jobs. However, sometimes the
14 three of those are -- it's difficult to
15 meet all three of those goals with, let's
16 say, the same person, and so sometimes
17 you have to sort of combine meeting the
18 goal of Section 3 with meeting the
19 minority requirement with meeting the
20 goal of having good, quality union jobs.
21 Because sometimes you want to hire a
22 neighborhood resident who is or is not a
23 minority, but they may not be a union
24 member.

25 In Section 3, what happens

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2 oftentimes with jobs is -- you're
3 probably familiar -- first you target a
4 certain zip code and then you can sort of
5 extend it out if you can't find, and
6 extend it out. I think, like I mentioned
7 at the beginning of my testimony, one of
8 the difficulties we have is that when we
9 find somebody who is a qualified
10 community resident, we don't like to just
11 hire them for six months or nine months
12 or whatever the duration of the project
13 is. We'd like to bring them on board as
14 a permanent employee, and sometimes
15 that's difficult because if we have a job
16 in your zip code and then that job
17 finishes, we don't get credit when we
18 move the person over.

19 COUNCILMAN CLARKE: Either you
20 didn't understand the question -- not to
21 cut you off -- or you're being --

22 MS. FIDULAN: That's okay.
23 We're both trying to bob and weave. So
24 if we're not bobbing and weaving
25 together, that's fine.

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2 COUNCILMAN CLARKE: The bottom
3 line is that if somebody wants to
4 develop, say, in North Philadelphia, part
5 of my district, and we know that there's
6 probably going to be --

7 MS. FIDULAN: There's going to
8 be minority participation available.

9 COUNCILMAN CLARKE: -- a
10 significant request, I usually start out
11 at 50 percent, and the person behind you
12 who had the pleasure of meeting with me
13 about a project that actually wasn't in
14 North Philadelphia, I started out at 50
15 percent.

16 From an industry perspective,
17 do you all feel that you have uniform
18 guidelines in terms of participation?
19 Say if I'm in North Philadelphia, I'm
20 probably going to have to do some very
21 aggressive goals, but if I'm in certain
22 parts of Center City or maybe on the
23 waterfront, I don't necessarily have to
24 worry about that, because the
25 surrounding --

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2 MS. FIDULAN: I would say --
3 honestly, it's tough for me to speak for
4 the contracting community as a whole, but
5 I would say that each contractor sort of
6 has to make a decision as to how
7 important minority hiring is to their
8 corporation. For our corporation, it's
9 very important because of what our bread
10 and butter is. If we went and did a
11 project in Center City and said minority
12 hiring is not important to us and then
13 wanted to still do the amount of work we
14 do in the neighborhoods, frankly, that
15 really wouldn't work well for us, because
16 we built our hiring reputation on we meet
17 these goals regardless, so to speak.
18 Other contractors who may do things
19 exclusively in Center City or other areas
20 that might not have the same level of
21 minority population may feel differently
22 about it.

23 But just like you just
24 mentioned how you met with the gentleman
25 behind me, I think you do meet with

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2 different -- you are very vocal and
3 persistent about the goals that you're
4 trying to reach, and you in some ways are
5 that way because contractors have been
6 able to attain them in your area. So I
7 think that is something that contractors
8 listen to. And if they're not pushed as
9 hard, they may not -- it's sort of human
10 nature. If you're not pushed as hard,
11 you may not push yourself as hard.

12 COUNCILMAN CLARKE: You don't
13 really feel that you should self-impose
14 any goals if you don't, frankly speaking,
15 have to.

16 MS. FIDULAN: Right. I mean,
17 we agree. We agree, Dale Corporation,
18 that it's important regardless.

19 MR. AMBROSI: And obviously
20 we've been sensitive to this issue. We
21 brought Anne on about two years ago to
22 coordinate all this. So it is a
23 sensitive issue for us also.

24 COUNCILMAN CLARKE: All right.
25 I know it's a sensitive question, but the

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2 reality is, I think that if the industry
3 and the trades have this self-imposed
4 guidelines that are uniform across the
5 board, it would be a lot easier to get
6 participation for females and minorities
7 in these various projects throughout the
8 City of Philadelphia, just not from a
9 geographical area that you're probably
10 going to be required because of the local
11 elected official.

12 MS. FIDULAN: Well, in my other
13 hat, Councilman, as part of the BIA, we'd
14 be interested in having those
15 conversations with you.

16 COUNCILMAN CLARKE: Thank you.
17 I was getting there. Thank you.

18 MS. FIDULAN: Sure.

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

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Any other questions for these
24 witnesses?

25 (No response.)

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2 COUNCILMAN KENNEY: Seeing
3 none, I've been asked for you folks to
4 vacate the table and then just stay
5 within -- what I'd like to do in this
6 particular case, because there is a
7 controversy, just kind of stay there so
8 we can --

9 MR. PATTERSON: We'll be
10 available to respond.

11 COUNCILMAN KENNEY: -- so we
12 can have some dialogue. So the next
13 person on the list is Mr. Shiavo.

14 MR. AMBROSI: Thank you very
15 much.

16 MR. PATTERSON: I submitted to
17 your aide copies of the support letters.
18 We did have some people in support, if
19 you wanted to take the supporters first
20 briefly, Mr. Cuorato and --

21 COUNCILMAN KENNEY: If there's
22 no objection. I mean, again, I tried to
23 run the list the way that it comes in,
24 and to start juggling around is not fair.
25 You wind up not being fair to somebody.

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2 MR. PATTERSON: I just thought
3 we'd say --

4 COUNCILMAN KENNEY: If it's
5 really brief, that's fine.

6 (Witness approached witness
7 table.)

8 MR. MATTIONI: Good morning.

9 COUNCILMAN KENNEY: Identify
10 yourself, please.

11 MR. MATTIONI: Michael
12 Mattioni. I'm here as the Chair of the
13 Old City District, and I just want to
14 state the Old City District supports this
15 project. I think it's an important
16 project for Old City and that it will
17 address a derelict block that's been
18 sitting there vacant for several years.

19 Thank you.

20 COUNCILMAN KENNEY: And you
21 chair the Special Service District,
22 right?

23 MR. MATTIONI: Correct.

24 COUNCILMAN KENNEY: Thank you
25 very much.

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2 MR. MATTIONI: Thank you.

3 COUNCILMAN KENNEY: Is there
4 anyone else coming up? Please.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY: Please
8 identify yourself for the record.

9 MR. CUORATO: Good morning,
10 Mr. Chairman and members of City Council.
11 My name is James Cuorato. I'm the
12 President and CEO of the Independence
13 Visitor Center. The Visitor Center is
14 the official Visitor Center for the
15 Philadelphia region, and I am here today
16 to testify in support of Bill No. 100552
17 for the One Franklin Square project.

18 I would just briefly like to
19 say that in the midst of this economy --
20 and I know the Chairman has referenced
21 the state of the economy and how it
22 affects development several times
23 already -- we have a number of great
24 projects and attractions that are coming
25 to Philadelphia, the expansion of the

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2 Convention Center, the President's House
3 memorial site, which will open in two
4 weeks, the National Museum of American
5 Jewish History, which just opened on
6 Friday and had enormous crowds over the
7 weekend, a new Ben Franklin underground
8 museum at 3rd and Chestnut, new American
9 Revolution Center also at 3rd and
10 Chestnut. So there are a number of new
11 projects coming to the historic area.

12 We at the Visitor Center had
13 2.8 million people come through our doors
14 last year. Many of them are looking for
15 dining and entertainment options in the
16 area, as well as places to stay. So we
17 think that the One Franklin Square
18 project will be a tremendous addition to
19 the historic area.

20 Mr. Ambrosi came to us early
21 on, presented the project to us. I had
22 an opportunity to ask questions, review
23 the plans, and I think it's a superb
24 project.

25 I would just add one final

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2 note. I had the privilege of serving as
3 the City's Director of Commerce on two
4 occasions, once in the '90s and then
5 earlier this decade from 2000 to 2004.
6 So while I am not speaking on behalf of
7 the current Administration, I would just
8 say that if I were Director of Commerce,
9 given the state of the economy and the
10 state of the development industry right
11 now, I'd be standing on my head trying to
12 attract a project like this, and we're --
13 I think we're very fortunate in the
14 historic area and in the City to have a
15 developer with Mr. Ambrosi's credibility
16 and experience to bring a project to the
17 City like this.

18 Thank you for the opportunity
19 to present this testimony.

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

22 (Applause.)

23 COUNCILMAN KENNEY: Thank you.

24 Mr. Shiavo, please.

25 (Witnesses approached witness

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2 table.)

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

5 MR. THOM: Richard Thom, Chair
6 of the Developments Committee, Old City
7 Civic Association. I have some short
8 introductory remarks.

9 Good morning, Councilmembers.
10 My name is Richard Thom. I have been
11 Chair for 16 years of the Old City Civic
12 Association's Developments Committee. As
13 most of you know, OCCA has for over three
14 decades been an energetic advocate for
15 the issues critical to our businesses,
16 property owners and residents, all of
17 whom have invested in the neighborhood in
18 some fashion and many of whom are in
19 attendance today in support of OCCA.

20 I'd like right now to ask
21 everyone who is here on behalf of OCCA to
22 please rise.

23 (Some audience members rise.)

24 MR. THOM: Thank you, folks.

25 Twenty years ago, OCCA felt

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2 threatened by an onslaught of nightlife
3 activity in our predominantly residential
4 areas north of Market Street. We
5 initiated the present zoning overlay,
6 Section 14-1610, approved by Council in
7 1990, with the enthusiastic support of
8 Councilman David Cohen. Councilman
9 DiCicco saw fit to extend these
10 protections south of Market Street to
11 ensure that problematic entertainment
12 uses do not conflict with established and
13 ever-expanding residential and commercial
14 interests. These overlay provisions have
15 encouraged many developers to invest
16 hundreds of millions of dollars,
17 confident that their financial commitment
18 is matched by OCCA's efforts to promote
19 only high-quality, compatible commercial
20 uses.

21 During this time, OCCA has
22 supported five new hotel developments as
23 well, recognizing their suitability in a
24 residential area and helping to enhance
25 the tourist experience in the historic

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2 district. We have publicly and
3 repeatedly voiced our support for this
4 bill's proposed 150-room hotel, including
5 its height, function rooms, food and
6 beverage uses, and parking capacity.

7 However, the provisions of this
8 same bill will, for the first time on
9 this parcel of ground, remove the very
10 protections we asked Council to enact two
11 decades ago, a single parcel of ground
12 surrounded by churches, residential
13 condominiums and important historic
14 sites, the very uses we sought to protect
15 in 1990. We remain alarmed that this
16 unprecedented prospect and concerned that
17 this highly unusual step will lead to
18 further weakening of our regulations that
19 clearly have worked in the best interests
20 of all people invested in the
21 neighborhood.

22 Furthermore, OCCA has been
23 engaged in vigorous opposition at the
24 Zoning Board and in the courts to
25 billboards of any type in our community

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2 for over 25 years. Additional provisions
3 of this bill lift existing prohibitions
4 on advertising which we believe will
5 negatively impact the historic area,
6 immediately adjacent condo owners and key
7 City gateway entrance.

8 OCCA's subcommittee has, for
9 over two years, engaged the potential
10 redeveloper of 401 Race in discussions
11 about his project and impacts it may
12 generate. Committee member Joseph Shiavo
13 to my right will discuss our
14 recommendations for changes to the
15 present bill. We hope Council will take
16 these suggestions into consideration and
17 help protect over 5,000 residents and our
18 tax base represented in the hundreds of
19 rehabilitated historic Old City
20 buildings.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Please identify yourself and
25 proceed.

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2 MR. SCHIAVO: My name is Joe
3 Shiavo. I'm a resident of Old City and I
4 reside at 155 North 3rd Street. I'm also
5 Vice-Chair of the Old City Civic
6 Association Developments Committee and
7 have participated in the subcommittee
8 working with Mr. Ambrosi and his team
9 over the past two years.

10 Members of the Committee on
11 Rules, I do have a copy of the last two
12 letters that we've sent to Councilman
13 DiCicco and copied the developer's
14 attorney Ron Patterson on these two
15 letters, and I think that these letters
16 may be of value, because our position has
17 been characterized by others who have
18 spoken, but I think this letter makes
19 clear what our position may actually be.

20 We are in support of this
21 development. We just have issues with
22 particular points of the development.
23 There is no intention on our part to, in
24 any way, deter appropriate development at
25 this location.

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2 So may I hand up our letter,
3 please? And the top letter has print on
4 both sides and the second page is a
5 separate letter sent previously.

6 So within these letters, we're
7 making clear the point that, first, it's
8 the position of Old City Civic
9 Association's Developments Committee that
10 the ordinance proposed for 401 Race
11 Street change only the underlying zoning
12 from "L-4" to "C-3." There's no
13 disagreement that the underlying zoning
14 classification of the parcel should be
15 changed to be more consistent with the
16 majority of parcels in Old City, and such
17 change from "L-4" to "C-3" would then
18 allow the hotel use by-right. That
19 constitutes 85 percent of the project
20 value, as described by Mr. Ambrosi as
21 recently as November 22nd at the
22 community meeting.

23 All the approvals included in
24 Bill 100552, beyond the change of zoning
25 classification, are an objectionable

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2 circumvention of the public process of
3 considering and granting exception to the
4 terms of the Zoning Code. It is the
5 position of the OCCA Developments
6 Committee that no such approvals be
7 granted by way of this bill.

8 However, anticipating that
9 there's the possibility that this
10 Committee will not accept our position,
11 we ask the Council accept the following
12 points and continue to include use and
13 other approvals within the proposed
14 ordinance only if amended as we suggest.

15 And so the first point is that
16 it's our position that the controls
17 included in Code Section 14-1610, the Old
18 City overlay, and Code Section 14-1604.1,
19 signage controls protecting the approach
20 of the Ben Franklin Bridge, not be
21 removed as included in this bill today.
22 Today, the bill states very clearly in
23 its first point that those controls will
24 be removed. We ask that those controls
25 continue.

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2 Changing the zoning
3 classification from "L-4" to "C-3" is
4 entirely justifiable and an appropriate
5 action to make at this parcel to better
6 development -- to make a better
7 development fit for the Old City
8 community. However, lifting specific
9 land use regulations of the Zoning Code
10 to provide an advantage to this or any
11 other developer, without justification,
12 other than that it is the wish of the
13 developer to gain such exception or
14 advantage, is entirely unacceptable. The
15 exception that you are supporting within
16 Bill 100552 provides the host community
17 with no benefit whatsoever, but leaves
18 the community vulnerable to impacts and
19 burdens of those exceptions granted.

20 Our next point is that the
21 proposed ordinance should not include any
22 use approvals for the ground floor 35,000
23 square foot retail or commercial space
24 due to the absence of any definition or
25 formalized plans for that area. The

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2 plans have -- there have been many
3 proposals for the ground floor commercial
4 and retail space, but there is still not
5 a committed operator or plan in evidence.
6 You did not see one today. In the
7 absence of such evidence, evidence which
8 would reasonably be shared with the host
9 community for the consideration and
10 comment in the event that any planned
11 uses did not conform to the current
12 standards of the Code, is unreasonable
13 for Old City to be expected to accept the
14 granting of any non-by-right use
15 approvals for the 35,000 square foot area
16 on the ground floor of the project.

17 Further, as the terms of Bill
18 100552 stand today, there is no
19 requirement that the developer ever build
20 the hotel in order to open the 35,000
21 square foot of restaurants, entertainment
22 and public assembly space as specifically
23 would be approved by the bill today.
24 And, of course, the intends liquor
25 license and considering the sketchy

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2 program proposed by the developer for
3 that space, Clause 9(a)(2) of the bill is
4 a reckless blank-check approval that we
5 strongly recommend be deleted from the
6 bill.

7 Our next point is that there
8 should be no approvals for signage of any
9 type included in the proposed ordinance.
10 The developer will be permitted by-right
11 all legal signage allowed under the
12 Zoning Code. There is no justification
13 or any community support for any
14 exception to the applicable signage
15 regulations relative to this project
16 proposal. The inclusion of approvals
17 within the bill for non-conforming LED
18 and changeable-message accessory signage
19 in a billboard-like format facing the
20 Benjamin Franklin Bridge is obviously a
21 stepping stone to a non-accessory
22 billboard by any other name at that
23 location. We strongly recommend that any
24 signage approvals be deleted from this
25 bill.

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2 And, finally, it's the position
3 of the Committee that the proposed
4 ordinance use approvals for a restaurant,
5 entertainment and public assembly be
6 limited to only the area of the hotel
7 component of the proposed project.

8 In order to facilitate the
9 development of this site and in the
10 spirit of cooperation and compromise, it
11 may be the case that the OCCA would be
12 willing to support all approvals for
13 additional building height, restaurant
14 uses, entertainment uses and public
15 assembly as customarily associated with
16 hotel operations, but exclusive to the
17 defined area of the hotel operation and
18 to be included in the bill as approvals
19 exclusive to the hotel.

20 Now, you heard it described at
21 one point that the hotel is somehow
22 connected to the 35,000 square foot
23 retail space of the ground floor, and it
24 is not. It is not intended that the
25 hotel be the operator of that ground

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2 floor commercial space. They are
3 separate leases. They are separate
4 occupants. They are separate operators.

5 We understand that a hotel to
6 be successful needs the food use. We
7 understand it needs the hotel liquor
8 license. We understand that
9 entertainment is appropriate to the
10 hotel. We understand the assembly
11 necessity for the function rooms to work,
12 and we're in agreement, but we are not in
13 agreement that there be a blank check
14 issued to the developer in the form of
15 use approvals for the ground floor space
16 when there is no program and no plan in
17 evidence today.

18 Thank you.

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

21 (Applause.)

22 COUNCILMAN KENNEY: Councilman
23 DiCicco would like Mr. Patterson to come
24 to the table.

25 (Witness approached witness

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2 table.)

3 COUNCILMAN KENNEY: Please
4 re-identify yourself for the record.

5 MR. PATTERSON: Ronald
6 Patterson, 1835 Market Street.

7 COUNCILMAN KENNEY: Councilman.

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

10 Good afternoon, Mr. Patterson.
11 You've heard the testimony of Mr. Shiavo,
12 both Mr. Thom and Mr. Shiavo. I'd like
13 to get to Point No. 3. Do you have a
14 copy?

15 Joe, would you mind sharing
16 that?

17 MR. SHIAVO: I will provide him
18 one. Thank you.

19 COUNCILMAN DiCICCO: To the
20 paragraph where it says, "Further, as the
21 terms of Bill 100552 stand today, there
22 is no requirement of the developer to
23 ever build the hotel," do you have a
24 comment about that? I mean, how do we
25 get there, Ron? Was that part of the

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2 community benefits agreement? Maybe we
3 can talk a little bit about that as well,
4 what's in the benefits agreement.

5 Again, there are a lot of
6 people who are here today from Old City
7 who have not but for the last week was
8 the first time they ever heard about what
9 this project meant. I apologize for
10 that, as I said, that I don't know if
11 that's my role to get to everybody. I
12 get to everybody by way of a civic
13 association and by public hearings being
14 announced. So it's still fresh in the
15 minds of a lot of folks who were there
16 last week, this proposal. It's not
17 been -- they've not been aware of this
18 proposal for the last two years that the
19 Civic Association has been negotiating.
20 So there's a lot of information, I think,
21 that we tried to get out last week, but
22 we still were not able to get completely
23 out, again, because emotions were running
24 high, there was a lot of people talking
25 over each other.

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2 So if we can get to the meat
3 and potatoes, if you will, of this thing.
4 How do we ensure that if the project
5 moves forward, that some of those
6 concerns and conditions are met? And I
7 think the Planning Commission had made
8 some recommendations that not everything
9 be put into the legislation, that there
10 be a community benefits agreement that
11 could give some assurances, and I need
12 for you to explain that so for the folks
13 who have not been a party to any of the
14 prior meetings, except for last week, get
15 the sense -- they may still not accept it
16 at the end of the day and still may not
17 support it, but at least I think they'll
18 be more informed as to how they make that
19 decision.

20 MR. PATTERSON: Well, to
21 address the first point, no, we never put
22 anything in the ordinance that said that
23 the hotel must be built in order for the
24 retail to come through, and that's a good
25 point, because it was never really

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2 thought that the hotel would never not be
3 built.

4 Now, I don't know anywhere in
5 the Zoning Code that has that kind of
6 arrangement, except if one considers a
7 use accessory, then the principal use has
8 to go in first before an accessory use
9 can come in. These uses on the first
10 floor are clearly not accessory under the
11 Zoning Code, because they would require
12 their own zoning permit.

13 Now, we had an initial draft of
14 the ordinance that was --

15 COUNCILMAN DiCICCO: Could I
16 stop you there, Ron?

17 MR. PATTERSON: Yeah.

18 COUNCILMAN DiCICCO: Again,
19 just point of information for the folks
20 who are here today. You mentioned that
21 you have to do zoning for the retail
22 pieces?

23 MR. PATTERSON: We'd have to
24 pull a zoning permit, correct.

25 COUNCILMAN DiCICCO: So there's

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2 still a public process that would be
3 involved?

4 MR. PATTERSON: Well, if the
5 use is not permitted under the ordinance
6 that is proposed, then we would have to
7 go to the Zoning Board. And what we had
8 agreed to -- well, there's many levels
9 here. Our original ordinance had a lot
10 of provisions in it, our draft. Your
11 draft that was introduced was to get the
12 process going and give us a lot of lead
13 time. The ordinance that we started to
14 draft as an amendment did contain a lot
15 of these provisions; for example, on the
16 two or three uses with liquor licenses.
17 When you get into how a business
18 functions and hours of operation, et
19 cetera, et cetera, those things are not
20 appropriate for an ordinance, as we found
21 out. So when the Planning Commission and
22 the Law Department looked at what we were
23 trying to do, they said language not
24 appropriate for the ordinance. So we
25 knew that most of that stuff would not be

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2 appropriate, so we have been working on a
3 private agreement we had hoped that the
4 Old City Civic Association would agree to
5 that would cover all the issues that were
6 taken out of the ordinance, plus all
7 these operational issues; for example,
8 two liquor licenses, no dance floor or
9 dance floor or limit the dance floor, and
10 all the other uses and functions that we
11 or everyone had concern about.

12 So, yes, the private agreement
13 did not say that the hotel would have to
14 be built first before the retail could go
15 forward. I'm happy to put that in. I
16 don't see that as an issue.

17 COUNCILMAN DiCICCO: All right.
18 That's one point.

19 Is there anything else in
20 here -- you're the lawyer; I'm not --
21 that has been raised by the Old City by
22 way of this document that we can add
23 language or remove language that would
24 give a more comfort level to the support
25 for this project? And if you need some

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2 time, we can work on that. If the bill
3 moves out today, even with a suspension,
4 we still will have an opportunity to talk
5 about amendments before final passage.

6 MR. PATTERSON: You know, there
7 are certain issues that we're not going
8 to agree on.

9 COUNCILMAN DiCICCO: Well, I
10 think you heard me say last week -- I
11 mean, I've been doing a lot of projects
12 over the last 15 years. Nobody gets 100
13 percent. That's just the way it works
14 out.

15 MR. PATTERSON: Here's the
16 issue, and it's unfortunate because the
17 civic group is the one taking the risk.
18 We're proposing an agreement that has all
19 these conditions and provisos. We
20 haven't reached an agreement on it. If
21 the ordinance happens to pass, then if
22 there's no agreement, then there's no
23 conditions and it's really a blank check,
24 as have been described.

25 We don't want it that way. We

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2 are hoping that they would consider and
3 say, Look, if this is going to go
4 through, we might as well reach an
5 understanding. Yes, there are a few
6 things we can't agree on, but that's a
7 risk. That's how you have to handicap
8 the project.

9 This is a real project, and we
10 hope that it all would interact together
11 in a good way.

12 COUNCILMAN KENNEY: Any
13 response or -- please pull that other
14 microphone over.

15 MR. SCHIAVO: In terms of the
16 particular points that we've been
17 discussing in the private agreement, we
18 understand the value of the private
19 agreement for the community and we
20 certainly understand that there's certain
21 points that cannot be covered in the
22 ordinance, but just like with the terms
23 of the ordinance, we have issue with
24 particular key points, and as long as
25 they remain in the agreement, like our

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2 approving the sign that we believe is
3 illegal at the site, then it's difficult
4 to get to the bottom of other points of
5 the agreement.

6 And so the version of the
7 private agreement that we could possibly
8 support was sent to Ron Patterson late
9 Friday and it has the strike-outs and
10 suggested alternative language, but we
11 haven't discussed that since it was sent
12 on Friday.

13 MR. PATTERSON: I can tell you
14 we can't agree to it.

15 COUNCILMAN KENNEY: I'm sorry.
16 Agree to any of it or agree to certain
17 points and not with others?

18 MR. PATTERSON: We cannot agree
19 to the points set forth in their --

20 COUNCILMAN KENNEY: In toto?

21 MR. PATTERSON: In their
22 proposed revisions.

23 COUNCILMAN KENNEY: In toto?
24 In total?

25 MR. PATTERSON: Correct.

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2 COUNCILMAN KENNEY: None of
3 them?

4 MR. PATTERSON: Correct. It
5 removes the key parts of what the
6 ordinance --

7 COUNCILMAN KENNEY: The answer
8 is yes or no.

9 MR. PATTERSON: The answer is
10 yes.

11 MR. SCHIAVO: So Chairperson
12 Kenney, perhaps it's a value for the
13 Committee to see what version of the
14 private agreement, and I regret I did not
15 make copies for all.

16 COUNCILMAN KENNEY: We can make
17 copies.

18 MR. SHIAVO: I have a single
19 copy.

20 COUNCILMAN DiCICCO: Joe, I got
21 it on my BlackBerry, but impossible to
22 read on the BlackBerry.

23 MR. PATTERSON: Well, the
24 members have our version of the agreement
25 as part of our exhibit package.

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2 COUNCILMAN DiCICCO: They're in
3 the package?

4 MR. PATTERSON: My version.

5 MR. SCHIAVO: So the version
6 that we're recommending that would
7 reflect also the changes, the amendments
8 that we're recommending to the bill, it
9 makes the agreement consistent with the
10 recommended edits to the bill.

11 COUNCILMAN DiCICCO: I just
12 want to go back, and maybe I didn't hear
13 you correctly, Mr. Shiavo. You used the
14 term -- take, for instance, the
15 signage -- we can't agree on the sign, we
16 won't support it; therefore, we can't get
17 to the other points. I mean, that to me
18 says it's either all of what we want or
19 none. And if I'm incorrect, tell me.
20 Because that's the point I was trying to
21 make the other night. There are
22 compromises that need to be met any time
23 you develop, and if you don't agree with
24 the sign, I respect that, but that
25 doesn't mean that you should not look at

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2 possibly agreeing or coming up with a
3 compromise on the other points. Don't
4 shut the door because of the sign.

5 MR. SCHIAVO: I appreciate your
6 point, Councilman, and given that we've
7 been working with the developer and his
8 team for over two years and have always
9 been willing to attend any meeting called
10 or call meetings ourselves that we felt
11 were critical, we've always participated,
12 and I wasn't the one who just said we
13 won't agree. That was actually Ron.

14 MR. PATTERSON: That's correct,
15 because they're taking out --

16 COUNCILMAN DiCICCO: I'm not --

17 MR. SCHIAVO: Councilman --

18 MR. PATTERSON: Well, I could
19 spin it around and turn on you, say you
20 won't agree with ours, so...

21 COUNCILMAN DiCICCO: We got to
22 do it up here, this way.

23 MR. SHIAVO: But, of course --

24 COUNCILMAN DiCICCO:

25 Mr. Shiavo, just to interrupt you. I

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2 wasn't being critical. I was just trying
3 to make a point, that that's sometimes
4 why things don't move along, because
5 everybody is trying to get 100 percent,
6 as I keep saying, and it doesn't work
7 that way in the real world. It doesn't
8 work that way.

9 MR. SCHIAVO: I appreciate
10 that, Councilman, and that's why we think
11 that we are able to move things forward,
12 these discussions and these agreements
13 forward, by taking the responsibility of
14 marking up both the bill and the private
15 agreement, forwarding it to all those
16 participating so we could have a
17 discussion. It doesn't go out with a
18 letter that says all or nothing. It
19 doesn't go out with any demands. It goes
20 out with, these are the edits we're
21 suggesting.

22 MR. PATTERSON: Well, that's
23 your version. I could tell you that
24 we've started way out here and we've come
25 down to two issues, and we can't agree on

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2 them. That's the reality. And there
3 were maybe 30 other ones that got put
4 into or paragraphs into the agreement,
5 but we're now at the point where we are
6 agreeing to disagree. I think that's the
7 best way to say it.

8 COUNCILMAN KENNEY: One of the
9 issues that you did, I guess, at the
10 table during the conversation or during
11 Mr. Shiavo's testimony was that the hotel
12 didn't have to be built, and I think your
13 response was, we had always intended to
14 build a hotel anyway. So putting it
15 in --

16 MR. PATTERSON: I have no
17 problem with that.

18 COUNCILMAN KENNEY: But isn't
19 that -- that was just an example of a
20 step --

21 MR. PATTERSON: That's probably
22 the first time it was actually raised
23 that I remember.

24 COUNCILMAN DiCICCO: But that's
25 my point. My point is, that is one point

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2 that you raised that the developer is
3 willing to agree to.

4 MR. PATTERSON: Right, because
5 we've always been leading with our chin
6 that it's a hotel project.

7 COUNCILMAN DiCICCO: And I
8 think everyone would agree that when you
9 look at the original ordinance that I
10 introduced back in June, almost six
11 months ago, that it's changed
12 considerably. No?

13 MR. PATTERSON: It has.

14 COUNCILMAN DiCICCO: Joe?

15 MR. SCHIAVO: Yes. Yes.

16 COUNCILMAN DiCICCO: Because of
17 the time that's spent in negotiations and
18 conversations.

19 MR. PATTERSON: It became
20 broader, but we still tried to attempt to
21 narrow it by placing the restrictions and
22 provisos and conditions in the private
23 agreement.

24 COUNCILMAN DiCICCO:
25 Understood.

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2 MR. SCHIAVO: So, Councilman,
3 when you say the ordinance has changed, I
4 know that there's been a recent draft
5 circulated by Ron to us, but how do we
6 know if you folks agree with the changes
7 that Ron has built into the latest draft
8 of the ordinance? How do we know what
9 elements of what the Planning Commission
10 has forwarded and what elements --

11 MR. PATTERSON: Actually, the
12 amendment --

13 COUNCILMAN KENNEY: Just one at
14 a time.

15 COUNCILMAN DiCICCO: Let him
16 finish.

17 MR. PATTERSON: The
18 amendment --

19 COUNCILMAN DiCICCO: Ron, let
20 him finish.

21 COUNCILMAN KENNEY: Just let
22 him finish.

23 MR. PATTERSON: I'm sorry. I
24 thought he was done.

25 MR. SCHIAVO: I am finished.

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2 I'm asking for clarification so we know
3 exactly what version of the bill are we
4 considering today.

5 MR. PATTERSON: I can say that
6 the version I saw today submitted by the
7 Planning Commission is the one that we
8 are in agreement with.

9 COUNCILMAN DiCICCO: You mean
10 with the amendment to the requirement
11 that a hotel be built, an amendment or
12 some language that says that a hotel has
13 to be built?

14 MR. PATTERSON: If you can
15 include it in the ordinance, we're okay
16 with it. I just don't know if it's
17 appropriate for the ordinance. I can't
18 judge. I'm not the Law Department.

19 COUNCILMAN DiCICCO: I don't
20 know either.

21 Mr. Kramer, can you weigh in on
22 this, or is this part of the community
23 benefits agreement?

24 COUNCILMAN KENNEY: He doesn't
25 want to come back to this table.

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2 You can stay there, Tom --
3 Rich, you can sit there. Just slide
4 another chair up; that's all.

5 MR. KRAMER: As a code
6 writer --

7 COUNCILMAN KENNEY: Identify
8 yourself, please, again.

9 MR. KRAMER: For the record,
10 I'm William Kramer, Development Division
11 Director of the Philadelphia City
12 Planning.

13 In terms of the Code, the Code
14 is permission. It would be a permitted
15 use in the Code. I don't know of any
16 section, as Ron says, that says in "C-3"
17 you have to do this or you have to do
18 that. It is a permitted use. It's
19 already a permitted use in the Code.

20 I'm not a lawyer, as most of
21 you aren't, and so I'm not certain if
22 there is another legal requirement within
23 the Code. I certainly think it is
24 subject and certainly appropriate to be
25 putting something like that in the

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2 community agreement. I believe that's
3 where it probably belongs. But in terms
4 of the Code itself, I don't know of a
5 place where you can actually say "C-3"
6 has to build a hotel.

7 COUNCILMAN KENNEY: No; this
8 particular ordinance. This ordinance
9 applies to this particular project. I
10 mean, to me I don't see any harm.

11 MR. KRAMER: I don't know what
12 language to put in it. I'd have to work
13 on that.

14 COUNCILMAN DiCICCO: I'd
15 suggest we do it both ways. We do an
16 amendment, which wouldn't kill the bill.
17 I mean, I don't think it damages --

18 MR. PATTERSON: In a way, this
19 is an overlay, because it says within the
20 area bound by this rectangle. And,
21 Councilman, you've done overlays before
22 where, I guess -- so I'm thinking maybe
23 it can be done, where it says if you have
24 this use, you have to have parking, if
25 you have this use, you have to have

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2 parking within 1,000 feet. So I'm sure
3 that you can connect it to in the guise
4 of an overlay, which is really what
5 you're doing.

6 COUNCILMAN DiCICCO: And it can
7 also be included in the community
8 benefits agreement as well, so you'll
9 have two documents supporting that.

10 COUNCILMAN KENNEY: But as far
11 as the sequence goes, so I understand,
12 is, the hotel has to come first? Is that
13 what this conversation was? The hotel
14 had to come first prior to the 35,000
15 square foot --

16 MR. PATTERSON: There's ways to
17 write it. You probably would say that we
18 have to secure a zoning permit and
19 building permit in order to secure the
20 zoning permit for the first floor.

21 COUNCILMAN KENNEY: Right.

22 MR. PATTERSON: See, it's not
23 an accessory use. It's just a second
24 principal use. So I'm going to have to
25 think about how to tie the two together.

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2 COUNCILMAN DiCICCO: And the
3 zoning for the retail space or spaces
4 goes to the ZBA?

5 MR. PATTERSON: No.

6 COUNCILMAN DiCICCO: No? It's
7 a matter of right --

8 MR. PATTERSON: Well, we get
9 one. Under the ordinance, we get one
10 restaurant.

11 COUNCILMAN DiCICCO: Under the
12 ordinance. The other two or --

13 MR. PATTERSON: Any two, or
14 however many, would still fall under the
15 Old City overlay and would require a
16 variance from the Zoning Board.

17 COUNCILMAN DiCICCO: Correct.

18 MR. PATTERSON: So under this
19 ordinance, we get one, plus the hotel.

20 COUNCILMAN DiCICCO: The
21 community would have the opportunity to
22 be heard at the Zoning Board of
23 Adjustment, and if there are liquor
24 licenses, they're also going to have the
25 opportunity to be heard and raise their

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2 objections or support to the LCB; is that
3 correct?

4 MR. PATTERSON: That's correct.

5 And even in our agreement, we recognize
6 also that all these liquor licenses will
7 be subject to conditional licensing
8 agreements by the PLCB.

9 COUNCILMAN DiCICCO:

10 Pennsylvania Liquor Control Board.

11 MR. PATTERSON: Correct.

12 COUNCILMAN DiCICCO:

13 Mr. Shiavo.

14 MR. SHIAVO: As a point of
15 clarification, because I believe Ron said
16 there's only one food use approved by the
17 ordinance.

18 Is that what you just said,
19 Ron?

20 MR. PATTERSON: I said hotel
21 plus one, correct.

22 MR. SCHIAVO: Hotel plus one.
23 So it's two food uses, yes? Two food
24 uses?

25 MR. PATTERSON: Yes.

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2 MR. SCHIAVO: Okay. Thank you.

3 Mr. Chairman, may I ask a
4 question of Mr. Kramer? It's just a
5 point of clarification of something he
6 said during his testimony.

7 COUNCILMAN KENNEY: Sure.

8 MR. SCHIAVO: In his opening
9 remarks, Mr. Kramer noted that they had
10 worked with the community in constructing
11 their recommendations relative to this
12 bill, and I just wanted to ask what
13 communications the Planning Commission
14 had with the community specifically,
15 other than we did attend public hearings
16 and we did see a presentation of the
17 project at the Planning Commission, I
18 agree, and I did copy our planner, Laura
19 Spina, who I consider to be our liaison
20 with the Planning Commission on multiple
21 communications. When a document was
22 created, I often shared it. But outside
23 of that, I was wondering before the
24 Planning Commission issued their final
25 findings, was there actually

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2 communication with the civic organization
3 or community?

4 COUNCILMAN KENNEY: Mr. Kramer.

5 MR. KRAMER: I would have to
6 check specifically with Ms. Spina about
7 exactly what communication went back to
8 the community. The community
9 communications have been done through her
10 division, which is the Community Planning
11 Division. It was my understanding that
12 there was an ongoing -- as this has been
13 going on for a couple years and certainly
14 communication has been flowing back and
15 forth. I would spend a number of issues
16 going back and forth both with the
17 development and with the community
18 representative, in this case Ms. Spina,
19 as far as what was being sent forward to
20 the community and getting comments coming
21 back the other direction were given to me
22 by her.

23 I did not have conversation
24 with either Mr. Thom or Mr. Shiavo with
25 regard to the bill directly. Not myself

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2 anyway. But it was my understanding that
3 those were being done through my
4 Community Planning Division.

5 COUNCILMAN KENNEY: Councilman.

6 COUNCILMAN DiCICCO: One other
7 question for Mr. Patterson. Is the
8 developer asking for a suspension?
9 Because if not, we do have three more
10 session days.

11 MR. PATTERSON: Yes, we do.

12 And Mr. Ambrosi could probably elaborate
13 better, but I think under some of our
14 financing conditions, we needed to get
15 into the ground and start by the end of
16 the year.

17 COUNCILMAN DiCICCO: What I'm
18 saying is, we can still approve without
19 suspension, because I'm wondering do we
20 need time on the amendment side or any
21 other things that need to be drafted?

22 MR. PATTERSON: If you think
23 there's still time this session.

24 COUNCILMAN DiCICCO: We have
25 three sessions to do that. Normally I'd

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2 say do the suspension, but we have
3 another Rules hearing on the 8th.

4 COUNCILMAN KENNEY: Which still
5 gives you time to get it out.

6 COUNCILMAN DiCICCO: Still
7 gives you time, whatever issues may be
8 able to get resolved with the community.
9 We can approve it. That gives a signal
10 to the developer to talk to his lending
11 folks that it's moving forward, but still
12 gives us some time to --

13 MR. PATTERSON: So what are you
14 suggesting?

15 COUNCILMAN DiCICCO: Well, I'm
16 asking you as the attorney, do you need
17 on -- either the community benefits
18 agreement and/or the legislation what
19 needs to be added into the legislation is
20 going to take time. Could you do that as
21 amendments, come back?

22 MR. PATTERSON: I mean, yeah,
23 sure. I mean, it's a once --

24 MR. AMBROSI: Can I say
25 something?

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2 COUNCILMAN DiCICCO: You can
3 come up.

4 COUNCILMAN KENNEY: I mean, the
5 cleanest way to do it is to go to an
6 already advertised date certain.

7 MR. PATTERSON: That language
8 you're proposing is simple. I don't see
9 that we need weeks to do it. I mean --

10 COUNCILMAN DiCICCO: I'm not
11 saying you need weeks. I just want to
12 make sure, as the Chairman was saying,
13 it's a cleaner document or...

14 MR. PATTERSON: I mean,
15 candidly, I see that as something I can
16 put in, the hotel connected with the
17 other use, but the other issues we're not
18 going to reach an agreement on.

19 COUNCILMAN DiCICCO: We can
20 actually do that before the close of this
21 hearing?

22 MR. PATTERSON: Okay.

23 COUNCILMAN DiCICCO: We'll get
24 that in and then we'll --

25 MR. SCHIAVO: So, Mr. Chairman,

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2 my final point would be to ask that the
3 Committee not consider suspension of the
4 rules today so that there is additional
5 time to reach an agreement and the
6 community has adequate time to consider
7 whatever amendments are proposed.

8 Thank you.

9 COUNCILMAN KENNEY: Well, so
10 the individuals in the room who have
11 interest in this issue, rules suspension
12 would mean that if the bill got out of
13 Committee in whatever form, amended or
14 unamended today, we would have first
15 reading at Thursday's Council session,
16 which would make it available or
17 available for passage the week after.

18 If we do not suspend the rules,
19 it has to get -- it's not -- it would
20 have to be read on two separate days,
21 which would give an extra week to have
22 the community benefits discussion and/or
23 any other amendments that would go onto
24 it on the floor. So it means a
25 difference of about a week.

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2 COUNCILMAN DiCICCO: If for
3 some reason there's an implosion, which
4 we hope there isn't, the bill doesn't get
5 read, it doesn't become -- it doesn't
6 pass until the second and final reading,
7 and then it goes to the Mayor for his
8 signature. So if there's something that
9 we haven't discussed today that really
10 causes a lot more concern than we are
11 aware of, the bill can be held, whether
12 we suspend the hearing today, suspend
13 today's reading, or wait for the normal
14 week from now to have the first reading.
15 So we still have time before recess, the
16 Council recesses. And if there's no
17 agreement, for whatever reason, it would
18 follow into the next year, which we're
19 hoping that doesn't happen, but that's a
20 possibility. It has to be read twice.

21 MR. SCHIAVO: And,
22 Mr. Chairperson, there are a number of
23 community members here that wish to make
24 brief statements on their own behalf as
25 residents.

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2 COUNCILMAN KENNEY: How many
3 folks do we have that want to testify?

4 (Some audience members raising
5 hands.)

6 COUNCILMAN KENNEY: All right.
7 As long as -- one thing -- well, no.
8 You're on the list already.

9 The one thing I would ask
10 relative to the testimony is that --
11 we've had -- and you can say as much as
12 you want or as long as you want, but
13 we've had significant testimony on behalf
14 of the community. If there's something
15 additional you'd like to add that has not
16 been brought up, we'd love to hear it.
17 It's more difficult when the same
18 testimony gets made over and over again,
19 but that's the will of the people. I'm
20 making that suggestion, because we do
21 have about four other bills on here that
22 are pretty lengthy also.

23 So if you could just come up,
24 whoever is interested in coming forward.
25 And I would come up in three's, it's

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2 easier.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN KENNEY: I'm sorry.

6 These are residents of Old City, correct?

7 These are for residents of Old City only,
8 this process. So anyone who is not a
9 resident of Old City is going to have to
10 wait until we go through our original
11 list, because that was how it was fairly
12 done when people called in.

13 So please identify yourself for
14 the record.

15 MS. COULTER: My name is Janet
16 Coulter and I'm a resident in Old City at
17 155 North 3rd Street.

18 I was interested in hearing
19 Mr. Ambrosi describe his project. It
20 sounded like an island in the middle of
21 nowhere, and he seemed desperate to find
22 places to go and things to do. Actually,
23 Old City is an area in Philadelphia that
24 is rich in its offering of places to go
25 and things to do for both residents and

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2 tourists.

3 I see you're frowning, and I'm
4 referring to --

5 COUNCILMAN DiCICCO: Me?

6 MS. COULTER: -- his comment
7 that he was concerned about --

8 COUNCILMAN DiCICCO: I beg your
9 pardon. I was not frowning.

10 MS. COULTER: I thought you
11 misunderstood what I was saying. I'm
12 sorry.

13 COUNCILMAN DiCICCO: I'm just
14 listening.

15 MS. COULTER: Okay. Good.

16 COUNCILMAN DiCICCO: We know
17 each other long enough. I'm not --

18 MS. COULTER: That's why I
19 thought I understood that expression of
20 frowning.

21 COUNCILMAN DiCICCO: You don't
22 know me as well as I thought you did.

23 MS. COULTER: We'll try harder.

24 Of course, the main attraction
25 for tourists are the 33 historic sites,

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2 four parks, 23 programs and tours, 11
3 museums, five theatres, seven waterfront
4 activities and two memorials, not to
5 mention the pleasure of just walking
6 around Old City. We have the most unique
7 retail and cultural area in Philadelphia.
8 Proud to say we have very few chain
9 stores or chain businesses in Old City.
10 We have fashion boutiques, 17 of those;
11 galleries, 20; home furnishing showrooms,
12 15; and styling and personal care salons,
13 11. Of course, there are many other
14 businesses that are more focused on
15 residents than tourists.

16 More than anything, though, we
17 have places to eat, drink and dance. We
18 have 61 restaurants, 21 cafes and spots
19 for a light meal, and 25 pubs and
20 nightclubs. Yet, Mr. Ambrosi and his
21 team seem to think that what they need to
22 do with their 23,000 square feet of
23 retail area is to supply us with
24 entertainment in the form of even more
25 restaurants or possibly nightclubs.

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2 The ideal plan for bringing
3 people to Philadelphia is to introduce
4 them to what our city has to offer, not
5 to keep them cloistered in the same
6 building. We are hoping that Mr. Ambrosi
7 is not proposing a project that has the
8 mentality of a cruise ship or a casino
9 where the entertainment is within a
10 single environment.

11 Mr. Ambrosi, I have prepared --

12 COUNCILMAN KENNEY: I'm sorry.
13 You have to direct your comments to us.

14 MS. COULTER: I'm sorry. I
15 have prepared this booklet for you, just
16 for you, to become familiar with 255 of
17 the shopping, entertainment and dining
18 possibilities for a tourist in Old City.
19 Please bring us something we need, not
20 something we already have.

21 The premise on which
22 Mr. Ambrosi bases his belief that he
23 needs an entertainment venue in his
24 project is flawed. Any concession to
25 include entertainment in the ordinance

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2 would also be flawed.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you
5 very much.

6 Would you please identify
7 yourself for the record, sir.

8 MR. CATELL: My name is Robert
9 Catell. I'm a retired architect and
10 community planner in Old City for 35
11 years.

12 I think most of the community
13 is in support of the project, but not the
14 ordinance. If the ordinance could be
15 separated out to take out the
16 objectionable portions and the rest of it
17 go ahead, I think you would have
18 excellent community support.

19 I think the Philadelphia sign
20 ordinance has been effective for years
21 since its inception, and let that process
22 take its own course. The rules of the
23 City, I think, will work fine in this
24 case.

25 COUNCILMAN KENNEY: Thank you

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2 very much.

3 Please identify yourself for
4 the record.

5 MR. FRITZ: My name is Brian
6 Fritz. I live at 209 North 4th Street at
7 the corner of 4th and Race in the 5th
8 Floor just across the street on 4th
9 Street looking at the site, and when the
10 building goes up, I'll lose a great view
11 and a lot of light and all of my
12 afternoon sun, but neither my wife nor I
13 have ever complained about that, because
14 I understand that this is not a large
15 site and in order to put a hotel there,
16 you have to go up. There's just no other
17 way.

18 I ask you to protect me from
19 two things. First, I look straight out
20 at the Ten Rittenhouse billboard that's
21 there now, and whether you call it a
22 billboard, whether it's accessory or not
23 accessory, I would ask Councilman DiCicco
24 or someone to take the lead to put
25 language in to make sure that the people

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2 who live in my building -- and I am, by
3 the way, at the southernmost end. As you
4 move to the northern end, you can see
5 that billboard even better.

6 But I've heard people say that
7 billboard can only be seen on the bridge
8 when you're driving over from New Jersey.
9 Come on up to my place, I'll give a great
10 view of it, and the view gets better. So
11 I'm hoping -- and I would love to be in a
12 gathering of hotel developers next year
13 where someone says, Did you hear someone
14 in Philadelphia convinced the City that
15 you can't put up a successful hotel
16 development in Center City without a
17 1,200 square foot electronic-changing
18 digital display?

19 So I'm asking for protection
20 for that.

21 And the other only thing is, I
22 was at the meeting the other night, and
23 Councilman is correct, we all live in the
24 City and sometimes people wake us up, but
25 I would like to not have the "Old City

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2 Drinking District." I've been looking at
3 those plans for eight months deciding not
4 to complain because I'd feel embarrassed
5 to come and complain about my view being
6 blocked. It says 35,000 square feet of
7 commercial space. It doesn't say 35,000
8 feet of commercial drinking space. And
9 if as much of that can be used, as it
10 sounds to me like the ordinance can be
11 used, for entertainment and drinking, I
12 admit, I don't want to be woken up more
13 than a few nights a month.

14 COUNCILMAN KENNEY: Thank you.

15 Please identify yourself for
16 the record, whoever would like to go
17 next.

18 MR. WATSON: Ted Watson,
19 Elfreths Alley in Old City. Two brief
20 remarks.

21 I believe that this is, by
22 definition, spot zoning. Changing the
23 zoning classification would be one thing,
24 but it is quite another to include in the
25 bill all the other specific details to

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2 allow this project. That is not how
3 zoning laws are supposed to be enacted.
4 This is improper selective favoritism.

5 Councilman DiCicco has stated
6 publicly, including at the community
7 meeting on November 22nd, that he
8 introduced the bill for the purpose of
9 circumventing the Zoning Board of
10 Adjustment, their process, where he
11 asserts a single protestant can hold
12 things up for two years. I disagree with
13 his factual prediction, but in any event,
14 that is an improper premise for enacting
15 a bill. The change in zoning
16 classification should not be motivated by
17 a desire for expediency for a particular
18 developer at the expense of citizens'
19 rights and the character of a
20 neighborhood.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Councilman DiCicco.

24 COUNCILMAN DiCICCO: I just
25 want to respond to that. You are --

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2 (Applause.)

3 COUNCILMAN DiCICCO: In my
4 opinion, you're somewhat accurate. I
5 didn't use the word "circumvent." I did
6 point out, in my opinion, having done
7 numerous developments in the 15 years
8 that I've been representing this district
9 that if you do go to the ZBA, all it
10 takes is one person to object and you
11 could tie up a project, not only this
12 project, any project, for two years.

13 But what I also said -- and you
14 may not have heard it, because there was
15 a lot of people talking over each
16 other -- if you do it by way of
17 legislation, the same things that you
18 would have gone to the Zoning Board of
19 Adjustment for, you have law now that
20 protects those provisos, where if you
21 went to the Zoning Board, I have found
22 out in my 15 years that the provisos are
23 basically unenforceable and useless. So
24 it is better to get those things that you
25 want in a bill rather than go to the ZBA

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2 and have them put a list of provisos
3 that, again, I have found out are
4 basically unenforceable.

5 So this document, whether you
6 agree with all of it, some of it or none
7 of it, is law. The Zoning Board is not
8 law in the sense that I have been
9 experiencing doing these development
10 projects for 15 years.

11 So I didn't do it to
12 circumvent. I said one person, a
13 competitor, a hotel competitor who may
14 not want to have that competition, could
15 file an objection. I saw this happen on
16 South Street with Whole Foods. I think
17 most people whoever went there would
18 think Whole Foods is a great business for
19 South Street. There was a competing
20 businessowner who put someone up to file
21 an objection in Common Pleas Court and
22 that project was held up for almost two
23 years. That's all I was pointing out the
24 other night.

25 Thank you.

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

4 MS. DiCOSMO: Hello. I am a
5 Francesca DiCosmo. I am a longtime
6 resident of Old City. I live in the
7 Wireworks.

8 By the way, I think the
9 community would love to have a Whole
10 Foods as a part of this project. Those
11 would be some of the acceptable uses I
12 think that we could all agree on.

13 COUNCILMAN DiCICCO: We all
14 agree on that, and we've been talking
15 about that for years, but no one has
16 stepped up to the plate, unfortunately.

17 MS. DiCOSMO: Let's try and get
18 one.

19 I did have some prepared
20 remarks, but as Councilman Kenney has --

21 COUNCILMAN KENNEY: Please, you
22 can --

23 MS. DiCOSMO: I don't want to
24 be repetitive.

25 COUNCILMAN KENNEY: After the

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2 Supreme Court decision last week, I don't
3 want to limit anybody's speech. So I was
4 just making a suggestion. It wasn't a
5 hard and fast rule.

6 MS. DiCOSMO: Right. Right.

7 No. I'm not here to --

8 COUNCILMAN KENNEY: But I was
9 also wondering if we were able to go up
10 to the Supreme Court while they're
11 deliberating and express our opinions
12 during the course of their deliberations.
13 And I don't think that they would let us
14 do that, but that's another argument.

15 MS. DiCOSMO: That's right,
16 that's another argument for another day.

17 COUNCILMAN KENNEY: Thank you.

18 MS. DiCOSMO: You're welcome.

19 I just would like to say, first
20 of all, that the presentation that has
21 been made by the Old City Civic
22 Association I think has indeed covered a
23 lot of the points that the residents, the
24 property owners, the voters and the
25 taxpayers in our community have

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2 expressed. They expressed them last week
3 at the public meeting and certainly as I
4 have moved throughout the community have
5 expressed many of them to me.

6 I think that there probably is
7 a solution, and I hope that we get to it.
8 No one wants to disenfranchise the
9 property owner from his right to develop
10 the property. I don't think that that's
11 what anyone is about, and I think we've
12 all been pretty clear about that.

13 People want to see something
14 there. They want to see something
15 satisfactory there, and they, of course,
16 want to see something that's in harmony
17 with the historic nature of the Old City
18 district.

19 I think, however, and rightly
20 so, the community is very fearful when
21 they hear about proposals that include
22 any kind of -- and let's wordsmith this
23 all we want -- entertainment venue,
24 entertainment complex, dancing venue,
25 deejays, nightclubs. Whatever word we

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2 all want to pick, this is a very, very
3 scary word to us.

4 We understand that things can
5 be developed one way on one day, and a
6 few weeks later when that person has gone
7 out of business or no longer wishes to
8 operate that original venue, things can
9 change, and oftentimes they have changed
10 for the worse. I think that we have all
11 seen this happen in the Market-Chestnut
12 Street area. I don't think that a lot of
13 the places that are there today which
14 have now become a nuisance to many of the
15 residents -- I think we can agree that
16 some of those places have become
17 nuisances -- that they didn't originally
18 start out that way. Many of them started
19 out as other things, other restaurants,
20 other clubs. And maybe they were great
21 then, but they're not now. And I think
22 this is the kind of thing that's very
23 difficult to legislate and very difficult
24 to include in very broad terms and in
25 broad regulations.

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2 So when we move down the lane
3 to try and get an agreement that protects
4 everyone's rights, the rights of the
5 developer to develop his property, the
6 rights of the wage earner to earn a good
7 living and the rights of the community to
8 have a safe, quiet and wonderful place to
9 live, those are the issues at hand, and I
10 am hoping that we come up with a solution
11 for that.

12 The community -- and my final
13 remark is, the community is being
14 inundated with these kinds of venues.
15 We're getting inundated by people who
16 have very bad behaviors from the south of
17 us, from the Market Street area, and
18 we're also being inundated by people who
19 have been displaying very bad behaviors
20 from the clubs and venues that are north
21 of Vine Street. So, in a sense, we're
22 starting to be sandwiched by a lot of
23 this kind of thing, and we really do
24 wonder if we need any more.

25 And so with that, I will

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2 conclude my remarks, and I wish everyone
3 the best of luck on this project. I
4 think the community does want to see
5 something happen on the site, but let's
6 just make sure that we in the future
7 years are not impacted by something that
8 said, Well, it started out great, but now
9 is degenerated into something that really
10 is not what anybody expected.

11 Thank you very much.

12 COUNCILMAN KENNEY: Thank you.

13 Councilman DiCicco.

14 (Applause.)

15 COUNCILMAN DiCICCO: Thank you,
16 Mr. Chair.

17 Thank you for your testimony.

18 As I mentioned the other night -- and,
19 again, I'm not sure if most people heard
20 me -- we have learned from our mistakes.
21 When Old City was beginning to develop 15
22 years or so ago, when we were anxious to
23 get restaurateurs and other businesses
24 to move into Old City, we have learned
25 from that experience, that you just don't

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2 give a blank check, if you will, for
3 liquor license application approvals. We
4 had developed what was called a
5 conditional liquor license, meaning if a
6 10,000 square foot restaurant/theme bar
7 with music, dining, whatever, were to be
8 approved by the LCB, by the Zoning Board,
9 by the community, whatever that license
10 had been issued for must continue. If
11 the use were abandoned, the liquor
12 license goes away and you have to start
13 all over again.

14 That is now what we do with
15 pretty much every single liquor license
16 that I've been involved with in every
17 neighborhood, but in particular in Old
18 City.

19 We learned from that
20 experience, as I said, a long time ago.
21 So no one gets a blank check. If you
22 open up a restaurant, you're going to
23 have X amount of seats, certain types of
24 entertainment, that's what it must be.
25 If you deviate from that, the Liquor

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2 Control Board can literally pull your
3 license and you have to start all over
4 again. Okay? So that's one protection,
5 and that's a legal protection, not just a
6 verbal handshake agreement.

7 MS. DiCOSMO: Yes. Thank you.

8 I appreciate those comments. Again,
9 though, I think the community is very
10 skittish about this kind of thing. I
11 think that -- but for me personally -- I
12 don't want to speak for others who are
13 not here certainly, but for me
14 personally, I understand that people feel
15 they need to have certain kinds of
16 things. I'm not sure a lot of us are
17 actually sold on the need for having
18 dance floors or deejays or any of that
19 kind of thing within the restaurant
20 venues. Quite frankly, a lot of people
21 have asked me, why can't it just be a
22 regular restaurant? Why do you have to
23 have the entertainment component to it?
24 And I think that that's a valid comment
25 for the residents to make because of what

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2 they see going on today.

3 And so I would say if there are
4 any kind of extra protections within the
5 agreement, letter of agreement, or within
6 the ordinance where the community can be
7 assured that those kinds of deleterious
8 activities would not be impacting us in
9 any way, shape or form, then that would
10 have some of us rest a little bit easier.
11 I don't know how you legislate that kind
12 of behavior, but this is, I think, one of
13 the core issues at hand, that
14 entertainment quickly seems to go out of
15 control in our area, and that's the kind
16 of thing we just don't need.

17 COUNCILMAN DiCICCO: Your point
18 is well taken, and I think that's what
19 I've been trying to grapple with for a
20 long time now, even as recently as today,
21 as to how we can put something either in
22 the community benefits agreement that
23 gives those types of protections.

24 Human behavior, we can pass
25 laws, but we can't predict how people

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2 will act. It's illegal to rob a bank,
3 but people rob banks. So we have to try
4 to do as many things as we can to give
5 those projections.

6 I'm on your side. I'm
7 sensitive. I don't want to have to look
8 at you in May and say that we built a
9 place that's causing you more problems.
10 I mean, I'm a realist about this, but I
11 think -- I don't think this project of
12 \$80 million is going to be built for the
13 purpose of accommodating a nightclub in
14 the sense that most people think of
15 nightclubs. I don't think -- I'm not
16 asking you the questions, but just
17 rhetorically, would you object to a Prime
18 Rib that has a piano player and a singer?
19 I don't think you would. But we want to
20 make sure that if that is part of the
21 application, that that's what it remains
22 and it doesn't become the tables get
23 picked up at 11 o'clock at night because
24 there's really no food business and we're
25 going to turn this place into a crazy

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2 deejay dance event. That's what we don't
3 want to happen. I agree with you there.

4 MS. DiCOSMO: That is the very
5 real fear that the community has, because
6 it's easy to do that.

7 COUNCILMAN DiCICCO: I
8 understand that completely, and that's
9 what we're trying to figure out, how do
10 we nail down language that would prevent
11 that from occurring, notwithstanding the
12 developer's intentions that he doesn't
13 want that, still got to make sure and
14 that's what -- we have to memorialize it
15 somehow that you get those protections.

16 MS. DiCOSMO: Thank you. I've
17 taken up too much time.

18 COUNCILMAN KENNEY: Please
19 identify yourself for the record.

20 REVEREND KANE: My name is
21 Reverend Michael Kane. I'm the pastor at
22 Old First Reformed United Church of
23 Christ. We first owned the parcel at the
24 southeast corner of Race and 4th in 1747.
25 We moved away for a while. We came back

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2 in '67. Since then, serving the urban
3 poor has been a primary part of our
4 ministry. We kind of know a lot about
5 what it is to be good neighbors, and
6 that's not always easy. Sometimes there
7 is conflicted agendas around that. So we
8 serve primarily the urban homeless
9 veterans in our cupboard and our shelter,
10 and that sometimes pushes us up against
11 our physical neighbors in the surrounding
12 residential facilities.

13 As I think about this, that
14 leads me to two points. The first one is
15 simply, I don't want the two Councilmen's
16 concerns from the beginning to be
17 forgotten in this long discussion. From
18 the church's point of view and
19 presumably, risking speaking for the
20 other two churches on the other side of
21 this project, one of our concerns would
22 be that there are jobs created that are
23 fair labor jobs. It's incredibly
24 important for this city, not just the
25 immediate interest of Old City, which I'm

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2 going to get to a minute, but Old City is
3 not an island, and in that sense, we have
4 an interest in not only the construction
5 jobs, which I understand are promised to
6 be union jobs and then will be protected,
7 but also those other purported 260 jobs
8 that will be created. I really wish that
9 we could hear of some agreement as soon
10 as possible that they're going to live
11 into the fair labor expectations of our
12 city.

13 The second one is, as I was
14 saying, we understand how hard it is to
15 be a good neighbor, because you end up
16 with competing interests. That seems
17 what this is all about. There's the
18 interest of the larger city and economic
19 development and the need for hotel spaces
20 and the developer's need to make a
21 project that's going to work financially
22 and the residents. It just seems to me
23 in the same way we have to have meetings
24 every time the neighbors get upset that
25 the homeless are too loud when they're

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2 out in front of the church at the AA
3 meeting or troublesome at the shelter or
4 bothersome on Saturday morning, we're not
5 backing off of any of those ministries,
6 because it's why God has put us there,
7 but we also have to make peace.

8 So I guess in some sense, I'm
9 just agreeing with Councilman DiCicco.
10 Can't we somehow, as we go into this,
11 begin with some closer agreement where
12 both sides seem to be giving in rather
13 than just kind of this endless holding
14 each other at bay?

15 Thank you.

16 COUNCILMAN KENNEY: Thank you
17 for your testimony.

18 Please identify yourself.

19 (Applause.)

20 COUNCILMAN KENNEY: We have one
21 more. Please identify yourself for the
22 record.

23 MR. VERNICK: Hi. I'm Gary
24 Vernick. I reside at 215 Vine Street.
25 I've had a presence in Old City since

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2 1978.

3 I'm extremely concerned with a
4 couple of things I heard here today, the
5 first being the term "critical mass." I
6 had to kind of sit back and try to think
7 about what critical mass is, because the
8 last time I really heard that term had to
9 do with the atomic bomb when everything
10 kind of exploded because something
11 reached a critical mass, where there are
12 things happening that get out of control
13 in the future. And I think that this
14 bill does not have the necessary controls
15 for what the developer itself called
16 "critical mass."

17 The second thing that I'd ask
18 this bill be amended to reflect is as
19 follows: The last time our neighborhood
20 really faced a critical mass was when
21 I-76, the Vine Street Expressway, came
22 through right on the north side of Wood
23 Street. We knew that was going to create
24 a critical mass, and we learned at that
25 time the word "mitigation."

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2 That strip of land is now
3 green. It is up on berm. It is sound
4 baffled, and it has become a place where
5 the neighborhood gathers peacefully. I'd
6 ask that this project likewise be
7 mitigated.

8 I heard Attorney Patterson say
9 that the residences, the condominiums
10 along 4th Street, are going to be phase
11 two. Those residences are the buffer and
12 the mitigation that the neighborhood
13 needs from this critical mass project.
14 I'd ask that this bill be amended so that
15 those residences be made part of phase
16 one and be tied into the hotel and the
17 critical mass project so that the
18 neighborhood is protected from exactly
19 this issue as to the entertainment or
20 whatever is going to go in there.

21 There's an old theory when it
22 came to the highway, that if you didn't
23 see it, you didn't hear it, and I think
24 it applies equally to this project.

25 Thank you.

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2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 (Applause.)

5 COUNCILMAN KENNEY: Please
6 identify yourself for the record. You
7 can pull that microphone down a little
8 bit.

9 MS. WOOLSEY: My name is Bette
10 Woolsey. I live at 225 Race Street, and
11 I also am a part owner of a restaurant in
12 Queen Village. My restaurant is about
13 3,300 square feet and its maximum
14 occupancy is about 70 seats per seating.

15 Extrapolating that out, I am
16 very concerned about the vagueness of the
17 35,000 square foot retail area, but if
18 one extrapolates that all of that space
19 would be restaurants, I become very
20 fearful that 700 to 900 people can be
21 served at one seating.

22 Also, when we were given our
23 liquor license, it had many conditions
24 such as no happy hours, curfew, no live
25 music in perpetuity, and that really

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2 fit -- that was fine. The restaurant fit
3 in with the community. It's a chef-owned
4 restaurant, and it has survived bad times
5 and continues to thrive.

6 I am concerned about the
7 addition of chain restaurants, the
8 lowering of the kind of standards and
9 interest that we have in our
10 neighborhood.

11 That's all I have to say.

12 COUNCILMAN KENNEY: Thank you
13 very much for your testimony.

14 Mr. Patterson, do you have
15 something you want to add?

16 COUNCILMAN DiCICCO:

17 Mr. Chairman, as Mr. Patterson is coming
18 up, in reference to the last statement by
19 the lady who just spoke, I think that in
20 the meeting or after the meeting, I think
21 the developer agreed to some language
22 that said there would not be a chain
23 restaurant. We're talking about
24 McDonald's, Wendy's, those types. We
25 agreed that that would not be --

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2 MR. PATTERSON: We did discuss
3 that.

4 COUNCILMAN DiCICCO: We did
5 discuss that as well. It wasn't done, I
6 think, in a public sense because it was
7 kind of a sidebar.

8 And the gentleman who also
9 spoke before that about the critical
10 mass -- I'll have to come back to that.
11 Oh, the revision. We have a reverter
12 clause in there, right?

13 MR. PATTERSON: Correct.

14 COUNCILMAN DiCICCO: Two years?

15 MR. PATTERSON: I was going to
16 address that, because if you really read
17 the private agreement, I think it
18 addressed some of the concerns you heard.
19 For example, it limits the dance area to
20 three percentage of whatever the gross
21 floor area of that area would be, which
22 is below 1,000 square feet if you're
23 going on the higher end. It also says
24 for the first floor, there's one zoning
25 permit. So if the use does change or an

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2 operator changes or is sold, it doesn't
3 piggyback on the first zoning permit.
4 You get one shot at the first floor
5 retail/commercial/restaurant, and if it
6 doesn't comply with the then current
7 ordinance, it would go to the Zoning
8 Board.

9 It also says that there are no
10 third-party deejays, which seems to be
11 the problem when you hear about someplace
12 that has music in it. And the town and
13 part of the problem is trying to define
14 what a nightclub is and what isn't, as
15 you've tried to do so. That's why we
16 tried to put that in there.

17 And the agreement also says --

18 COUNCILMAN DiCICCO: Excuse me,
19 Ron. Could you explain that third party?

20 MR. PATTERSON: Well, for
21 example, the owner of the establishment,
22 the restaurant, may put music -- this is
23 in general terms -- have music provided,
24 whether it's piped in music, put in a CD,
25 have a deejay that changes -- whatever a

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2 deejay is now. There's no vinyl records
3 maybe anymore, that you can press a
4 button on the computer and all the songs
5 line up, or whether you have a live band.
6 If the person providing the music is
7 under authority of the operator, they
8 have control. You lose control when you
9 rent out your space to a third party, who
10 then brings in all of his people and his
11 deejay and they promote it as a deejay
12 party. That's where you run into
13 problems. That's why we have in the
14 agreement no third-party deejay, if they
15 have a deejay at all.

16 And also it does cross
17 reference again that the liquor licenses
18 would be subject to a conditional
19 licensing agreement, which, as you
20 describe, can go into more detail about
21 the operation of that liquor license for
22 that particular entity. So even if the
23 use stays the same but the operator or
24 owner changes under the liquor license,
25 they need a whole entire new conditional

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2 licensing agreement that can then box
3 them into the corner. And the example I
4 always give is, under the Zoning Code if
5 you go in and ask for a zoning permit for
6 tea and doughnuts, you get back a zoning
7 permit that says take-out restaurant, and
8 so how do we, both me as a developer
9 lawyer and I also have two of my own
10 civic groups, how do you protect against
11 Burger King jumping on that supposedly
12 small permit is you then put proviso
13 agreements, saying no deep frier, no
14 hoods, no ovens, et cetera, et cetera.
15 And that's what we've tried to do under
16 the private agreement, so that no one
17 could come in under the guise under a
18 cloak and dagger and say, Well, now I
19 have this permit, I'll make this entirely
20 different. That's what we tried to
21 prevent in this agreement.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Next person on our list is
25 Mr. Dugdale and Rosslyn Wuchinich.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN KENNEY: Please
5 identify yourself for the record.

6 MS. WUCHINICH: My name is
7 Rosslyn Wuchinich. I'm the Staff
8 Director with Unite Here, Local 274.

9 Our union stands before you in
10 opposition to Bill No. 100552, and we are
11 urging the members of Council to vote no
12 on this bill.

13 Our union represents over 6,000
14 workers in the Philadelphia region,
15 including hotel, gaming, stadium, airport
16 and school cafeteria workers. We
17 represent hotel workers in the area
18 surrounding the 4th and Race site,
19 including the Holiday Inn at 4th Street,
20 the Comfort Inn and the Hyatt Penns
21 Landing.

22 On the jobs issue, there are no
23 regulations or laws in effect to prevent
24 this hotel project once it opens from
25 hiring people at the federal minimum wage

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2 of \$7.25 an hour without benefits. If
3 those jobs were created, those would be
4 poverty-level jobs, and the City of
5 Philadelphia does not need any more
6 poverty-level jobs. You should also know
7 that there is no separate agreement with
8 this developer concerning the permanent
9 jobs that are going to be created at this
10 hotel.

11 So we want to make sure that
12 the Council does not allow consideration
13 of the permanent jobs that are going to
14 be created to outweigh the serious
15 planning and zoning concerns presented by
16 this proposal. We don't want you to
17 think that because the project is
18 creating jobs, that you can look the
19 other way on the planning considerations.
20 You should not do this.

21 MR. DUGDALE: Antony Dugdale,
22 also with Unite Here, Local 274.

23 I just wanted to talk for a
24 minute about the zoning and then after
25 finishing this, I wanted to respond to

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2 some of the comments from the developer.

3 It would be one thing if the
4 bill proposed was just to rezone the lot
5 from "L-4" to "C-3" and apply all the
6 normal conditions associated with "C-3"
7 to this lot, which would include the Old
8 City overlay, but that's not what this
9 bill is doing. It's creating a unique
10 and specific zoning classification that
11 bears on just this property. It has
12 unique use regulations, which supersede
13 the regulations for the Old City
14 district. That's what allows the 35,000
15 square foot restaurant with a dance
16 floor.

17 The proposed zone has unique
18 height regulations that differ from the
19 surrounding area. It has -- the proposed
20 zone has unique parking and loading
21 requirements for this site which don't
22 fit the surrounding area. And, of
23 course, the proposed zone has unique
24 signage regulations, which treat this
25 property differently than all of the

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2 other surrounding properties and other
3 properties up and down I-95 by allowing
4 signage that would otherwise be
5 prohibited without review and specific
6 approvals from the relevant bodies.

7 In short, the proposed new zone
8 is an entirely new creation, one which,
9 quote, "does not bear alike on all
10 persons living in the same area." In
11 other words, it's spot zoning. In 1965,
12 Pennsylvania's Supreme Court explained
13 spot zoning by saying, "What is most
14 determinative is whether the parcel in
15 question is being singled out for
16 treatment unjustifiably differing from
17 that of similar surrounding land, thereby
18 creating an island having no relevant
19 differences from its neighbors."

20 This bill does that. It treats
21 this parcel differently than any other
22 parcel in the City and any other parcel
23 within the Old City overlay. That's not
24 permissible, and we urge the Council to
25 reject this proposal.

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2 I also want to respond to two
3 things that have come up earlier, one
4 thing the developer said, that because he
5 didn't have a hotel operator, somehow
6 that tied his hands to being able to make
7 any decisions. That's not been the
8 situation with other projects. Cira
9 South, Brandywine Realty, we were here in
10 front of this body. You approved it. We
11 were in support. We had an understanding
12 with that developer even though there was
13 no hotel operator for the hotel portion.

14 The American Commerce Center in
15 Councilman Clarke's district at 1800
16 Arch, a similar situation. We were here
17 in support of that project. And we
18 reached an understanding regarding --
19 with the developer, even though there was
20 no hotel operator, concerning the hotel
21 operations.

22 Stampers Square, a very similar
23 situation to this one, in that Starwood
24 was a franchise, but there was no
25 operator signed on. We were here in

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2 support with Councilman DiCicco in that
3 area, and there was no hotel operator.

4 There is no need for there to
5 be a hotel operator signed on before
6 standards can get agreed to to make sure
7 that the permanent jobs at this facility
8 are good and create solid, permanent jobs
9 that the folks who live in this city can
10 actually live on.

11 I have not seen the draft --
12 our comments, I think, were based on the
13 draft that was publicly available. I
14 have not seen the amended draft of the
15 zoning that's been put out. We would ask
16 you to not suspend the rules and to
17 consider this on the 8th after we've had
18 a chance to actually review the actual
19 zoning proposal that's in front of us so
20 that we could make our decisions at that
21 time.

22 COUNCILMAN KENNEY: I
23 appreciate your testimony. Just a
24 curious question relative to -- I would
25 assume that the wage rate and standards

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2 is your primary issue as a labor
3 organization that's representing your
4 members?

5 MR. DUGDALE: Yes.

6 COUNCILMAN KENNEY: But the
7 zoning issues that you were, I guess, as
8 heavy in your testimony with has to do
9 more with what impacts the residents. So
10 how do you -- if you had an agreement,
11 would you be against the zoning issues?
12 I'm trying to understand -- I understand
13 what you do. I used to be a member of
14 this union, as a matter of fact, when I
15 was in college. So I understand what
16 you're doing. I'm trying to determine
17 what's more important, the fair labor
18 standard rate with an operator or with a
19 developer or the zoning stuff, because it
20 seems if you had the agreement on the
21 wages and standards, you'd still be
22 opposed to the project.

23 MR. DUGDALE: Well, I think if
24 we could have a chance to sit down with
25 the developer and try to discuss this,

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2 we'd be in much better shape. The last
3 time -- we had one meet-and-greet maybe
4 three months ago. That lasted maybe ten
5 or 15 minutes. And then last week he
6 threw us out of his office and made very
7 clear that he had no intention of
8 negotiating any agreement with anybody
9 until after he got his approvals.

10 So we have not had substantial
11 discussion with the developer. If we had
12 that opportunity, we'd be happy to
13 consider anything.

14 COUNCILMAN KENNEY: Okay.

15 Are there any other questions
16 for these witnesses?

17 (No response.)

18 COUNCILMAN KENNEY: No. Thank
19 you very much for your testimony. I
20 think Mr. Ambrosi would like to come
21 back, re-identify himself and rebut.

22 Mr. Patterson, if you'd like to
23 accompany your client.

24 MR. AMBROSI: I have met with
25 Antony twice --

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2 COUNCILMAN KENNEY: You have to
3 identify yourself for the record.

4 MR. AMBROSI: Robert Ambrosi,
5 Chairman of ARC Properties.

6 I met with Antony twice, one
7 other time with his representative. He
8 said if I sign an agreement, he will not
9 object. If I don't sign an agreement, he
10 will object. I told him until I have an
11 operator, I'm happy to put him in
12 touch -- all the work we've ever done in
13 Philadelphia has been union. Today in
14 the meeting, my colleague informed me
15 that Starwood agreement requires us to
16 comply with all local trade laws. There
17 probably is no issue here at all, but
18 until I have an operator -- I'm
19 interviewing four.

20 COUNCILMAN GOODE: Point of
21 information.

22 COUNCILMAN KENNEY: Councilman
23 Goode.

24 COUNCILMAN GOODE: That's not
25 what you stated.

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2 MR. AMBROSI: I'm sorry?

3 COUNCILMAN GOODE: You said
4 that the agreement stated that it had to
5 specifically apply to -- the agreement
6 had to include the local living wage
7 standard law. You did not say it had to
8 include any applicable laws, which means
9 that what you're saying now is that if
10 the law does not apply, then it will not
11 be included in the agreement.

12 So I need you to actually
13 clarify your statement about whether your
14 agreement will specifically say that it
15 has to comply with the Philadelphia
16 minimum wage and benefits standard. If
17 it does not say that, then you
18 misrepresented yourself.

19 MR. AMBROSI: I have not read
20 the document myself.

21 COUNCILMAN GOODE: Guess what?
22 You not only need to read it, you need to
23 present it to us.

24 MR. AMBROSI: Yes.

25 MR. PATTERSON: You did ask for

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2 it.

3 MR. AMBROSI: Yeah. We will
4 get it to you.

5 COUNCILMAN GOODE: ASAP.

6 MR. AMBROSI: I just don't have
7 it. As soon as I have it, you will have
8 it.

9 COUNCILMAN KENNEY: Thank you
10 very much.

11 (Applause.)

12 COUNCILMAN KENNEY: The last
13 person I have on my list is Mr. Scott
14 Shaw. Is Mr. Shaw here?

15 (No response.)

16 COUNCILMAN KENNEY: Anyone else
17 to testify?

18 (Witnesses approached witness
19 table.)

20 COUNCILMAN KENNEY: Whoever
21 would like to go first, please identify
22 yourself.

23 MS. TRACY: Good morning. My
24 name is Mary Tracy. I'm the Executive
25 Director of SCRUB, Public Voice for

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2 Public Space, and also the President of
3 Scenic America. I'm also a resident of,
4 I think, Society Hill, not too far from
5 Old City now.

6 I want to just address my
7 issues as regard to the digital signage
8 that's proposed here. That's always been
9 one of SCRUB's primary interest, and we
10 have worked with Society Hill Civic on
11 these issues for over 20 years, those
12 laws that were passed to protect the
13 scenic character of our city. But in
14 addition to allowing signage in the
15 gateway coming into Philadelphia, I think
16 that the Council would do a great service
17 to the citizens who drive over the Ben
18 Franklin Bridge on a daily basis.

19 There are studies
20 internationally that have shown how
21 distracting digital signs can be, and I
22 think this particular sign would be
23 especially distracting, because you're
24 looking at a sign that's vertical seven
25 stories high. It talks about full motion

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2 animation, which I would invite all of
3 you to take a look at a clip from St.
4 Louis where a similar sign, accessory
5 sign, is in place, and as a result of
6 that sign being put up, they now have a
7 moratorium on all digital signs. There
8 are about 30 other cities that I know of
9 that have a moratorium on digital signs
10 because of its high distractive quality.
11 And I think it would be very important
12 before including this in any kind of
13 legislation, that the accidents, crashes,
14 near crashes of that particular highway
15 of the Ben Franklin Bridge, take a look
16 at that, because at that point, anyone
17 who has come over the bridge knows that
18 you head down, there are many, many
19 decision points, which requires a high
20 driver workload, and in those particular
21 instances, a sign such of this in many
22 countries, including Australia, would be
23 totally prohibited because of the high
24 risk of a crash or a near crash. I think
25 it's important to take a look at that.

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2 COUNCILMAN KENNEY: Okay.

3 MS. TRACY: Secondly, I know we
4 want to be the clean, green city. SCRUB
5 has been working through a grant with the
6 Fels Fund on the environmental impact of
7 these digital signs, and the current
8 technology places a high carbon
9 footprint. In fact, a traditional
10 billboard, it would take 25 traditional
11 billboards to use the same amount of
12 electricity as just one of these digital
13 signs. I'm not sure that --

14 COUNCILMAN KENNEY: So are you
15 in favor of traditional billboards? Are
16 you in favor of traditional billboards
17 now?

18 MS. TRACY: Well, you know how
19 I feel about traditional billboards, but
20 certainly from a safety aspect, that
21 would be preferable.

22 So I think if you really are --
23 I would agree with the community in
24 removing this and having that discussion,
25 especially until the end of January. The

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2 Federal Highway Administration has been
3 undergoing a two-year study with real
4 drivers to get a better understanding of
5 how distracting are LED signs compared to
6 other signage, and that --

7 COUNCILMAN KENNEY: They did do
8 a study on cell phones, too. I think
9 that's probably the number one --

10 MS. TRACY: And I think --

11 COUNCILMAN KENNEY: -- probably
12 the number one -- texting and driving is
13 probably more dangerous than a billboard,
14 I would think. I don't really pay
15 attention to the billboards.

16 MS. TRACY: Well, the
17 difference, though, Councilman, is that
18 with texting and with a cell phone, you
19 have a choice whether to use it or not.
20 With these digital signs, you have no
21 choice. It's there. They're glaring at
22 you, and you find yourself -- everyone
23 I've talked to have said that to me.
24 Whether you want to or not, you're
25 looking at that. So we're foisting

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2 something that could be highly
3 distracting on thousands of ten
4 thousands, if not millions, of people
5 that cross that bridge every day.

6 COUNCILMAN KENNEY: Not to
7 debate highway signage, but it also has
8 the possibility of being highly
9 informational as a result of a snatched
10 child or a hurricane or a natural
11 disaster or something that can direct
12 people to various areas to get out of the
13 way of traffic. I mean, there are -- we
14 have, for example, it's not an
15 advertising sign, but on the Turnpike,
16 you have a digital sign that tells you
17 that ten miles up the road there's an
18 accident. If you can get off, get off.

19 MS. TRACY: That's right.

20 COUNCILMAN KENNEY: So, I mean,
21 look, the primary purpose of the signs is
22 to generate revenue, no doubt, but there
23 are some homeland security, safety, child
24 protection opportunities that come along
25 with that. I mean, there's been stories

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2 around the country where Amber Alerts go
3 across those signs and they wind up
4 finding a kid within an hour.

5 MS. TRACY: Well, I would
6 argue --

7 COUNCILMAN KENNEY: So there's
8 some upside to it.

9 MS. TRACY: I would agree.
10 There's always an upside, but at what
11 cost? Because we have other electronic
12 signs that do give us those driver safety
13 tips that we look at. They're dark most
14 of the time and when they're on, we know
15 to look at them to say slow down,
16 accident ahead, and those same signs
17 could use the Amber Alerts. So it's not
18 like this sign is going to be the savior.
19 And at what other risk are we talking
20 about here? And I think removing this
21 particular piece --

22 COUNCILMAN KENNEY: I'm not
23 talking about this particular sign, but
24 that's all debating now. We were just
25 talking in general about highway signs

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2 that some people think are the worst
3 things ever happened to -- I think the
4 worst thing ever happened to our country
5 are interstate highways, but that's
6 another story. So the signs to me have
7 minimal effect on the ugliness or the
8 intrusiveness of the interstate highway.
9 So it's all relative, I guess.

10 MS. TRACY: It is all relative.

11 And then one final aspect of
12 this bill is that many, many people have
13 testified today that they are considering
14 this spot zoning, and whether it is or
15 whether it isn't, one could argue that
16 point. But whether the Federal Highways
17 consider this spot zoning in order to --
18 I mean, they totally prohibit spot zoning
19 to allow outdoor advertising. We could
20 lose ten percent of our funding. So I
21 think we need to be looking at the
22 federal laws, state laws, as well as our
23 own that have totally prohibited signage
24 in this area for over 20 years.

25 Thank you.

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2 COUNCILMAN KENNEY: Okay.

3 Please identify yourself, sir.

4 MR. ALI: Good afternoon,
5 members of the Rules Committee. My name
6 is Jihad Ali. I'm a citizen as well as
7 I'm a member of the Contractors
8 Roundtable.

9 I wanted to testify today about
10 Bill No. 100552, specifically the
11 economic opportunity plan. Earlier I
12 listened to the testimony of the
13 developer, and Councilman DiCicco and
14 other members of this Committee, I know
15 how hard you fought on behalf of
16 minorities and other disadvantaged and
17 the disabled to get the plan approved and
18 passed by the voters, which the voters
19 did during the last election.

20 One of the things that concerns
21 me about this plan, when the attorney
22 talked, he expressed an opinion that
23 there's always two sides of a story. I
24 mean, when the developer came up here, he
25 talked about his contractor. He

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2 talked -- he said -- I wasn't clear. I
3 wanted to get clarity. He said that Dale
4 was not the contractor. However, Dale
5 was being used for this minority outreach
6 stuff. So I wanted to get the clarity on
7 that, was Dale the contractor. And if
8 he's being used for the minority outreach
9 stuff, where does he have that kind of
10 expertise? I mean, who is he approved
11 by?

12 This Council, when you passed
13 Bill 100135, you said -- you listed a
14 specific number of organizations that
15 would be considered as a good-faith
16 effort in utilizing them on the
17 employment outreach stuff.

18 Dale -- like the two sides of
19 the story, I'm here to express my
20 opinion. Dale is one of the worst
21 contractors out in terms of minority
22 outreach. Yeah, they talked about a lot
23 of jobs that they did where they
24 self-perform. They were performing work
25 on behalf of a GC or the GC, and they did

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2 that work. So they have a list of
3 minorities that they've used. But when
4 you step outside a broader view and you
5 look at the City as a whole, we have
6 agencies that we have trust and
7 confidence in.

8 I don't agree with everything
9 OEO does, but OEO is a respectable
10 organization. There's a lot of
11 third-party certifiers that you all know
12 about. Some of them are here today that
13 can be utilized on this.

14 So in terms of this contractor,
15 he said he worked with this guy -- he
16 started working with Dale two years ago.
17 Well, since that two years, we've passed
18 the resolutions that this Committee put
19 forth, 100135. So if the developer would
20 at least just go back and try to utilize
21 a third-party certifier to help him
22 achieve what he's trying to do, then I
23 would support it. But as long as he's
24 using Dale, I would be here to not
25 support that bill. I'm asking, because

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2 Dale is not qualified to represent
3 minorities in the City.

4 Thank you.

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

7 Is there anyone else to testify
8 on this bill?

9 Come on up.

10 MR. AMBROSI: I'm sorry. I
11 just want to say one other thing. Dale
12 has been hired as a consultant. Turner
13 is currently doing the pre-construction
14 work. We will be interviewing four
15 contractors, and that will be taken into
16 consideration very carefully.

17 COUNCILMAN KENNEY: Thank you
18 very much.

19 Mr. Patterson, can you please
20 come up and put into the record the
21 amendment that was added, if you have the
22 language.

23 Please identify yourself for
24 the record.

25 MR. PATTERSON: Ronald

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2 Patterson, 1835 Market Street, on behalf
3 of the owner and developer.

4 COUNCILMAN DiCICCO: I didn't
5 give you the right one.

6 MR. PATTERSON: No. This is
7 the old one.

8 COUNCILMAN KENNEY: Please
9 proceed.

10 MR. PATTERSON: Sure. Based on
11 the earlier discussions about tying in
12 any other zoning permits to the hotel
13 use, we've added, it looks like,
14 Paragraph 4 under -- I'm sorry; (a)(4)
15 was added. It reads as follows: "For
16 any other uses to be permitted a zoning
17 permit would first need to be obtained
18 for a hotel use."

19 So I think that satisfies the
20 concern that the hotel would have to be
21 built in order for anything else to
22 obtain the zoning permit.

23 COUNCILMAN KENNEY: Okay.
24 Thank you very much.

25 MR. PATTERSON: Thank you.

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2 COUNCILMAN KENNEY: Anyone else
3 on this bill?

4 (No response.)

5 COUNCILMAN KENNEY: Seeing
6 none, we'll move to now Bill No. 100656,
7 which is an ordinance amending Section
8 14-305 of The Philadelphia Code, entitled
9 "'C-4' Commercial District," all under
10 certain terms and conditions; and
11 amending the Philadelphia Zoning Maps by
12 changing the zoning designations of
13 certain areas of land located within an
14 area bounded by Hamilton Street, 19th
15 Street, Callowhill Street and 20th
16 Street.

17 Mr. Martin -- or is there
18 anyone from the Administration?

19 Councilman, is there anyone
20 from the Administration?

21 COUNCILMAN CLARKE: Yes. There
22 were some community issues that needed to
23 be resolved.

24 COUNCILMAN KENNEY: Whoever is
25 available to testify on this bill, please

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2 come forward.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN KENNEY: Mr. Kramer,
6 it's still you again. How are you?

7 MR. KRAMER: I feel so
8 welcomed. Thank you.

9 COUNCILMAN KENNEY: Could you
10 please identify yourself for the record
11 and proceed.

12 MR. KRAMER: Good afternoon,
13 Mr. Chairman, members of the Committee.
14 I'm William Kramer, Division Director for
15 Development Planning, Philadelphia City
16 Planning Commission.

17 We had previously testified in
18 relation to this bill in support of this
19 legislation and had recommended a small
20 amendment to the maps of this bill owing
21 to an acquisition of a triangular piece
22 of property that we had done with
23 previously. I have no additional
24 testimony at this time, other than we
25 originally supported the bill and there's

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2 been nothing that's come to light to
3 change that opinion.

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

6 Mr. Martin, please identify
7 yourself for the record.

8 MR. MARTIN: William Martin,
9 Fox Rothschild law firm. I'm joined by
10 my clients from Granary Partners LP, Reed
11 Slogoff and Mr. Jim Pearlstein.

12 Mr. Slogoff will be joining me to provide
13 some testimony in a bit.

14 To remind the members of the
15 Committee, we were here approximately two
16 weeks ago, and at the request of
17 Councilman Clarke, the matter was held to
18 suggest some further dialogue with
19 certain interested neighbors. Following
20 on that meeting and as a result of the
21 Councilman's suggestion, there was a
22 change in an element of the design to the
23 project, which Mr. Slogoff will testify
24 to. We'll talk about this design change.
25 We'll also talk about our economic

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2 opportunity plan based upon specific
3 encouragement by Councilman Clarke and
4 Councilman Goode. And then we'll talk a
5 little bit more about where we are right
6 now with the neighbors.

7 COUNCILMAN KENNEY: Please
8 identify yourself.

9 MR. SLOGOFF: Good afternoon.
10 Reed Slogoff from Pearl Properties.

11 Just to quickly remind
12 Councilmembers, the project we're here to
13 discuss is the Granary project. We own
14 the Granary building, which is at the
15 northwest side of 20th Street between
16 Callowhill on 19th and 20th, and what
17 we're proposing to do is build a new
18 structure along Callowhill Street to
19 connect that project, that building, to
20 the Granary building. We will be
21 building 210, approximately 210,
22 residential apartment units, as well as
23 retail space along the ground floor of
24 the new building and retail space in the
25 Granary building itself.

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2 At the last Council hearing on
3 the 16th, we heard for the first time
4 some concerns from the neighbors
5 regarding the amount of parking. The
6 existing ordinance provided for half of a
7 space per residential unit. Since that
8 time, we went and redesigned our
9 underground parking to accommodate 0.7
10 spaces per unit, which is something that
11 we, again, heard for the first time, and
12 we've committed to doing so, and what we
13 have brought with us is a plan to show
14 you where that parking would be.

15 I'm happy to provide more
16 details about the project if Council
17 would like to be reminded of anything.

18 COUNCILMAN KENNEY: Councilman
19 Clarke.

20 COUNCILMAN CLARKE: Thank you,
21 Mr. Chair. Mr. Chair, actually, the
22 developer just referenced one issue that
23 I wanted to bring up. I just want to
24 clarify from my perspective.

25 A couple of the most

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2 significant outstanding issues were in
3 fact the parking, which you've just
4 referenced. There was an issue about the
5 traffic on 20th Street, which is a
6 challenge regardless as to whether or not
7 you proceed, and I've been told that the
8 Planning Commission is looking at that.
9 Based on the look of Mr. Kramer's face --

10 MR. SLOGOFF: Well --

11 MR. MARTIN: There is a traffic
12 consultant that has been retained by the
13 developer, which has prepared an analysis
14 of the project and impact, and will be
15 submitting that to you, Councilman, and
16 to the interested neighbors certainly
17 well in advance of any Council vote on
18 this ordinance.

19 COUNCILMAN CLARKE: Okay. And
20 the last issue is the process, which
21 depending on who you talk to was somewhat
22 challenged, but there's not much we can
23 do about that, but I understand we will
24 continue to have discussions as we move
25 forth throughout this process, and I

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2 personally will be a little more
3 intimately involved in the subsequent
4 conversations as it relates to some
5 ultimate resolution on this one.

6 MR. MARTIN: In response to
7 that, Councilman, we have been advised
8 that there are neighbors who are going to
9 suggest that the Rules Committee not act
10 on this because of the process being
11 incomplete --

12 COUNCILMAN CLARKE: Don't worry
13 about that. I'm not talking about this
14 process. I'm talking about the process
15 in the community as it relates to the
16 interaction.

17 MR. MARTIN: And I want to talk
18 about the process.

19 COUNCILMAN CLARKE: But we've
20 done that, and I only reference it
21 because I want to acknowledge that there
22 are some concerns about the process.
23 We're, frankly speaking, beyond that, and
24 I just want to say as we move forward, I
25 personally am going to be a little more

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2 engaged in that process, because at some
3 point ultimately it's my responsibility
4 to recommend personally to my colleagues
5 on the Rules Committee as to what action
6 we hopefully will take either in support
7 or in opposition. So I think my personal
8 engagement will give me a better sense to
9 reflect as to -- give me a better sense
10 of what recommendation I give, and then
11 we will make the appropriate decisions as
12 it relates to suspension, not suspension,
13 out of Committee, in Committee. That's
14 what the folks hired us to do.

15 MR. MARTIN: And I certainly
16 acknowledge that, Councilman. And for
17 the record, I'd like to indicate that my
18 client and/or I have met with either the
19 leadership or representatives of the
20 neighborhood 12 times, first starting
21 June 2nd, 2010. When a request was
22 tendered for a neighborhood development
23 agreement, a draft was provided two days
24 later. When comments were given, they
25 were responded to two days later. When

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2 further comments were given, they were
3 responded to the next day. And we stand
4 ready to engage with the neighborhood at
5 any time, at any place at their request,
6 and we're pleased by how much progress
7 has been made in terms of that dialogue
8 up until now.

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chair.

11 COUNCILMAN KENNEY: Thank you
12 very much.

13 Do you have further testimony?

14 MR. MARTIN: The only other
15 point I will mention in response to
16 Councilman Goode's prior questions from
17 the last session is, an economic
18 opportunity plan was submitted for review
19 both to Councilman Clarke and to Angela
20 Dowd-Burton at the City's Office of
21 Economic Opportunity. At the request of
22 Councilman Clarke, my client agreed to
23 strengthen certain of the targets that
24 had been suggested in that economic
25 opportunity plan, and we welcome the

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2 opportunity to have further dialogue with
3 him and with the City's Office of
4 Economic Opportunity.

5 COUNCILMAN KENNEY: And that's
6 going to be submitted as an amendment?

7 MR. MARTIN: Yes.

8 COUNCILMAN KENNEY: Okay. Any
9 questions for these witnesses?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing
12 none, thank you.

13 MR. MARTIN: Thank you.

14 COUNCILMAN KENNEY: Anyone else
15 to testify on this bill?

16 Please come forward.

17 (Witnesses approached witness
18 table.)

19 COUNCILMAN KENNEY: Please
20 identify yourself for the record. You
21 could pull that microphone very close to
22 you.

23 MS. LOMBARDI: Good morning.

24 COUNCILMAN KENNEY: Good
25 afternoon.

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2 MS. LOMBARDI: My name is Susan
3 Lombardi.

4 COUNCILMAN KENNEY: Good
5 afternoon.

6 MS. LOMBARDI: Oh, well, I've
7 been here so long, I lost track. I've
8 been here since 10:00, as have you.

9 COUNCILMAN KENNEY: Yes.

10 MS. LOMBARDI: My name is Susan
11 Lombardi and I'm here regarding Bill
12 100656. I'm the President of the Tivoli
13 Condominium Association at 1900 Hamilton
14 Street. Our Association is comprised of
15 more than 250 homeowners who live in 114
16 units. We are the nearest neighbors to
17 the Granary project that will have a
18 tremendous impact on our residents.

19 Our committee's deliberations
20 are thoughtful and considerate. What
21 else would I say? We believe that it is
22 far more important to get an agreement
23 with Pearl Properties right than to get
24 it done fast. And I don't want anyone to
25 have a heart attack when I say "get it

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2 done fast." We're talking about weeks.
3 We're not talking about months. It could
4 be a couple of weeks. This is in the
5 best interest of Tivoli residents and the
6 best interest of our neighbors and in the
7 best interest of the City.

8 Pearl Properties has been very
9 cooperative in addressing our concerns
10 with regard to parking, retail,
11 landscaping and numerous other issues.
12 We have not yet finalized our
13 neighborhood development agreement. In
14 the absence of completion of our work,
15 even though we think we are close, we
16 respectfully ask that Bill 100656
17 changing the Zoning Code for the
18 Callowhill Street parcel between 19th and
19 20th Street to "C-4" remain in the Rules
20 Committee until our work is completed and
21 our legal counsel has had an opportunity
22 to review the final draft.

23 We appreciate your
24 consideration.

25 COUNCILMAN KENNEY: Thank you

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2 for your testimony.

3 Please identify yourself for
4 the record.

5 DR. ANGERT: Dr. Ashley Angert.

6 I'm one of the near neighbors. I'm at
7 the Tivoli nearby at 1900 Hamilton
8 Street, and I'm testifying on Bill
9 100656.

10 As near neighbors, we have been
11 working with Pearl Developers. We have
12 not met about this project for more than,
13 I think, several times with Pearl
14 Developers. It started quite early on,
15 and people should be reminded that the
16 original plan was to build several
17 stories on top of the Granary, and there
18 were a number of meetings about that and
19 that project was scrapped and a new
20 project was started. So the new project
21 we have not met 12 times, as stated.

22 The last time we met here was
23 November 16th. November 24th was last
24 Wednesday, which meant we had eight days,
25 including the weekend up to Thanksgiving

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2 weekend when a lot of people are away, to
3 try to get things done. During that
4 time, we met several times. We met with
5 the developer, I believe, in there. We
6 met with our lawyer, and we have
7 submitted an original list of changes.
8 We now have, I guess you could call it, a
9 semi-final draft which is being completed
10 right -- actually is probably completed
11 over the weekend, which the developer
12 will get shortly. We need to review that
13 tomorrow night, then the developer can
14 have it and take a look at it and come
15 back with their comments.

16 So we are working actively with
17 the developer. We just don't have enough
18 time.

19 The other thing is that the
20 developer has given us a parking plan. I
21 got that, I think, on Wednesday before
22 Thanksgiving, possibly Thursday, but we
23 don't have yet what the building looks
24 like. We still have not gotten drawings,
25 diagrams of the complete building on all

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2 four sides, and we have concerns about
3 that. We want to know what the materials
4 are that it's going to be made of, what
5 it's going to look like, and that was one
6 of the things that we had asked.

7 There are a number of minor
8 changes that I think will be made without
9 any difficulty.

10 With all that in mind, we
11 don't, as Susan Lombardi said, don't want
12 to be rushed into something. We want to
13 do it properly and have it legally
14 recorded. So we're asking that it not be
15 moved out of Committee, that we have some
16 time to complete the work and do it
17 properly.

18 Thank you very much.

19 COUNCILMAN KENNEY: Thank you
20 for your testimony.

21 Please identify yourself for
22 the record.

23 MR. PERRY: Good afternoon,
24 Council. My name is Mark Perry. I'm a
25 resident at 325 North 19th Street. I'm

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2 directly in front of the property of the
3 Pearl Properties. I got to commend
4 Pearl, they've always been up front so
5 far and personal with us. They've made
6 changes to their plans. Since the
7 beginning of June, I believe we first
8 met -- we met in June -- my wife and I
9 have attended all the meetings. We've
10 even welcomed them to the community,
11 welcomed to the area.

12 We're working hand in hand in
13 this, but the bottom line is, we'd like
14 to see what we're going to get. And
15 there's a couple properties in the area.
16 There's one up at 18th and Spring Garden
17 Street. There was a bank there. I'm a
18 policeman, where one of our officers was
19 slain. There was a -- you could see a
20 beautiful facade, but behind it it's just
21 stucco. So we would just want to see
22 what type of materials that they're going
23 to use, what type of landscaping, the
24 designs, just a little more information
25 up front before we agree to this. And we

1 11/29/10 - RULES - BILL 100552, ETC.

2 are working with them diligently. We're
3 not lackadaisical. We're not like the
4 last group in here. We could have been
5 out of here in ten minutes.

6 But it's a pleasure talking
7 with you. It's a pleasure meeting you
8 all, and I wish you all a good day.

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

11 Any questions for these
12 witnesses?

13 (No response.)

14 COUNCILMAN KENNEY: Thank you
15 very much.

16 Anyone else to testify on this
17 bill?

18 (No response.)

19 COUNCILMAN KENNEY: Seeing
20 none, we will now go to Bill No. 100709.
21 I'm sorry. Oh, I'm sorry. I didn't see
22 you.

23 MS. HILL: That's okay. My
24 name is Jovida Hill. I live at 419 North
25 20th Street, and I actually don't need to

1 11/29/10 - RULES - BILL 100552, ETC.

2 testify again since I testified the first
3 time two weeks ago. And I just wanted to
4 find out whether or not there were any
5 questions in addition to just testifying
6 to the fact that we would like the bill
7 to be held until we finish a signed
8 neighborhood development agreement, which
9 we're working diligently on.

10 COUNCILMAN KENNEY: Great.

11 Good luck. Thank you.

12 MS. HILL: If there are no
13 questions, thank you very much.

14 COUNCILMAN KENNEY: No. Thank
15 you.

16 We will now move to Bill No.
17 100709, an ordinance approving the first
18 amendment of the redevelopment proposal
19 for the Center City Redevelopment Area,
20 Franklin Town Project, being the area
21 beginning in the vicinity of Spring
22 Garden and Twenty-First Streets, which
23 provides, inter alia, for amending the
24 land use map and regulations to add
25 religious institutional as a permitted

1 11/29/10 - RULES - BILL 100552, ETC.

2 use, modifying the regulations to exclude
3 certain portions of the project area from
4 building setbacks and adjusting height
5 limitations, and for amending the
6 regulations by adding provisions related
7 to gates, fences and walls within certain
8 portions of the project area.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN KENNEY: Whoever is
12 ready to go first, please identify
13 yourself for the record.

14 MR. COVINGTON: Good morning,
15 Councilman --

16 COUNCILMAN KENNEY: Good
17 afternoon.

18 MR. COVINGTON: -- and members
19 of the Committee. My name is Ed
20 Covington, the Executive Director of the
21 Redevelopment Authority of the City of
22 Philadelphia. I'm here to speak in
23 support of Bill No. 100709, which would
24 approve the first amendment to the
25 redevelopment proposal for the Franklin

1 11/29/10 - RULES - BILL 100552, ETC.

2 Town Project.

3 The provisions of the proposed
4 amendment apply predominantly to 1701
5 Vine Street and will facilitate the
6 development of a Mormon temple on this
7 site by the Corporation of the Presiding
8 Bishop of the Church of Jesus Christ of
9 Latter-Day Saints while ensuring that the
10 original goals of the redevelopment
11 proposal are met. All proposed changes
12 were made in consultation with the staff
13 of the City Planning Commission, which
14 has since approved the proposed
15 amendment.

16 The amendment provides for
17 modifying the land use map and
18 regulations to add, quote, "religious
19 institutional," unquote, as a permitted
20 use, revising the regulations to provide
21 greater flexibility on this site as it
22 pertains to setback and height
23 restrictions, adding glazing requirements
24 for buildings on this site with frontage
25 on the former Wood Street, and adding a

1 11/29/10 - RULES - BILL 100552, ETC.

2 subsection with standards for walls and
3 fences.

4 There are no acquisitions
5 included in this bill, and no families or
6 individuals will be displaced or
7 relocated as part of the proposed
8 development.

9 Councilman Kenney and members
10 of the Committee, I respectfully request
11 favorable consideration of Bill No.
12 100709 and would also ask the suspension
13 of Council rules to allow first reading
14 on December 2nd, 2010.

15 COUNCILMAN KENNEY: There are
16 no amendments to this bill?

17 MR. COVINGTON: That is
18 correct.

19 COUNCILMAN KENNEY: Thank you.

20 Please identify yourself.

21 MR. REDDING: Good afternoon,
22 Mr. Chairman and members of the Rules
23 Committee. My name is Richard Redding.
24 I'm Director of Community Planning at the
25 Philadelphia City Planning Commission. I

1 11/29/10 - RULES - BILL 100552, ETC.

2 am here today to testify in support of
3 Bill 100709 pertaining to Franklin Town
4 and the site at 1701 Vine Street.

5 The bill approves the first
6 amendment of the redevelopment proposal
7 for the Franklin Town Project. It adds
8 "religious institutional" as a permitted
9 use. It modifies controls for setback
10 and height, and adds controls for gates,
11 fences and walls.

12 The proposals are in accordance
13 with the Center City Redevelopment Area
14 Plan, as amended by our Commission in
15 September of this year. The Planning
16 Commission staff approved this amended
17 redevelopment proposal on October 19th,
18 2010.

19 I'm happy to answer any
20 questions.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Any questions for these
24 witnesses?

25 (No response.)

1 11/29/10 - RULES - BILL 100552, ETC.

2 COUNCILMAN KENNEY: Seeing
3 none, anyone else to testify on this
4 bill?

5 Please come forward.

6 (Witnesses approached witness
7 table.)

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

10 MR. CHAPMAN: Good afternoon,
11 Mr. Chairman and members of the
12 Committee. My name is Tom Chapman. I'm
13 an attorney with Blank Rome here in
14 Philadelphia and I represent the Church
15 of Jesus Christ of Latter-Day Saints in
16 the matter before you this morning --
17 this afternoon, rather. With me here
18 today also is Ahmed Corbett, who is the
19 local representative of the church.

20 This Bill 100709 is actually
21 the third matter considered by City
22 Council in the past six months related to
23 the development of the new temple and
24 church facilities at the site that's at
25 18th and Vine. Just last week Council

1 11/29/10 - RULES - BILL 100552, ETC.

2 approved the resolution, and then six
3 months ago, Council approved an amendment
4 to the Zoning Code that allowed the
5 height of the spires to reach 209 feet.

6 Currently, this property is a
7 surface parking lot. It's zoned "C-5."
8 It's been a parking lot for, I would say,
9 at least 20 to 25 years, and it's the
10 intention of the church to establish a
11 new temple and ancillary building at this
12 site, along with 200 below-grade parking
13 spaces.

14 Thank you very much. I'd be
15 happy to answer any questions of the
16 Committee. And I'd like to thank
17 Councilman Clarke for his support with
18 this project thus far. He's been a great
19 help and source of support from day one
20 with this. And I'd also like to thank
21 Mr. Ed Covington and the staff of the
22 Redevelopment Authority as well.

23 COUNCILMAN KENNEY: Thank you.

24 MR. CHAPMAN: Thank you.

25 COUNCILMAN KENNEY: Sir, please

1 11/29/10 - RULES - BILL 100552, ETC.

2 identify yourself again for the record.

3 MR. ALI: My name is Jihad Ali.

4 I'm a citizen, as well as a member of the
5 Contractors Roundtable. I wanted to
6 testify today as a citizen, because as
7 this project was working its way through
8 the various agencies, particularly at the
9 RDA, when it comes to getting information
10 about a project with the RDA, it's been a
11 difficult task. As a citizen, I have to
12 obtain a lawyer. I got to get a
13 right-to-know request. I must have spent
14 at least \$6,000 getting documents from
15 the RDA because of the policy that they
16 take.

17 Now, one of the things I asked
18 for, and typically y'all ask for, is a
19 copy of the redevelopers agreement.
20 We'll go through this whole pattern that
21 they don't have it, until when I get to
22 OEO involved, then I'll finally get it.

23 But one of the things that on
24 this project what concerns me -- I think
25 I wrote Councilman Goode and I wrote

1 11/29/10 - RULES - BILL 100552, ETC.

2 Councilman Clarke. What concerned me was
3 that EOP plan. Because I know the work
4 that this Committee has done to get this
5 ball moving, and when it comes to the
6 plan being available at the public
7 hearing, well, that's a big problem,
8 because as a citizen, I can't see it, I
9 can't make my comments.

10 When that occurred in June of
11 this year, the Redevelopment Authority
12 through their process, they moved their
13 resolution and a couple months ago --
14 Council was there. When they approved
15 the resolution for the project, they told
16 me at that time, Well, you can't see the
17 EOP plan -- no. I'm sorry. Let me
18 correct. The EOP was attached to their
19 resolution, but it was the EOP plan that
20 should have been at the June hearing. So
21 as a result, the Mayor, who sits as the
22 Chair, he said, Well, you know, Jihad,
23 you have to go over to City Council and
24 tell them.

25 I want to be clear, I support

1 11/29/10 - RULES - BILL 100552, ETC.

2 this project, because I support my
3 Councilman. I support this project for
4 the Latter-Day Saints. It's just so --
5 and this project really touched me
6 personally, because I had a run-in with
7 the Latter-Day Saints back when I was a
8 young guy. I was 18. I was a marine
9 stationed at Iwakuni, Japan, and there
10 was a period of time where Latter-Day
11 Saints did not accept African Americans
12 in the religion. Well, I suffered the
13 brunt of that, because there was some new
14 recruits that had become Latter-Day
15 Saints. They didn't want to have it.
16 They didn't want to obey a
17 non-commissioned officer, which I was,
18 and as a result, I got injured and
19 subsequently I have a lifelong injury.
20 But like all organizations in this
21 country, they moved forward, and I
22 support them. And one of the things
23 that's unique about the Latter-Day
24 Saints, because I think that they can
25 help all the citizens of Philadelphia, is

1 11/29/10 - RULES - BILL 100552, ETC.

2 they have this service where they
3 research your family, your family
4 history. I didn't know it because, once
5 again, I had to obtain outside counsel
6 and I had to get a genealogist to go back
7 and find my history. He went back to a
8 period of 1802, and all the records that
9 he got was from Latter-Day Saints.
10 Unfortunately -- one thing, I did find my
11 family, and it was just -- I think that
12 that's an enlightening thing. I support
13 this project just on that, because
14 there's a lot of our citizens in this
15 Commonwealth who need to do that
16 research.

17 So the reason -- I was never in
18 opposition to this. I talked to
19 Mr. Corbett, Councilman, and I wanted to
20 be clear, I support this project. My
21 history is my history. I'd like to put
22 it in the record because I went through
23 that. But on this particular instance,
24 when things go to the Redevelopment
25 Authority, the public has a hard time

1 11/29/10 - RULES - BILL 100552, ETC.
2 getting that information. So I would
3 like y'all to at least consider that.
4 And when it comes to the EOP plans, I
5 mean, you carried the ball to the
6 election. The citizens spoke after that
7 and they said we want this. So when it
8 comes to times for public hearing, you
9 really need to draw the line and make
10 these EOP plans be submitted at this time
11 so we can talk about them.

12 In this case, this is a moot
13 point because this is already approved.

14 So I support the project. I
15 just wanted to take my right to come down
16 and speak to the record.

17 COUNCILMAN KENNEY: I
18 appreciate that. Thank you very much.

19 Councilman Clarke.

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

22 Good afternoon now, Mr. Ali. I
23 do have an issue with respect to this EOP
24 plan, and I still haven't gotten a clear
25 understanding of exactly what happened.

1 11/29/10 - RULES - BILL 100552, ETC.

2 I do recall at the time of the initial
3 public hearing when we requested the EOP
4 plan, that was not available at that
5 time, and through a lot of work and a lot
6 of commitment by my friends from the
7 Latter-Day Saints, they gave us an
8 extremely aggressive proposal. It wasn't
9 the 50 percent that I originally asked
10 for, nor did I expect it to be, but the
11 reality is, what they told me, that they
12 gave me a number, I think it was around
13 40, 41, something like that --

14 MR. CHAPMAN: Forty.

15 COUNCILMAN CLARKE: It was
16 quite high. They wanted to commit to a
17 number that they thought was something
18 that they could reasonably achieve, and I
19 appreciate that and respect it, but
20 somehow when it left Council approval and
21 got into the subsequent processes, which
22 were the RDA and the OEO, those numbers
23 somehow dropped from 40 and I think
24 they're down close to 30 percent, and I
25 still haven't gotten a clear

1 11/29/10 - RULES - BILL 100552, ETC.

2 understanding of that reduction. And
3 what I do know, that did not come from
4 the Latter-Day Saints, because they had
5 made their earlier commitment based on
6 what they believe that they could
7 reasonably make.

8 And I agree with you, Jihad,
9 that that transference from Council
10 through the Redevelopment Authority
11 process and through the OEO process was
12 somewhat unclear to me, and it reflected
13 a much lower number as it related to
14 goals for the participation. But I just
15 have to believe that the reality is that
16 the commitment was made by the Latter-Day
17 Saints organization, that they will keep
18 the original commitment. It's trying to
19 be as aggressive as possible. But I do
20 share that concern with you about the --
21 and I don't want to say lack of
22 transparency, but the nature of which
23 those numbers are diminished during the
24 course of this process.

25 COUNCILMAN KENNEY: Thank you

1 11/29/10 - RULES - BILL 100552, ETC.

2 very much.

3 Thank you for your testimony.

4 Anyone else to testify on this
5 bill?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing
8 none, we will now move to Bill No.
9 100750, which is an ordinance to amend
10 the Institutional Development District
11 Master Plan of Holy Family University,
12 located at 4500 Grant Avenue, by allowing
13 for the construction of a new
14 administrative building.

15 Mr. Kramer, please identify
16 yourself.

17 MR. KRAMER: Good afternoon,
18 Chairman Kenney and members of the Rules
19 Committee. I am William Kramer, Division
20 Director of the Development Division of
21 the Philadelphia City Planning
22 Commission. I am here to testify on Bill
23 No. 100750, which was introduced into
24 City Council November 4th, 2010.

25 Bill No. 100750 would permit

11/29/10 - RULES - BILL 100552, ETC.

the construction of a new office building
for Holy Family University, located at
4500 Grant Avenue. The new building will
be constructed generally in the footprint
of the existing Marian Hall, a
two-and-a-half-story, 7,000 square foot
structure situated on a
one-and-a-half-acre lot. The new
proposed Marian Hall will contain
approximately 12,740 square feet of
office space in a two-story structure,
with off-street parking for 39 vehicles.

The new Marian Hall is
necessary to meet the administrative
needs of the growing University. The
building will house administrative
functions, some executive staff, the
University's Board of Trustees, offices,
conference rooms and a multi-purpose room
which will be used for an office assembly
space. The new structure will display
some existing parking with a net increase
of parking to 29 spaces on the site.

The Philadelphia City Planning

1 11/29/10 - RULES - BILL 100552, ETC.
2 Commission at its meeting of October
3 19th, 2010 approved an amendment to the
4 Institutional Development District Master
5 Plan for Holy Family University.
6 Accordingly, this item is in accord with
7 previous City Planning Commission policy
8 and we recommend the approval of Bill No.
9 100750.

10 That is the conclusion of my
11 testimony. I'd be happy to answer any
12 questions the Committee may have.

13 COUNCILMAN KENNEY: Thank you
14 very much for your testimony.

15 Any questions for Mr. Kramer?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing
18 none, please identify yourself for the
19 record.

20 MR. TANTALA: Good afternoon,
21 members of the Committee. My name is
22 Peter Tantala. I'm an engineer working
23 with Holy Family University in support of
24 their proposed office building at 4500
25 Grant Avenue.

1 11/29/10 - RULES - BILL 100552, ETC.

2 The University has reached out
3 and worked very collaboratively with
4 neighbors on the project. They do
5 propose a two-story office building for
6 their own accessory uses of the
7 administration at the University. One
8 item by way of correction, the proposed
9 site would include 39 parking spaces, not
10 29. And I'd happy to answer any
11 questions the Committee may have.

12 COUNCILMAN KENNEY: Any
13 questions for this witness?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing
16 none, thank you very much for coming in
17 and for your help in getting this project
18 moving.

19 Anyone else to testify on this
20 bill?

21 (No response.)

22 COUNCILMAN KENNEY: Next bill
23 is 100773, an ordinance declaring that it
24 is desirable for the health, safety and
25 welfare of the people of the area served

1 11/29/10 - RULES - BILL 100552, ETC.
2 by The Children's Hospital of
3 Philadelphia and The Children's Hospital
4 of Philadelphia Foundation for The
5 Hospitals and Higher Education Facilities
6 Authority of Philadelphia to participate
7 with such institutions in constructing a
8 new 5-story ambulatory care center and
9 making certain other capital improvements
10 to such institutions' buildings and
11 facilities primarily at their campus
12 located at 34th and Civic Center
13 Boulevard, Philadelphia, PA.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN KENNEY: Whoever is
17 ready to go, please identify yourself for
18 the record.

19 MR. BAKER: Mr. Chairman, I'm
20 James Baker, the Interim President of the
21 Hospital Authorities -- Hospital and
22 Higher Education Facilities Authority of
23 the City of Philadelphia.

24 COUNCILMAN KENNEY: Before you
25 start, one question. Mr. Dubow, why are

1 11/29/10 - RULES - BILL 100552, ETC.

2 you here?

3 MR. DUBOW: Because I missed
4 you all.

5 COUNCILMAN KENNEY: Well, that
6 can't be true, number one. Number two, I
7 mean, because we used to go through these
8 pretty quickly, if I recall. Is there an
9 issue?

10 MR. DUBOW: No. The Finance
11 Director has always come and given
12 testimony in support of these.

13 COUNCILMAN KENNEY: All right.

14 Please proceed.

15 Councilwoman Blackwell, do you
16 want to have anything to say?

17 COUNCILWOMAN BLACKWELL:

18 Absolutely. Thank you, Mr. Chairman and
19 members of the Committee. We just want
20 to say that we support this project, have
21 talked about it, been informed about it,
22 are involved in it obviously since it's
23 in the Third District, and we certainly
24 would appreciate the Committee's
25 consideration.

1 11/29/10 - RULES - BILL 100552, ETC.

2 COUNCILMAN KENNEY: Thank you.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 COUNCILMAN KENNEY: Please
6 proceed with your testimony, whoever is
7 first. It doesn't matter to me.

8 MR. DUBOW: Good afternoon,
9 Councilman Kenney, members of the
10 Committee. I'm Rob Dubow, Director of
11 Finance. With me today is Interim
12 President of the Hospital and Higher
13 Education Facilities Authority, Jim
14 Baker, and we're here to testify on
15 behalf of Bill No. 100773.

16 The bill authorizes the
17 Authority on behalf of Children's
18 Hospital of Philadelphia to issue revenue
19 bonds in an aggregate principal amount
20 not to exceed \$315 million. The bonds
21 will provide the hospital with funds for
22 the construction of a new ambulatory care
23 center and an underground parking garage
24 and other improvements relating to the
25 ambulatory care center, capital

1 11/29/10 - RULES - BILL 100552, ETC.

2 improvements, equipment purchases and
3 campus renovations that will support the
4 continued patient care, research and
5 educational operations of the hospital.
6 Those improvements benefit the region and
7 the community as a whole.

8 The City has no debt service
9 obligation on these bonds and is not
10 liable for any payments related to the
11 bonds. The Administration supports this
12 work and the bill.

13 That concludes my testimony.
14 I'd be happy to answer any questions.

15 CHAIRMAN KENNEY: Please
16 re-identify yourself and proceed.

17 MR. BAKER: Mr. Chairman, I'm
18 James P. Baker. I am the Interim
19 President of the Hospital and Higher
20 Education Facilities Authority of the
21 City of Philadelphia. I'd like to
22 testify on behalf of Bill 100773 on
23 behalf of the Children's Hospital of
24 Philadelphia.

25 The Children's Hospital of

1 11/29/10 - RULES - BILL 100552, ETC.

2 Philadelphia submitted an application to
3 our Authority seeking the Authority's
4 assistance in financing their project.

5 The application was accepted for
6 consideration by the Authority. A public
7 Tax Equity and Fiscal Responsibility Act,
8 TEFRA, hearing was held on November 23rd
9 in the Authority's boardroom and the
10 Children's Hospital of Philadelphia was
11 represented at the hearing.

12 Today, we have the privilege
13 together of helping the Hospital and the
14 many people associated with this
15 remarkable organization. I want to
16 express my appreciation to each member of
17 the Committee and to Council on behalf of
18 the Board of the Authority for allowing
19 us to appear before the Committee today.
20 We are working to meet the Hospital's
21 needs to get to market before the end of
22 the year. We do, however, recognize the
23 importance of inclusion and are,
24 therefore, working with the
25 Administration, with Councilwoman

1 11/29/10 - RULES - BILL 100552, ETC.

2 Blackwell to prepare an amendment to add
3 to an EOP to the bill for consideration.
4 We pray you would suspend the rules and
5 be able to allow for first reading of the
6 bill on Thursday and as presentation for
7 passage on 12/9.

8 COUNCILMAN KENNEY: Thank you.

9 Anything to add?

10 (No response.)

11 COUNCILMAN KENNEY: I've been
12 saying this to Austin for years. I
13 always marvel -- when I first came into
14 Council, I chaired this committee and I
15 used to love when people come in and they
16 want to borrow a lot of money and we're
17 not on the hook for it, so they can spend
18 it here, and I'm like, Yeah, thanks. I
19 don't even know why you're here, to tell
20 you the truth. I mean, I know there's a
21 legal requirement, but thank you. Thanks
22 for the \$311 million in investment and
23 your continued presence out in West
24 Philly.

25 Any questions?

1 11/29/10 - RULES - BILL 100552, ETC.

2 See, you're going to wreck my
3 average now.

4 COUNCILWOMAN BROWN: It's all
5 good.

6 Forgive me for not paying close
7 attention, but I just want to put on the
8 record the interest of members of the
9 Committee around the OEO plan. That was
10 stipulated in your testimony, correct?

11 MR. BAKER: Yes.

12 COUNCILWOMAN BROWN: Thank you
13 very much.

14 Thank you, Mr. Chairman.

15 COUNCILMAN KENNEY:

16 Councilwoman, the testimony will be
17 amended into the bill before passage.

18 Councilman Goode?

19 COUNCILMAN GOODE: Nothing.

20 COUNCILMAN KENNEY: Any other
21 questions for these witnesses?

22 (No response.)

23 COUNCILMAN KENNEY: Anyone else
24 to testify on this bill?

25 (No response.)

1 11/29/10 - RULES - BILL 100552, ETC.

2 COUNCILMAN KENNEY: Did you
3 have testimony, sir? I'm sorry. Only if
4 you desire.

5 MR. DUBOW: You don't need to.

6 COUNCILMAN KENNEY: We're good.
7 Austin, take care.

8 I think that's it. That will
9 conclude our public hearing. We will now
10 move into our -- I'm sorry. We did that.
11 We'll go into our public meeting.

12 As I said before, Bill Nos.
13 100720, 100678 and 100761 will be held to
14 the call of the Chair.

15 The Chair recognizes Councilman
16 Greenlee for a motion on Bill No. 100721.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chairman. I move that Bill No.
19 100721 be reported out of this Committee
20 with a favorable recommendation and move
21 further that the rules of Council be
22 suspended to allow for first reading at
23 our next session of Council.

24 (Duly seconded.)

25 COUNCILMAN KENNEY: It's been

1 11/29/10 - RULES - BILL 100552, ETC.

2 moved and seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN KENNEY: There are
6 none opposed. Bill No. 100721 reported
7 out of this Committee favorably and a
8 request made for rules suspension to
9 allow first reading at our next Council
10 session.

11 The Chair recognizes Councilman
12 DiCicco for a motion.

13 COUNCILMAN DiCICCO: Thank you,
14 Mr. Chairman. I move that the amendment
15 that has been read into the record
16 earlier by counsel for the developer,
17 Mr. Patterson, to Bill No. 100552 be
18 approved.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and
21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are
25 none opposed. Bill No. 100552 will be

1 11/29/10 - RULES - BILL 100552, ETC.

2 amended accordingly.

3 The Chair recognizes Councilman
4 DiCicco for a motion.

5 COUNCILMAN DiCICCO: Thank you,
6 Mr. Chairman. I move that Bill No.
7 100552, as amended, be approved and that
8 the rules of Council be suspended so as
9 to permit first reading at our next
10 session of City Council.

11 (Duly seconded.)

12 COUNCILMAN KENNEY: Moved and
13 seconded.

14 All in favor?

15 (Aye.)

16 COUNCILMAN KENNEY: There are
17 none opposed. Bill No. 100552, as
18 amended, reported out of this Committee
19 favorably and a request made for rules
20 suspension to allow first reading at our
21 next Council session.

22 The Chair recognizes
23 Councilmember Clarke for a motion on Bill
24 100709.

25 COUNCILMAN CLARKE: Thank you,

1 11/29/10 - RULES - BILL 100552, ETC.

2 Mr. Chair. I move that Bill No. 100709
3 be reported out of Committee with a
4 favorable recommendation and a request
5 for rules suspension as to allow reading
6 at the next session of Council.

7 (Duly seconded.)

8 COUNCILMAN KENNEY: Moved and
9 seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN KENNEY: There are
13 none opposed. Bill No. 100709 reported
14 out of this Committee favorable, a
15 request made for rules suspension to
16 allow first reading at our next Council
17 session.

18 The Chair recognizes
19 Councilmember Blondell Reynolds Brown for
20 a motion on Bill No. 100750.

21 COUNCILWOMAN BROWN:

22 Mr. Chairman, I move that Bill No. 100750
23 be reported out of the Committee with a
24 favorable recommendation and further move
25 that the rules of Council be suspended so

1 11/29/10 - RULES - BILL 100552, ETC.
2 as to permit first reading at the next
3 scheduled session.

4 (Duly seconded.)

5 COUNCILMAN KENNEY: Moved and
6 seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are
10 none opposed. Bill No. 100750 reported
11 out of this Committee favorably, a
12 request made for rules suspension to
13 allow first reading at our next Council
14 session.

15 The Chair recognizes
16 Councilmember Goode for a motion on Bill
17 100773.

18 COUNCILMAN GOODE: Thank you,
19 Mr. Chairman. I move that Bill 100773 be
20 reported out of the Committee with a
21 favorable recommendation, that the rules
22 of Council be suspended so as to permit
23 first reading at our next Council
24 session.

25 COUNCILMAN KENNEY: Moved and

1 11/29/10 - RULES - BILL 100552, ETC.

2 seconded.

3 All in favor?

4 (Aye.)

5 COUNCILMAN KENNEY: There are
6 none opposed. Bill No. 100773 reported
7 out of this Committee favorably and a
8 request made for rules suspension to
9 allow first reading at our next Council
10 session.

11 The Chair recognizes
12 Councilmember Clarke for a motion on Bill
13 No. 100656.

14 COUNCILMAN CLARKE: Thank you,
15 Mr. Chair. Mr. Chair, before I make a
16 motion, I'd like to have a couple of
17 comments, and I know that's traditionally
18 the place that should be done in the
19 public hearing, but this is a very
20 important issue. I'd like to ask for
21 your --

22 COUNCILMAN KENNEY: Please.

23 COUNCILMAN CLARKE: Mr. Chair,
24 this particular bill has been going on
25 for a while. It's an ebb and flow of a

1 11/29/10 - RULES - BILL 100552, ETC.

2 bill when there's a development in the
3 middle of a residential community, and
4 during that ebb and flow there are times
5 throughout the process when the elected
6 official sometimes make people very happy
7 while others are not very happy, and then
8 sometimes it flips. So today I may make
9 a recommendation that we do something
10 that may not make the people happy that I
11 made happy last time, but I think that at
12 the end of the day, that it will be a
13 fair and reasonable process.

14 What I'd like to do, Mr. Chair,
15 on this particular bill, given the
16 significant movement of the bill,
17 particularly from the original proposal
18 that was set forth, which was a high
19 rise, which I think nobody supported, to
20 get to the point where we are now in most
21 people's minds around 80 -- between 80
22 and 90 percent there, what I would like
23 to do is to move this out of Committee,
24 but I would like to do it with
25 conditions, and what I'd like to explain.

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2 My understanding is that we do
3 not have any more Rules Committee
4 meetings scheduled before we go on
5 recess.

6 COUNCILMAN KENNEY: December
7 8th.

8 COUNCILMAN CLARKE: The 8th?
9 We do? That's going to take away my long
10 speech.

11 Well, what I'll do -- well, let
12 me tell you what I was going to do first.
13 I'm going to get my speech in.

14 Basically what I wanted to do
15 was basically show some movement as it
16 relates to moving this project along,
17 because I believe that everybody
18 conceptually agreed that it's a good
19 project, something that should happen.
20 But I also want to give enough
21 opportunity for people to feel
22 comfortable with the process,
23 particularly those residents who are most
24 affected, meaning the Tivoli. And what
25 I'd like to do, frankly speaking, is move

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2 this out of Committee and give us an
3 opportunity in the forum of the community
4 where the project exists to continue the
5 negotiations. What I don't want to do is
6 keep dragging people down here, the
7 Council, even if we delay the hearing
8 until the 8th -- because I'm not sure
9 that, frankly speaking, we'll be in a
10 position to have a conclusion by the 8th.

11 There are a number of issues
12 that are outstanding. At this point,
13 fortunately, the issue with respect to
14 parking, I think there should be an
15 agreement based on the movement of 0.7,
16 but it's still not clear about the
17 parking issue -- I'm sorry; the traffic
18 issue on 20th Street, which I think is a
19 very significant issue.

20 This whole issue about people
21 not seeing the project in its entirety,
22 meaning a rendering that shows all sides
23 of the building, I think is a reasonable
24 request. I don't understand why we
25 haven't gotten there yet.

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2 There a couple of other smaller
3 issues about materials. I think that's a
4 reasonable request. Frankly speaking, I
5 think that's something that I think can
6 be accommodated.

7 So what I would like to do is
8 move this out of Committee today. We
9 have an EOP amendment, and I want to
10 thank the development team for reflecting
11 our need to be more aggressive in that
12 matter. You will see different numbers.

13 But I want to say here
14 personally that in no way do I feel
15 obligated if we're not at a point where
16 people feel comfortable generally -- I
17 mean, somebody is always going to not
18 like something -- to move this bill on
19 its final passage until we can get some
20 reasonable accommodations from all of the
21 pertinent parties. So it will move out
22 of Committee, but we still have
23 discussion, and if we're at a point where
24 we can't reach what we believe to be a
25 reasonable accommodation, then that bill

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2 will not proceed until that's done.

3 So with all of that, Mr. Chair,
4 I would actually like to move it out of
5 Committee.

6 COUNCILMAN KENNEY: First of
7 all, on behalf of the four at-large
8 members, we feel your district pain.
9 These are the days we realize we didn't
10 want to run for the district.

11 Secondly, if you could do me a
12 favor and make a motion to amend the bill
13 to include the EOP plan and then we can
14 get it rolling.

15 COUNCILMAN CLARKE: Thank you,
16 Mr. Chair. Mr. Chair, I'd like to ask
17 for an adoption of the amendment to Bill
18 No. 100656 referred to as Exhibit A at
19 this time.

20 (Duly seconded.)

21 COUNCILMAN KENNEY: Moved and
22 seconded.

23 All in favor?

24 (Aye.)

25 COUNCILMAN KENNEY: There are

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2 none opposed. Bill No. 100656 will be
3 amended accordingly.

4 The Chair recognizes
5 Councilmember Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Mr. Chair. I'm going to ask that Bill
8 No. 100656 be moved out of Committee
9 without a rules suspension. That will
10 give us an additional week to have
11 conversation at this time, as amended.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: As amended.
14 Moved and seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are
18 none opposed. Bill No. 100656, as
19 amended, reported out of this Committee
20 with a favorable recommendation.

21 That concludes the business of
22 the Rules Committee. Thank you very much
23 for your attendance.

24 (Committee on Rules concluded
25 at 2:05 p.m.)

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on November 29, 2010,
8 and that this is a true and correct
9 transcript of same.

10
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13
14 -----
15 MICHELE L. MURPHY
16 RPR-Notary Public
17
18
19

20 (The foregoing certification of this
21 transcript does not apply to any reproduction
22 of the same by any means, unless under the
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