

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 15, 2011
10:20 a.m.

PRESENT:

COUNCILWOMAN MARIAN B. TASCIO, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JACK KELLY
COUNCILMAN JAMES KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN FRANK RIZZO, JR.

RESOLUTION 110459 - Resolution authorizing the
Committee of the Whole to hold public hearings
to review the Zoning Code Proposals of the
Zoning Code Commission.

- - -

1
2 COUNCILWOMAN TASC0: Good
3 morning. The Council Committee of the
4 Whole will come to order, and we will
5 note that we do have a quorum, and we ask
6 the Clerk to please read the resolution.

7 THE CLERK: Resolution 110459,
8 resolution authorizing the Committee of
9 the Whole to hold public hearings to
10 review the Zoning Code Proposals of the
11 Zoning Code Commission.

12 COUNCILWOMAN TASC0: Thank you.
13 Our first panel will be Alan
14 Greenberger, Eva Gladstein, Stella Tsai
15 and Peter Kelsen.

16 (Witnesses approached witness
17 table.)

18 COUNCILWOMAN TASC0: Good
19 morning.

20 DEPUTY MAYOR GREENBERGER: Good
21 morning.

22 COUNCILWOMAN TASC0: Would you
23 state your name for the record, please,
24 and begin your testimony.

25 DEPUTY MAYOR GREENBERGER: Good

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2 morning, Madam Chairman. My name is Alan
3 Greenberger. I'm Deputy Mayor for
4 Economic Development.

5 Before I get started, we have a
6 number of our Zoning Code Commissioners
7 with us today, and I'd like to recognize
8 them. And it is always danger in doing
9 this, because I've been checking off
10 names and hopefully got everybody, but I
11 think it's important that you know the
12 broader -- Councilmembers know the
13 broader representation here. And I'm
14 going to just do this in alphabetical
15 order.

16 Appointed by the Chamber of
17 Commerce, John Binswanger; appointed by
18 the Mayor, Graciela Cavicchia; appointed
19 by the Chamber of Commerce, Denise
20 Earley; appointed by Councilwoman Miller,
21 Wendella Fox; ex-officio to the Zoning
22 Code Commission, Gary Jastzrab, the
23 Executive Director of the Planning
24 Commission; appointed by Councilwoman
25 Krajewski, Peter Kelsen; appointed by

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2 Councilwoman Sanchez, Anne Papageorge;
3 appointed by Council President Verna, Guy
4 Pigliacelli; appointed by the Mayor,
5 Guillermo Salas; from the African
6 American Chamber of Commerce, Sherman
7 Toppin; appointed by the Mayor, Stella
8 Tsai; appointed by the Hispanic Chamber
9 of Commerce, Varsovia Fernandez; and
10 appointed by Councilwoman Verna, Emanuel
11 Kelly.

12 Did I get all the Commissioners
13 who are here? Is there anybody that I
14 missed?

15 I thought I got you, Guy.

16 Yeah, I did.

17 That's a small sampling who
18 have been nice enough to come today and
19 be here at this first testimony for the
20 Zoning Code Commission. Thank you for
21 indulging me. And obviously there are
22 several other members and I want to also
23 acknowledge Councilman Clarke, who has
24 been an active member of our Commission,
25 as well as Councilman DiCicco. I'm just

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2 looking around the room. Thank you.

3 COUNCILWOMAN TASC0: Thank you.

4 DEPUTY MAYOR GREENBERGER: I've

5 had the honor in the last several years

6 of chairing the Zoning Code Commission.

7 The Commission is proud to present its

8 Zoning Code Proposals to you today and

9 appreciates the high level of involvement

10 of a number of City Council members to

11 date. Today I am joined at the table by

12 Eva Gladstein, our Executive Director of

13 the Zoning Code Commission; Peter Kelsen,

14 Esquire, and Stella Tsai, Esquire, who

15 are both Vice-Chairs of the Commission,

16 and they'll be testifying later. A

17 number of members of the Zoning Code

18 Commission are also present in the

19 audience, and I've introduced them. I'd

20 be remiss if I did not thank Eva and the

21 Commissioners for their service over the

22 last few years. We would not be here

23 today if not for their commitment to

24 zoning code reform and the future of our

25 city.

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2 Today's hearing is the first
3 hearing on the Zoning Code proposal.
4 Therefore, I would like to take the
5 opportunity to use this time to present
6 to City Council with overviews of the
7 process undertaken by the Zoning Code
8 Commission as well as the proposals
9 before you today.

10 The current Zoning Code dates
11 back to the early 1960s, and while it has
12 been amended hundreds of times on a
13 piecemeal basis, the only comprehensive
14 revision took place almost 20 years ago
15 and was confined to Center City. The
16 system is so broken that there is
17 virtually no expectation on the part of
18 residents or developers that the Zoning
19 Code can support a predictable
20 development process. The Zoning Board of
21 Adjustment is burdened by approximately
22 1,700 cases a year, far more than other
23 cities of our size. Let me give you some
24 examples.

25 A review of the Zoning Board

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2 cases in 2009 found that Chicago had
3 approximately 700 cases, and that's a
4 city with twice our population, and New
5 York City with, let's see, five times our
6 population had less than 1,000 cases.

7 The current Code often pits homeowners
8 against developers in piecemeal battles
9 that are costly and time consuming. The
10 Code is so out of date that it lists
11 where a milliner can do business or where
12 tanneries can operate, but does not
13 recognize a computer store or a community
14 garden.

15 Recognizing that the current
16 Zoning Code was not working for
17 developers, for residents or for City
18 Council, Councilmen DiCicco and Kenney
19 introduced legislation in 2007 to create
20 the Zoning Code Commission to undertake a
21 comprehensive reform of the system. In
22 February 2007, City Council unanimously
23 approved Resolution 060716-AA proposing
24 an amendment to the Philadelphia Home
25 Rule Charter to create the Zoning Code

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2 Commission, and providing for the
3 submission of the amendment to the voters
4 of Philadelphia. The measure was
5 overwhelmingly approved by voters, with
6 80 percent of citizens voting in favor of
7 reforming the City's Zoning Code. The
8 first meeting of the Zoning Code
9 Commission took place shortly thereafter,
10 in August 2007, and I might add has met
11 monthly since then. Our last meeting
12 last week was meeting No. 47. So we are
13 heading into our four-year mark.

14 Spurred by the creation of the
15 Zoning Code Commission and Mayor Nutter's
16 focus on planning, the City Planning
17 Commission and the Zoning Code Commission
18 developed an integrated planning and
19 zoning process, initiating the
20 development of the City's first
21 comprehensive plan in 50 years and the
22 creation of the Citizens Planning
23 Institute, an outreach and educational
24 arm of the City Planning Commission
25 designed to provide citizens with

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2 improved tools to participate in the
3 planning and zoning process. It is
4 interesting to note that many other
5 cities throughout the United States are
6 also involved in a comprehensive review
7 of their zoning code and an update to
8 their comprehensive plan or have
9 completed such a process within the last
10 five to ten years. This has provided us
11 with good opportunities to compare our
12 work with that of other cities.

13 The Charter provides the
14 principles that the Zoning Code
15 Commission should apply to its work, and
16 quoting from that, "The Commission's work
17 shall be guided by the principles that
18 the Philadelphia Zoning Code should be
19 consistent and easy to understand, should
20 help shape future construction and
21 development and should enhance and
22 improve Philadelphia's development
23 approval process while encouraging
24 positive development and protecting the
25 character of Philadelphia's

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2 neighborhoods."

3 Following these guiding
4 principles, the Zoning Code Commission
5 has worked for the past four years to
6 craft the proposals before you today.
7 These proposals include new Zoning Code
8 language that would replace Title 14 of
9 The Philadelphia Code, entitled "Zoning
10 and Planning," upon City Council's review
11 and approval and the Mayor's signature.
12 In addition, we are providing
13 supplemental written materials and
14 electronic tools that will assist City
15 Council with its review of the proposed
16 new Zoning Code. These materials, which
17 do not require City Council's approval,
18 are, one, a draft Zoning Map Revision
19 Plan, required by the Charter and which
20 requires the approval of the City
21 Planning Commission within 180 days; two,
22 the template of something we're calling
23 the Zoning Administrative Manual, a
24 "how-to" companion piece to the Zoning
25 Code that navigates citizens and

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2 investors through Philadelphia's zoning
3 process through a step-by-step guide;
4 and, three, the Table of Contents of
5 regulations for the Philadelphia City
6 Planning Commission, Zoning Board of
7 Adjustment and Department of Licenses and
8 Inspection that will help implement the
9 new Code. These regulations will be
10 promulgated according to the City Charter
11 by their respective agencies and, lastly,
12 various other visual tools and links,
13 including a conversion zoning map,
14 available at www.zoningmatters.org.

15 After four years of work,
16 hundreds of meetings and thousands of
17 comments, the Zoning Code Commission
18 determined that the proposals were ready
19 for the next step of the Charter-mandated
20 process, review by City Council. On May
21 11th, 2011, the Commission adopted a
22 written preliminary report by a vote of
23 22 of its members and a minority report
24 by a vote of nine members.

25 Exhibit A to the resolution

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2 sets forth the Zoning Code Proposals and
3 drafts of legislation required to
4 implement the Zoning Code Proposals.

5 These are the documents that require City
6 Council approval. The remaining exhibits
7 help tell the story of the new Zoning
8 Code and are presented for your
9 information.

10 Exhibit B to the resolution
11 sets forth the draft Zoning Map Revision
12 Plan to be adopted by the City Planning
13 Commission and consisting of
14 recommendations, including a timetable
15 and specific milestones on how to proceed
16 with a comprehensive revision of the
17 City's Zoning Maps; an outline of
18 regulations that will be required to
19 administer the Zoning Code Proposals; and
20 a template for the Zoning Administrative
21 Manual, the user's guide to the new Code.

22 Exhibit C to the resolution
23 sets forth the majority and minority
24 reports of the Commission as adopted on
25 May 11th, 2011.

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Today's hearing fulfills the Home Rule Charter requirement that City Council hold a public hearing within 45 days of the Zoning Code Commission issuing the Zoning Code Proposals. At the close of the hearings, City Council has the opportunity to adopt a resolution with recommendations for consideration by the Commission. Within 60 days of the close of the hearings, the Zoning Code Commission is required to send, in quotes, a "Final Report" to City Council as contrasted with today's "Preliminary Report." City Council is required to take action on the final report through a vote to adopt, table or reject it within 60 days or five Council sessions, whichever is longer.

As Council reviews our proposals and hears from the public, we are seeking your input. We want to know where you think we got it right and where you think there is room for improvement. Solicitation and integration of feedback

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2 have been the cornerstone of the Zoning
3 Code process, and we believe that the
4 public hearings held by Council will
5 result in an improved document.

6 The Zoning Code Commission
7 would like to make Council aware of two
8 sections of the draft new Zoning Code
9 that have not received substantial
10 revision and our plans for their review
11 and reform.

12 Section 14-900, Sign Controls,
13 is a reorganization of the sign controls,
14 scattered throughout the current Zoning
15 Code and now consolidated in one section,
16 with tables that make it easier to
17 understand the controls. However, the
18 controls themselves have not undergone
19 substantive review because the Zoning
20 Code Commission did not have the
21 resources to complete this task within
22 the timeframe allotted. A working group
23 comprised of representatives of seven
24 City departments and the Zoning Code
25 Commission began to review this Code

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2 section in August 2010. Working with the
3 City Planning Commission, the Zoning Code
4 Commission has identified additional
5 public and private-sector grant funds to
6 complete the review of the sign controls,
7 conduct a civic engagement process and
8 present them to City Council as an
9 amendment to Title 14-900 in early 2012.

10 The second one is the Historic
11 Preservation Ordinance, which is included
12 as Section 14-1000 of the Zoning Code
13 Proposals. There are no present or
14 planned substantive changes to the
15 current historic preservation
16 requirements and processes.

17 Before I close, I would like to
18 briefly review the transition that we
19 recommend between the current Zoning Code
20 and the new Zoning Code. The draft
21 ordinance that we provided with the
22 Zoning Code Proposals calls for a
23 six-month transition process. After the
24 first 90 days, zoning applicants would be
25 able to choose between using the current

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2 Zoning Code in its entirety or the new
3 Zoning Code. During this transition
4 period, we would begin to review the
5 draft Zoning Code for the first set of
6 clean-up amendments that may be required.
7 We have been advised by our consultants
8 that this is a routine practice, because
9 new zoning codes are such complex and
10 detailed pieces of legislation, they
11 routinely require some amendments after
12 testing.

13 After 180 days, the new Code
14 would go into effect and, one, zoning
15 applicants would be required to use the
16 new text; and, two, the conversion of old
17 zoning districts to new zoning districts
18 would go into effect. I want to clarify
19 that this is not a remapping process, but
20 a conversion to new text that will result
21 in some changes to dimensions and
22 permitted uses. This is no different
23 than the zoning text changes that City
24 Council makes during its routine course
25 of business. Any zoning remapping; that

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2 is to say, changing of zoning categories,
3 would occur through the legislative
4 process, either based upon one of the 18
5 district plans that the City Planning
6 Commission proposes to complete over the
7 next four or five years or as initiated
8 by a member of Council on his or her own.

9 In closing, we appreciate the
10 level of complexity that a review of the
11 draft Zoning Code presents. The members
12 of the Zoning Code Commission have been
13 living and breathing this material for
14 close to four years, and we understand
15 how difficult it is to keep track of each
16 and every detail. Thus, we offer the
17 full wealth of our knowledge and
18 experience to you as you proceed through
19 these hearings. While it is not
20 practical to present anywhere near the
21 number of changes that we are proposing
22 in this testimony today, we will be here
23 throughout the hearings and available to
24 answer questions and provide additional
25 information as requested.

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2 It's our sincere hope that City
3 Council can complete this review, send
4 its recommendations back to the Zoning
5 Code Commission, all by early in the fall
6 of this year. This will enable us to
7 return a final report to you for your
8 action in this calendar year. Four years
9 of work by 31 Commissioners, as well as
10 deep participation of hundreds of
11 organizations and thousands of individual
12 members of the public will thus be able
13 to take hold and help move Philadelphia
14 to its status as a world-class city.

15 I have asked Eva Gladstein,
16 Executive Director of the Zoning Code
17 Commission, to provide an overview of the
18 substantive changes in these proposals,
19 followed by brief presentations by Peter
20 Kelsen and Stella Tsai to familiarize you
21 with the process that the Zoning Code
22 Commission has used to carry out its
23 mandate. Following Peter and Stella,
24 there is a second panel consisting of
25 Commissioners Kelly, Papageorge and Salas

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2 who will provide additional information
3 on some key provisions of the Zoning Code
4 Proposals.

5 Thank you for your
6 participation to date and your careful
7 consideration of these proposals.

8 COUNCILWOMAN TASCO: Thank you
9 very much for your time and effort.

10 Good morning.

11 MS. GLADSTEIN: Good morning,
12 Madam Chairwoman and members of the City
13 Council. My name is Eva Gladstein. I'm
14 Executive Director of the Zoning Code
15 Commission. Thank you for the
16 opportunity to present testimony today on
17 the Zoning Code Proposals. My goal today
18 is to give you a sense of the major
19 changes that are embodied in these
20 proposals and how they address the
21 Charter mandate to create a zoning code
22 that is, one, consistent and easy to
23 understand; two, enhances and improves
24 Philadelphia's development approval
25 process while encouraging positive

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2 development and protecting the character
3 of Philadelphia's neighborhoods; and,
4 three, to help shape future construction
5 and development.

6 We took a number of steps to
7 create a zoning code that is consistent
8 and easy to understand. First among
9 these is the reorganization of the Zoning
10 Code from its current 21 chapters to 10
11 chapters that clearly identify the
12 contents within them. No longer will you
13 have to search multiple places to find
14 definitions. They'll all be in the
15 section entitled Definitions. Similarly,
16 additional sections will cover
17 administration and procedures, uses,
18 development standards, parking and so on.
19 We are also making abundant use of maps,
20 tables, charts and illustrations. To
21 learn what uses are permitted in a
22 particular zoning district, you will be
23 able to use a simple table that indicates
24 Y for yes, N for no or S for a special
25 exception, which is a new name for our

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2 current certificated uses. The names of
3 the zoning districts themselves will also
4 provide more information. For example,
5 the residential district names will
6 inform you as to whether they permit only
7 single-family homes or single-family and
8 two-family homes or multiple-family
9 housing. They will also tell you whether
10 the buildings within the districts are
11 detached or attached.

12 Another significant way in
13 which the new Code has been simplified is
14 that we have reduced the number of zoning
15 districts and overlays by consolidating
16 zoning districts that are not mapped or
17 that are very seldom used and
18 reorganizing multiple overlays with
19 similar controls into three master
20 overlays. We are recommending that the
21 number of zoning districts be reduced
22 from the current 58 to 34, which consists
23 of 16 residential districts, seven
24 commercial districts, six industrial
25 districts and five special purpose

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2 districts. We are recommending that the
3 number of zoning overlays be reduced from
4 48 to 13. Three master overlays organize
5 all of the controls for the Center City
6 area, for neighborhood commercial areas
7 and for neighborhood conservation
8 districts.

9 The second set of changes aims
10 to enhance and improve Philadelphia's
11 development approval process while
12 encouraging positive development and
13 protecting the character of
14 Philadelphia's neighborhoods. The
15 Commission has worked very hard to
16 achieve the mandate to make more
17 development as of right, reducing the
18 number of cases at the Zoning Board of
19 Adjustment while also creating a system
20 of checks and balances to ensure that
21 inappropriate development is not
22 permitted.

23 One of the major tools that's
24 in the Zoning Code Proposals is a set of
25 universal mandatory standards for

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2 specified uses, accessory structures and
3 accessory uses, all designed to mitigate
4 potential negative impacts. The draft
5 includes use-specific standards for
6 community homes, family-based day care,
7 take-out restaurants, wireless antenna,
8 gasoline stations and junk and salvage
9 yards, just to name a few. There are
10 many more. Similarly, nine types of
11 accessory uses and structures are tied to
12 specific standards, including decks,
13 solar collectors and wind turbines,
14 satellite dishes and home occupations.

15 Another strategy is designed to
16 free up some of the clutter at the ZBA
17 hearings caused by relatively small
18 issues that are routinely heard and
19 approved. To that end, the Zoning Code
20 Proposals recommend raising the maximum
21 height in low-density residential and
22 commercial districts from the current 35
23 feet to 38 feet. We're also establishing
24 dimensional standards for decks, adding
25 contextual requirements for rowhome

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2 neighborhoods and requiring that the
3 third story of a rowhome be set back at
4 least eight feet when it abuts two-story
5 homes.

6 In his testimony in a few
7 minutes, Emanuel Kelly will describe a
8 number of changes designed to encourage
9 positive development. These include the
10 civic design review process, an open
11 process that the Planning Commission will
12 manage to gather comments and make
13 recommendations on the impact of large,
14 significant projects on the public realm.
15 Commissioner Kelly will also describe new
16 form and design controls that will be
17 applicable citywide and others that will
18 apply to certain Center City projects.
19 He will also describe incentives that
20 provide additional density in return for
21 the provision of public amenities such as
22 public open space, public art and transit
23 improvements.

24 While a number of the above
25 provisions help preserve the character of

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2 Philadelphia neighborhoods, an entire new
3 system was established to ensure that the
4 voices of residents are heard in the
5 development process. This new system
6 includes improved notice of ZBA hearings,
7 mandatory communication between zoning
8 applicants and community organizations
9 with regard to large projects and
10 projects that require a hearing at the
11 ZBA, required neighborhood meetings and
12 citizen participation in the civic design
13 review process. Commissioner Bill Salas
14 is going to provide more details on these
15 items in his testimony.

16 In order to achieve the third
17 Charter mandate, which is to shape future
18 construction and development to bring the
19 Zoning Code into the 21st century, we're
20 trying to provide it with the ability to
21 adjust as our modern life evolves. The
22 primary strategy is to alter the way that
23 uses are regulated. Instead of
24 regulating specific uses by name -- and
25 we include such archaic uses right now as

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2 tanneries and abattoirs, which are
3 referenced in the current Zoning Code, we
4 are regulating them to approximately 50
5 categories of uses. Some examples of the
6 use categories include eating and
7 drinking establishments, retail sale of
8 consumer goods, repair of consumer goods
9 and artisan manufacturing. Through this
10 system, we do not have to rely upon a use
11 maintaining its exact same name over time
12 and we can permit new uses that evolve
13 over time and that fit into the category
14 to be accommodated naturally. However,
15 we have pulled out for special treatment
16 specific uses that have a disparate
17 impact upon neighbors. For example,
18 take-out restaurants are treated
19 differently than prepared food shops such
20 as delis and ice cream shops and sit-down
21 restaurants. Similarly, drug
22 paraphernalia and gun shops are treated
23 differently than other uses in the Retail
24 Sale of Consumer Goods category, and
25 you'll find this throughout the draft

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2 Code.

3 Another essential update is the
4 creation of three new districts to
5 address the mixed-use nature of many
6 areas of our city. These include a new
7 district named CMX-2.5 that's designed to
8 support vibrant, mixed-use commercial
9 areas in neighborhoods. In reviewing the
10 existing Code, we found 16 overlays
11 designed to support neighborhood
12 commercial corridors, many with exactly
13 the same or very similar controls. This
14 new base district carries forward many of
15 these controls. Expressing the controls
16 through a base zoning district will
17 support more positive development in
18 these areas.

19 The second new district called
20 IRMX, or Industrial, Residential, Mixed
21 Use, is designed to permit an orderly
22 transition from historic manufacturing
23 areas that have been trending towards
24 lighter industrial, commercial and
25 residential uses. This new district will

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2 permit all of these types of uses by
3 right. The new Special Purpose-Airport
4 district is a mixed-use district designed
5 to accommodate the appropriate services
6 to support and that can benefit from
7 proximity to the Airport.

8 Yet another significant
9 modernization of the Zoning Code is the
10 integration of many regulations designed
11 to support a sustainable and healthy
12 city. Commissioner Anne Papageorge will
13 cover these items in her testimony.

14 This has been a very broad
15 overview in a few pages of a very
16 detailed and complex document. While the
17 draft Zoning Code is slim as compared to
18 the current Zoning Code -- it's less than
19 400 pages and about one-third shorter --
20 we understand that it will take
21 additional conversation to ensure that
22 members of Council feel sufficiently
23 familiar with the material. We view
24 today's testimony as one of a number of
25 such conversations that will take place

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2 over the next several months. We are
3 available over the summer and in the fall
4 to continue the system that we've had in
5 the past of individual and group
6 briefings for members of City Council
7 such as those that we've conducted over
8 the last several years.

9 With that, I want to thank you
10 for your attention today and say that we
11 look forward to additional hearings in
12 the fall.

13 COUNCILWOMAN TASC0: Thank you
14 very much for your testimony.

15 We'll take questions for the
16 panel after everyone has made a
17 presentation.

18 The Chair recognizes Ms. Tsai.

19 DEPUTY MAYOR GREENBERGER: I
20 think it's Mr. Kelsen first, if you don't
21 mind. And, by the way, while I have a
22 break in the mike here, I want to
23 acknowledge Commissioner Fran Burns, who
24 walked in during my introduction. She is
25 also a member of the Zoning Code

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2 Commission, is here today and is part of
3 the Commission as an ex-officio member.

4 COUNCILWOMAN TASC0: Thank you.

5 MR. KELSEN: Good morning,
6 Madam Chair, members of the Committee.
7 Thank you so much for allowing me to
8 testify today. My name is Peter Kelsen
9 and I've had the pleasure of serving on
10 the Zoning Code Commission as an
11 appointee of Councilwoman Krajewski since
12 its inception. I'm an attorney at Blank
13 Rome and I have truly had the pleasure of
14 practicing zoning and land use law in
15 Philadelphia for approximately 30 years.
16 I've served as counsel to the Zoning
17 Board of Adjustment when I was at the
18 Philadelphia Law Department and I have
19 continued to practice in this area ever
20 since.

21 I helped organize and have
22 served as the Chair of the Zoning Code
23 Commission's Work Plan Committee since it
24 began in 2008. We have held 58 meetings
25 since that time, and my purpose today is

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2 to acquaint you with the processes that
3 we have used to consider the thousands of
4 policy decisions that the ZCC has had to
5 make to get to this stage of our work.

6 The Work Plan Committee
7 originally formed in 2008 before the
8 Zoning Code Commission had a full-time
9 staff, before we had the benefit of Eva
10 and all of her great work. It was formed
11 for the purpose of organizing the work of
12 the Commission. Our first task was to
13 help develop the request for proposals
14 and select a consultant team to support
15 the Zoning Code reform effort. Working
16 closely with the City Planning Commission
17 staff in the spring of 2009, we selected
18 the team co-led by Clarion Associates and
19 Duncan Associates, including four local
20 sub-consultants. These lead firms have
21 between them crafted dozens of zoning
22 codes throughout the United States and
23 internationally, and they include the
24 cities of Chicago, Detroit, Pittsburgh,
25 Toledo, Jacksonville, Duluth, Kalamazoo,

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2 Cedar Rapids and Kansas City.

3 Our second major task, which is
4 ongoing today, is to help the full
5 Commission consider all of the thousands
6 of pieces of input that we have received
7 and to fashion policy recommendations for
8 the full Zoning Code Commission's
9 consideration.

10 The Work Plan Committee is open
11 to all members of the ZCC, and typically
12 between five and ten Commissioners or
13 their representatives attend each
14 meeting. Participation has shifted
15 somewhat as some Commissioners have
16 resigned and newly appointed
17 Commissioners have joined our meetings.
18 Commissioners are joined at Work Plan
19 Committee meetings by ZCC staff and
20 representatives of the City Planning
21 Commission, the Department of Licenses
22 and Inspections and the Law Department.
23 I would like to thank the present and
24 former Commissioners and their
25 representatives who have faithfully

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2 attended these meetings. The Work Plan
3 Committee has benefited from the active
4 participation of Sophie Bryan and Stacey
5 Graham of Councilman Green's office, as
6 well as Bob Barrilli of Councilman
7 O'Neill's office. I would also like to
8 acknowledge several other ZCC members who
9 have faithfully attended literally dozens
10 of Work Plan Committee meetings,
11 including former Commissioners Andy Toy,
12 Richard DeMarco and Eleanor Sharp, as
13 well as current Commissioners Greg
14 Pastore, Michael Johns and Daniela Voith.

15 The agenda items for Work Plan
16 Committee meetings come from the
17 following sources: Public comments
18 received from our formal civic engagement
19 process, such as community-based meetings
20 and online surveys; public comments made
21 through other means, such as e-mails or
22 letters to staff or Commissioners; public
23 comments made at regular ZCC meetings or
24 comments made at public presentations to
25 stakeholder groups; recommendations from

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2 an internal working group consisting of
3 the Law Department, L&I, Planning
4 Commission staff; and also
5 recommendations received from our
6 consultants.

7 While it would be impossible to
8 give you a full rundown of all of the
9 policy considerations taken up by the
10 Work Plan Committee to date, I think it
11 would be helpful to name just a few of
12 the issues with which we have wrestled.
13 These range from the development of the
14 advisory civic design review process, as
15 Eva mentioned, and public notice
16 requirements to how federally protected
17 community living arrangements, tobacco
18 retailers, take-out restaurants,
19 nightclubs should be treated in the new
20 Code. You can grasp the full scope of
21 the discussions by reviewing the minutes
22 of all of the 31 Work Plan Committee
23 meetings held since January 2010.
24 They're posted on our website at
25 www.zoningmatters.org.

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2 The recommendations of the Work
3 Plan Committee are presented to the full
4 ZCC for their consideration, usually
5 through a presentation and discussion at
6 a ZCC public meeting. These
7 presentations and discussions have formed
8 the bulk of many monthly ZCC meetings.
9 While many recommendations of the
10 committee have been accepted, just as
11 many have been modified or sent back for
12 further research and consideration by the
13 group.

14 In the end, the entire Zoning
15 Code Commission has had to take a stand
16 on thousands of issues, big and small.
17 We hope and expect that we have hit the
18 mark on many, many of these decisions,
19 and yet we know that these City Council
20 hearings and additional public testimony
21 will help provide a fresh round of
22 feedback, resulting in changes to the
23 preliminary report that we have presented
24 to you in May.

25 I and the members of the Work

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2 Plan Committee look forward with
3 enthusiasm to this additional input. We
4 view it as extremely helpful to the
5 process, and I thank you for the
6 opportunity to testify here today. Thank
7 you.

8 COUNCILWOMAN TASCO: Thank you
9 very much.

10 Ms. Tsai.

11 MS. TSAI: Thank you. Thank
12 you, Councilwoman Tasco and members of
13 City Council for the opportunity to
14 testify today. My name is Stella Tsai
15 and I am a business litigation partner at
16 Archer and Greiner. I am here today in
17 my capacity as a member of the Zoning
18 Code Commission, but I also serve as the
19 President of the Asian Pacific American
20 Bar Association of Pennsylvania.

21 I have had the honor of serving
22 on the Zoning Code Commission since the
23 fall of 2008 as an appointee of Mayor
24 Nutter. I am Chair of the Civic
25 Engagement Committee, and I am pleased to

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2 speak to you today about our strategic
3 and comprehensive efforts to engage
4 stakeholders and solicit diverse
5 perspectives in drafting the proposed
6 Zoning Code.

7 The Charter mandated a broad
8 and diverse Commission, many of whom are
9 here today. The ZCC includes three City
10 officials, three Councilmembers appointed
11 by the Council President, a
12 representative from each of the Chambers
13 of Commerce -- there are five of them --
14 ten professionals, five of whom are
15 appointed by the Mayor, including myself,
16 and five of whom are appointed by the
17 Council President, and one member
18 appointed by each District Councilperson
19 from among recognized leaders in the
20 community.

21 Given our diverse composition,
22 it was natural for the Zoning Code
23 Commission to ensure that civic
24 engagement was a priority and ensure that
25 as many voices as possible could be heard

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2 throughout the City and that our process
3 would be transparent. In the course of
4 its work, the Commission has held 47
5 public meetings, all aired on public
6 television, two public hearings in City
7 Council Chambers, 36 community-based
8 hearings or meetings, seven Stakeholder
9 X-Changes, two public meetings to discuss
10 why the Commission adopted, rejected or
11 modified a group's proposal, and we have
12 attended dozens of community -- I think
13 more than dozens -- meetings where it has
14 explained the Commission's work and
15 possible changes to the Philadelphia
16 Zoning Code. The Commission has also
17 interviewed 125 professional zoning code
18 users and surveyed nearly 2,000
19 individuals on components of the proposed
20 Zoning Code. The Commission has received
21 thousands of comments from members of the
22 public about the proposed changes to the
23 Zoning Code and they have been
24 considered.

25 Over the past 24 months, the

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2 Commission has released for public review
3 and received public comment on 11
4 documents concerning the existing Zoning
5 Code and drafts of the proposed Zoning
6 Code, including five drafts of the
7 consolidated Code. As you can tell, we
8 have literally crisscrossed the City
9 dozens of times to inform members of the
10 public about our work and to solicit
11 their input.

12 I did want to share with you
13 today two of the many comments we have
14 received about the Zoning Code's outreach
15 and engagement processes. Betty Turner,
16 a resident of Germantown, noted that, and
17 I quote, "The Zoning Code Commission in
18 its zoning reform efforts has
19 consistently encouraged public input and
20 feedback to draft the new Zoning Code."
21 Rasheedah Phillips, writing on behalf of
22 the Southeastern Pennsylvania Early
23 Childhood Coalition, shared that, quote,
24 "This was one of the most broad-based,
25 democratic processes we have seen in a

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2 city of the size of Philadelphia and
3 something the City and its residents can
4 be proud of."

5 Indeed, Pennsylvania has had --
6 excuse me; Philadelphia has had a proud
7 tradition of civic engagement, and it was
8 important for us to design a process that
9 strikes an appropriate balance among
10 competing interests. For this reason,
11 during the winter of 2009-2010, we worked
12 closely with the Urban Design Committee
13 of the American Institute of Architects
14 and the Penn Project for Civic Engagement
15 on a project called "Common Ground: for
16 building our city: Developers, the
17 Public and the Zoning Code." Bill Salas,
18 who is here today, another member of the
19 ZCC, will discuss the import of this
20 project when he testifies today about the
21 mechanisms built into the new Zoning Code
22 to ensure that citizens have a voice in
23 development matters.

24 We look forward to City
25 Council's public hearings on the Zoning

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2 Code Proposals as a significant new
3 opportunity to gain input from the public
4 and from City Council members.

5 Solicitation and integration of feedback
6 have been the cornerstone of the Zoning
7 Code reform process to date, and we
8 believe that the City Council hearings
9 will help us improve the proposals, and
10 we look forward to the day we will
11 provide you with the final report, which
12 will be a role model for any city that
13 seeks to have a zoning code for the 21st
14 century that is predictable, transparent,
15 promotes sustainable growth and respects
16 the fabric of our communities.

17 Thank you for the opportunity
18 to testify today.

19 COUNCILWOMAN TASC0: Thank you
20 very much your testimony.

21 What we'd like to do now,
22 Mr. Greenberger, is bring the other three
23 panelists from the Commission up. We'd
24 like for you all to stay, and then we'll
25 open up the floor for questions by

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2 members of City Council.

3 DEPUTY MAYOR GREENBERGER:

4 Sure. That would be great. Thank you.

5 COUNCILWOMAN TASCO: The Chair

6 recognizes Mr. Emanuel Kelly,

7 Commissioner, and also Commissioner Bill

8 Salas and Commissioner Anne Papageorge.

9 Would you come forward, please.

10 (Witnesses approached witness

11 table.)

12 COUNCILWOMAN TASCO: Good

13 morning.

14 COMMISSIONER KELLY: Good

15 morning, Councilwoman Tasco, Madam Chair.

16 COUNCILWOMAN TASCO: You may

17 proceed. Identify yourself for the

18 record.

19 COMMISSIONER KELLY: Thank you,

20 Councilwoman Tasco and members of City

21 Council for the opportunity to testify

22 today. My name is Emanuel Kelly and I am

23 a principal at Kelly Maiello Architects &

24 Planners, a firm that has been committed

25 to community revitalization in Center

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2 City and Philadelphia neighborhoods for
3 35 years. I am a member of the
4 Philadelphia Art Commission and have
5 served for 11 years. I was a member of
6 the Pennsylvania Bureau of Historic
7 Preservation and served for 12 years, the
8 Philadelphia Redevelopment Authority
9 Advisory Board of Design and served for
10 15 years, and served as a Board member of
11 the Advocate Community Development
12 Corporation in North Central Philadelphia
13 for five years, founded by Christine
14 Washington. I am an architect and have a
15 Master's Degree in City Planning and
16 Urban Design from Harvard University.

17 I have had the honor of serving
18 on the Zoning Code Reform Commission
19 since the inception as an appointee of
20 City Council President Verna.

21 As a former President of the
22 local chapter of the American Institute
23 of Architects, I am pleased to speak to
24 you today about how the Zoning Code
25 Proposals address issues of form and

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2 design. These zoning controls, largely
3 absent from the current Zoning Code, are
4 critical to enhancing the character of
5 our city, improving its functionality for
6 current residents and businesses, and
7 enabling the City to grow and attract new
8 residents and new businesses from both
9 local and outside investments.

10 There are a number of ways that
11 the Code incorporates form and design
12 considerations. Given the amount of time
13 available today, I will touch on just a
14 few.

15 First, the Code establishes the
16 civic design review, an open and advisory
17 process that the City Planning Commission
18 will manage to gather comments and make
19 recommendations on the impact of large,
20 significant projects on the public realm.
21 Civic design review will apply to
22 by-right projects. Civic design review
23 will be triggered by multi-family,
24 institutional and commercial projects
25 that are large in context to the

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2 surrounding community. The size triggers
3 the range from 25,000 square feet in
4 single-family residential communities up
5 to 100,000 square feet in all areas of
6 the City. A Civic Design Review
7 Committee, consisting of five
8 professionals in the planning and design
9 field, a standing member with experience
10 in community development review and a
11 rotating seat for a local community
12 representative, will review each eligible
13 project to determine how it will impact
14 upon the City streetscape, pedestrians,
15 neighbors and those who will use the
16 building or buildings. They will convene
17 in an open meeting, gathering testimony
18 from the local community organizations
19 and the public at large and make
20 recommendations to the development team.

21 Center City is a special place
22 and deserves special tools in this area.
23 The draft Zoning Code consolidates dozens
24 of existing controls that pertain only to
25 Center City into one new overlay, so that

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2 investors can look to one place to find
3 the zoning controls that apply to our
4 central business district. In addition,
5 we propose to replace these three current
6 sets of controls on the bulk and mass of
7 buildings in Center City with one new
8 control, known as "sky plane." The sky
9 plane controls are designed to help
10 ensure access to air and light in the
11 densest areas of our city. These
12 controls will provide more flexibility in
13 the design of high-rises than currently
14 the controls provide, thus encouraging
15 our design community to produce refined
16 and enduring new buildings.

17 To support the development of
18 new amenities that will benefit the
19 public, we have reorganized and refined
20 the bonuses, also formerly known as FAR
21 bonuses, available in our densest
22 commercial areas, currently known as C-4
23 and C-5. The incentives are provided
24 through an "a la carte" system. As
25 compared to the current system where

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2 these bonuses are bundled into two sets,
3 this new method enables a greater number
4 of sites, particularly smaller sites, to
5 qualify. We have included incentives for
6 public space, public art, improvements to
7 transit, underground parking, green
8 building and mixed-income housing. Two
9 of these incentives, those relating to
10 mixed-income housing and green buildings,
11 will also be available to properties
12 zoned as C-3 in areas designated as
13 transit-oriented development nodes.

14 Last, but not least, we have
15 incorporated several form and design
16 standards that would apply citywide for
17 large-scale multi-family, institutional
18 and commercial buildings. These include
19 provisions to prevent large expanses of
20 blank walls, screening of mechanical
21 equipment and providing access and
22 connections to adjacent public space and
23 trails. We have also included new
24 standards for setbacks and parking for
25 rowhouse neighborhoods so that new

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2 development is consistent with the
3 surrounding neighborhood.

4 I am confident that these
5 zoning reforms will yield tremendous
6 benefits to our city and help spur its
7 positive growth and development.

8 Thank you again for the
9 opportunity to testify before you today.

10 COUNCILWOMAN TASCO: Thank you
11 so much for your testimony.

12 COMMISSIONER KELLY: You're
13 quite welcome.

14 COUNCILWOMAN TASCO: Mr. Salas.

15 COMMISSIONER SALAS: Thank you,
16 Madam Chair and members of City Council
17 for the opportunity to testify today. My
18 name is Guillermo Salas, Jr., and I am
19 the President of the Hispanic Association
20 of Contractors and Enterprises. Since
21 1982, HACE, known for short, has been
22 involved in developing commercial and
23 affordable housing, both rental and
24 homeownership. These activities have
25 generated nearly \$100 million in public

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2 and private investments, primarily in the
3 Fairhill and St. Hugh neighborhoods in
4 Eastern North Philadelphia. In addition,
5 HACE has organized residents and
6 businesses as well as being a property
7 manager whose subsidiary has created over
8 20 permanent jobs for community
9 residents. Further, HACE has created
10 hundreds of jobs as part of our
11 development activities and through our
12 commercial tenants such as ARAMARK and
13 Mercy Health Systems.

14 Mayor Nutter appointed me to
15 the Zoning Code Commission in January
16 2008. I have participated on both the
17 Work Plan and Civic Engagement Committees
18 of the Commission. I would like to share
19 with you today the work the Zoning Code
20 Commission has done to ensure that
21 citizens have a voice in the development
22 process.

23 As Commissioner Stella Tsai
24 briefly mentioned, the Zoning Code
25 Commission received a tremendous amount

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2 of support from the Common Ground project
3 conducted a year and a half ago. This
4 project, sponsored by the Urban Design
5 Committee of the American Institute of
6 Architects and the Penn Project for Civic
7 Engagement, pulled together 86
8 representatives of civic associations in
9 an all-day meeting and 62 developers and
10 investors in a separate meeting for the
11 purpose of identifying principles on the
12 role of the public and developers in the
13 development process. Representatives of
14 each of these groups then came together
15 in January 2010 for an extraordinary
16 evening of groundbreaking conversation to
17 reach common ground on the role of the
18 public in the development process. The
19 Zoning Code Commission adopted seven of
20 the principles that emerged from this
21 meeting as follows:

22 One, every neighborhood should
23 have a similar widely known way to
24 convene civic groups and concerned
25 individuals for input into project

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2 review; two, all projects of a certain
3 level of impact, whether as of right or
4 requiring variances, would benefit from
5 public input; three, when assessing a
6 project's impact, go beyond size to look
7 at how a project impacts or fits to its
8 surroundings; four, issues of design and
9 aesthetics should be reviewed but on a
10 basis separate from the parameters of
11 zoning; five, early and effective
12 notification about project proposals
13 helps improve outcomes both for the
14 neighborhood and the developer; six, the
15 project review process should be more
16 transparent and predictable in ways that
17 informs, invites and engages constructive
18 participation; seven, clear review
19 timelines should be set as part of a
20 predictable public input process. This
21 would reduce uncertainty and the cost for
22 the developer while ensuring the
23 community gets sufficient time to assess,
24 discuss and comment.

25 These principles became the

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2 backbone of a new system for citizen
3 input and public review established in
4 this draft Zoning Code. I will review
5 the key components of this system today.

6 Community organizations will be
7 able to register with the City Planning
8 Commission. Zoning applicants will be
9 required to provide early notice to and
10 convene at least one neighborhood meeting
11 with registered organizations for zoning
12 applications that fall within its
13 geographic boundaries and require Zoning
14 Board of Adjustment's approval. In
15 recognition of the typical monthly
16 meeting schedule of civic associations
17 and the developer's need for timely
18 review, a 45-day window has been
19 established for convening and documenting
20 the neighborhood meeting. The City
21 Planning Commission is currently working
22 on a set of regulations for community
23 organization registration.

24 Registered community
25 organizations will also be entitled to

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2 early notice and at least one
3 neighborhood meeting for projects that
4 fall within its geographic boundary and
5 that meet the threshold requirements for
6 civic design review. A representative of
7 the registered community organization for
8 the area will have a seat on the Civic
9 Design Review Committee for that project.
10 Commissioner Emanuel Kelly is presenting
11 additional information, as he has
12 already, on the design review process.

13 Another significant proposal in
14 this area regards posting notices for
15 Zoning Board of Adjustment hearings. We
16 are recommending that the required time
17 for posting ZBA hearings increase from
18 the current 12-day requirement to 21
19 days. We are further recommending that
20 the zoning applicants be required to post
21 notice for a ZBA hearing that is
22 continued for more than a week.

23 We believe that the inclusion
24 of such requirements in the Zoning Code
25 Proposals before you today is a

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2 significant step forward for
3 Philadelphia's development process,
4 providing for a transparent, predictable
5 and universally applied process for
6 citizen review.

7 Thank you for the opportunity
8 to testify today.

9 COUNCILWOMAN TASCO: Thank you
10 very much for your testimony.

11 Ms. Papageorge.

12 COMMISSIONER PAPAGEORGE: Thank
13 you, Madam Chairperson and remaining
14 Councilmembers for the opportunity to
15 testify today. My name is Anne
16 Papageorge and I am Vice-President for
17 Facilities and Real Estate Services at
18 the University of Pennsylvania.
19 Previously I served as Senior
20 Vice-President and Memorial Design
21 Director for Memorial, Cultural and Civic
22 Development at the Lower Manhattan
23 Development Corporation and as First
24 Deputy Commissioner and Acting
25 Commissioner at the New York City

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2 Department of Design and Construction. I
3 serve on the Zoning Code Commission as
4 the appointee of Councilwoman Maria
5 Quinones-Sanchez.

6 I have also had the honor of
7 serving as Co-Chair of the Mayor's
8 Sustainability Advisory Board since 2008
9 with the creation of the Greenworks
10 Philadelphia plan. Therefore, I would
11 like to focus my comments today on the
12 ways in which these Zoning Code Proposals
13 will help Philadelphia achieve its goal
14 of being the greenest city in the nation.

15 The Zoning Code Commission
16 decided early on that rather than being
17 relegated to one chapter, sustainability
18 provisions should be woven throughout the
19 entire new Zoning Code. The Commission
20 examined the ways that the Zoning Code
21 could help promote these broad goals and
22 determined that we could take three types
23 of actions: remove impediments, impose
24 requirements and provide incentives. We
25 also looked at the range of

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2 sustainability strategies and determined
3 that the Zoning Code was most suited to
4 helping the City achieve the following
5 goals from Greenworks, our citywide
6 sustainability framework. One, reduce
7 vehicle miles traveled; two, promote
8 renewable energy and energy conservation;
9 three, help conserve water; four, improve
10 access to healthy food; and, five,
11 increase walking and community health.

12 All of these goals are
13 thoughtfully addressed in the document
14 before you today. For example, this Code
15 will reduce vehicle miles traveled
16 through the creation of several new
17 mixed-use districts as well as strategies
18 that limit off-street parking and
19 standards for designated transit-oriented
20 development nodes.

21 This Code promotes the
22 development of alternative energy by
23 creating clear and pragmatic standards
24 for solar and wind-powered structures.
25 Energy conservation is enhanced through

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2 new requirements for landscaping, tree
3 preservation and tree planting, all of
4 which will reduce the urban heat island
5 effect.

6 The draft Code requires
7 water-conserving landscaping, integrates
8 with the City's nationally recognized
9 stormwater management tools and lessens
10 restrictions on the use of rain barrels
11 and other water-conserving tools.

12 This Code improves access to
13 healthy food by removing impediments to
14 urban agriculture, permitting four
15 different types of urban agriculture uses
16 in a mix of zoning districts. Incentives
17 for the development of fresh food markets
18 throughout the City are provided by
19 building in a density bonus for such
20 development.

21 Other bonuses limited to
22 high-density commercial districts
23 typically found in Center City encourage
24 public amenities that are also
25 significant sustainability tools. These

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2 include density bonuses for making
3 improvements to transit, creating public
4 open space, achieving either a gold or
5 platinum-level LEED building, providing
6 mixed-income housing, and putting parking
7 underground.

8 Many of these sustainability
9 features would also help us become a
10 healthier city. For example, new
11 standards limit vehicular curb cuts, thus
12 promoting walkability and bicycle use.
13 Additional access to fresh food and
14 sidewalks that are friendlier to
15 pedestrians and bicyclists will improve
16 our overall health and well-being.

17 Thank you for your attention
18 today. I look forward to receiving
19 feedback from City Council as these
20 hearings progress.

21 COUNCILWOMAN TASCO: Thank you
22 very much.

23 Are there questions from
24 members of Council?

25 (No response.)

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2 COUNCILWOMAN TASCO: I have a
3 couple of this panel right here, this
4 panel here. I'm sure we will go into an
5 in-depth review of the new Code and
6 certainly have more detailed discussion
7 as we proceed with this process. I just
8 have a couple of questions that came to
9 my mind as you testified, and certainly
10 we will review them further later on, but
11 being a District Councilperson, I have
12 concerns about what happens in the
13 neighborhood. I just want to ask a
14 couple of questions.

15 Mr. Kelly, on Page 2 of your
16 testimony, you talk about the incentives
17 around transit-oriented development
18 nodes. Could you further expound on
19 that?

20 COMMISSIONER KELLY: Yes.
21 Right now the current Zoning Code only
22 has incentives and it's on C-4 and C-5
23 sites. Most of those are in Center City,
24 and they do not include sites around
25 transit nodes. As an effort to reduce

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2 the number of car drivers and to take
3 advantage of development around transit
4 nodes, we've included that as an
5 incentive for -- additional density
6 becomes a bonus if you provide other
7 amenities around transit nodes.

8 COUNCILWOMAN TASCO: Okay.

9 COMMISSIONER KELLY: Now,
10 transit nodes could be -- there's several
11 transit nodes down in Center City, but
12 there are transit nodes at Broad and
13 Olney, at Cheltenham and is it Wadsworth?
14 So it's much more expansive than anything
15 that exists now. There's nothing
16 directed to that, and that really has a
17 relationship to some of the
18 sustainability goals that were mentioned
19 earlier and so on.

20 COUNCILWOMAN TASCO: Okay.

21 COMMISSIONER KELLY: We can
22 provide -- we have looked at some of the
23 mapping of where those nodes occur within
24 the Work Plan Committee and so forth. We
25 could enumerate on those and provide you

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2 with some detail if you would like.

3 COUNCILWOMAN TASC0: Okay.

4 We'll have a lot of questions about that,
5 I'm sure.

6 COMMISSIONER KELLY: Okay.

7 COUNCILWOMAN TASC0: You talk
8 about also on Page 2, you have included
9 in the standards for setbacks and parking
10 for rowhome neighborhoods so that new
11 development is consistent with the
12 surrounding neighborhood. Further
13 expound on that, please.

14 COMMISSIONER KELLY: Yes. We
15 try to include a lot in this very
16 simplistic paragraph.

17 An approximation is that 80
18 percent of the stable neighborhoods will
19 not be affected, but there are some
20 locations where there are sites that, C-4
21 sites, that would allow for more denser
22 development. If they turn out to be
23 adjacent to a two or three-story rowhouse
24 neighborhood, then there would have to be
25 some setbacks, so that that higher

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2 density, which might be allowed by right,
3 will not impact the adjacent rowhome
4 character.

5 COUNCILWOMAN TASC0: Okay.

6 COMMISSIONER KELLY: Given
7 where the rowhomes have some setbacks,
8 whether their rowhomes are at the street
9 property line or have some setbacks with
10 a minor front yard, if you were to have a
11 five-story apartment building or
12 something, to ease that impact, it would
13 be setback restrictions based on the
14 density.

15 COUNCILWOMAN TASC0: Okay.

16 Thank you very much.

17 COMMISSIONER KELLY: You're
18 welcome.

19 COUNCILWOMAN TASC0: Mr. Salas,
20 let me ask you a question here about --
21 you talk about the neighborhood civic
22 groups having input. Does that mean that
23 every community has to have a civic group
24 in order to speak before -- to come
25 before the Urban Design Committee?

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2 Suppose there is a proposal or zoning
3 request in a neighborhood that doesn't
4 necessarily have a civic group and
5 they're not registered, so they're not
6 notified, but they know that something --
7 the people know something is going on.
8 Are they able to come in and have their
9 voices heard around the project?

10 COMMISSIONER SALAS: Yes, Madam
11 Chairman. I believe that the new Zoning
12 Code Design Review Committee processes
13 that are going to be administered by the
14 City of Philadelphia Planning Commission
15 will allow for a particular neighborhood
16 or an area that may not have a good group
17 to be able to engage -- the citizens of
18 that neighborhood can get engaged as part
19 of the Design Review Committee or
20 probably more simplistic, that adjacent
21 or civic organizations can also be part
22 of that design review along with that one
23 member of the community that will rotate.
24 The City Planning Commission also will be
25 taking some initiatives, I believe, as we

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2 sort of refine the registration of civic
3 groups across the City that wherever we
4 find communities that do not have a civic
5 group, that the Planning Commission,
6 along with others, will engage those
7 community residents to assure that
8 there's input in that development
9 process.

10 COUNCILWOMAN TASCO: Okay.

11 Thank you very much.

12 COMMISSIONER KELLY: Just to
13 add to what Bill is saying, City Planning
14 Commission has --

15 COUNCILWOMAN TASCO: Excuse me
16 a moment.

17 Thank you. I'm sorry.

18 COMMISSIONER KELLY: City
19 Planning Commission, as you know, has
20 area planners, and what we tried to
21 facilitate is getting those to get the
22 names of those in those neighborhoods
23 early on a register, as well as to talk
24 to City Council members for their
25 district to get the names so we have at

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2 least a group if there's something that
3 begins. But as Bill said, in
4 neighborhoods where there are not strong
5 sort of civic or resident groups, at that
6 time when the project comes up and they
7 aren't, we will look to find out who are
8 those active people within those
9 boundaries.

10 COUNCILWOMAN TASC0: Thank you
11 very much. Thank you very much for your
12 testimony.

13 Are there any questions or
14 comments by any members of Council?

15 (No response.)

16 COUNCILWOMAN TASC0: I think
17 the Councilmembers are here to hear the
18 testimony today. We'll probably have
19 much more sustained and in-depth
20 discussion about this legislation later
21 on.

22 Thank you.

23 (Thank you.)

24 COUNCILWOMAN TASC0: The next
25 panel will be Andy Toy, David Feldman,

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2 Susan Klein, Andy Frishkoff and James
3 White.

4 (Witnesses approached witness
5 table.)

6 COUNCILWOMAN TASC0: Good
7 morning.

8 MR. TOY: Good morning.

9 COUNCILWOMAN TASC0: Would you
10 identify yourself and begin your
11 testimony, please.

12 MR. TOY: Excuse me?

13 COUNCILWOMAN TASC0: Would you
14 identify yourself and begin your
15 testimony.

16 MR. TOY: Yes. Good morning,
17 Councilwoman Tasco and members of City
18 Council. My name is Andrew Toy and I'm
19 here as a member of the Philadelphia
20 Association of Community Development
21 Corporations, or PACDC as it's better
22 known, as a former member or a
23 Commissioner of the Zoning Code
24 Commission for over three years and as a
25 former candidate for this auspicious

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2 Council.

3 COUNCILWOMAN TASC0: Do you
4 have a copy of your testimony?

5 MR. TOY: Yes.

6 COUNCILWOMAN TASC0: Other
7 copies?

8 MR. TOY: It was in the packet.

9 COUNCILWOMAN TASC0: Okay.
10 Thank you.

11 MR. TOY: I also consider
12 myself an economic development specialist
13 and planner by trade.

14 Thank you for the opportunity
15 to speak today on the need to move the
16 new Code forward to advance our great
17 city. As you're all aware, our current
18 Zoning Code has been Band-Aided and
19 amended so many times that it is often
20 confusing to both potential developers
21 and to residents alike who are interested
22 in preserving and promoting a high
23 quality of life.

24 The Commission was charged by
25 the citizens of Philadelphia who

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2 overwhelmingly voted for the zoning
3 reform in 2007 to bring our Philadelphia
4 Zoning Code in the 21st century. Our
5 stated goals were to make the Code easier
6 to understand, improve our city's
7 planning process, promote positive
8 development that would grow our tax base
9 and population, and preserve the
10 character of our neighborhoods. I
11 believe the new Code does all of these,
12 and the time is right for City Council to
13 move forward on -- move this process
14 forward. I believe that if we use the
15 new Code to play to our strengths as an
16 historic U.S. city, we will be well
17 positioned to grow and prosper for years
18 to come.

19 Just to remind everyone of how
20 we got to this point, the Zoning Code
21 Commission, which includes many members
22 and representatives of City Council -- I
23 was appointed by Councilman Clarke --
24 brought in the best experts in the field
25 who have worked around the City with

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2 other -- or around the country with other
3 cities, including Denver, Miami, Chicago,
4 Boston and many other similar places. We
5 looked at best practices and what has
6 worked well in other cities and applied
7 what made sense to our place, our unique
8 place, Philadelphia.

9 In addition to looking at what
10 has worked elsewhere, we spent the
11 enormous bulk of our time working locally
12 with community groups, developers, design
13 and planning professionals, government
14 officials, attorneys, business
15 organizations, non-profits, institutions
16 and literally thousands of citizens in
17 crafting the new Code. Out of this work,
18 we even helped to create the new Citizens
19 Planning Institute, which will help
20 average citizens to better understand and
21 navigate the planning and zoning process.

22 I have never experienced a more
23 open and engaging process. We held
24 meetings in every Council District across
25 the City and asked for input and feedback

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2 every step of the way. The outreach
3 through the media, neighborhood and other
4 groups and through your offices was
5 tremendous. On the whole, those involved
6 in their communities knew about this
7 effort, participated and overwhelmingly
8 support the passage of the new Code.

9 While the new Code is not
10 perfect, nothing in life is, and if we
11 let that stop us, we would get nothing
12 done, which is sometimes the public
13 perception of government. There are
14 still some pieces to add such as those
15 pertaining to signage. The new Code,
16 like most legislation, has compromises
17 that some may disagree with, but were in
18 fact the result of hard work among many
19 various engaged groups and citizens. The
20 Civic Design Review is a good example of
21 this.

22 While more large projects will
23 have community input to improve outcomes,
24 fewer will end up at the Zoning Board,
25 freeing the Board to decide on projects

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2 that really are hardships. We used the
3 examples of places like Boston and
4 Seattle and worked with the development
5 community and neighborhood organizations
6 to develop a process that works for
7 Philadelphia that puts neighborhoods at
8 the table with developers to work
9 together more collaboratively.

10 We should also be excited that
11 the new Code really puts a focus on
12 environmental sustainability. There will
13 be greater emphasis on developing more
14 density around transit, less dependence
15 on cars and garages that take up valuable
16 street parking spaces, more neighborhood
17 commercial corridor redevelopment,
18 density bonuses for buildings providing
19 more green space or less water runoff
20 that will make our rivers cleaner,
21 greater ease of creating urban gardens
22 and farmers' markets, and more trees to
23 cool and beautify our neighborhoods.
24 This could not have come at a better time
25 when those looking to start businesses or

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2 deciding where to invest and live can go
3 anywhere, but will choose Philadelphia
4 for its great environment and quality of
5 life.

6 Certainly Council may find
7 areas in need of tweaking, but the hope
8 is that we can move this already very
9 lengthy process forward to fruition
10 before this Council is done in 2011. I
11 would also caution that we do not go
12 through remapping before adopting the
13 Code. This has not happened in other
14 cities and the process worked. In fact,
15 the vast majority of properties will not
16 need any changes once the new Code is in
17 place. If a specific block or blocks
18 seem out of place in its new designation,
19 it's quite possible that it needed
20 rezoning in its current designation as
21 well.

22 For example, there are some
23 industrial-zoned properties that are
24 clearly residential or commercial today.
25 The simple solution is what is already

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2 done today, and, that is, to rezone these
3 parcels without having to wait for a
4 giant four to five-year remapping process
5 to occur.

6 One way to mitigate some of the
7 concern when moving to the new Code will
8 be to have a long enough transition
9 period so that residents, businesses,
10 planners, attorneys, architects and City
11 employees have time to digest and adapt.
12 I would agree with the concept of a
13 six-month or even longer overlap of the
14 new and old Code during this transition
15 period.

16 Again, I look forward to seeing
17 the passage of our new Zoning Code and
18 appreciate your interest in continuing to
19 make Philadelphia the best city in the
20 nation.

21 Thank you again for hearing
22 this testimony and moving this process
23 forward.

24 COUNCILWOMAN TASC0: Thank you.

25 Mr. Feldman.

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2 MR. FELDMAN: Good morning,
3 Chairperson Tasco, members of Council.
4 My name is -- and thank you for this
5 opportunity to testify this morning on
6 the proposed new Zoning Code. My name is
7 David Feldman. I am President of
8 Right-Sized Homes, LLC, a sustainable
9 redevelopment company based in Center
10 City Philadelphia. I have been following
11 the proceedings of the Zoning Code
12 Commission since its inception over three
13 years ago and am pleased and excited by
14 the dedication, time commitment and
15 thoughtful work of its members through
16 this lengthy process. I'd like to also
17 add I'm a member of Philadelphia
18 Association of Community Development
19 Corporations and a proud native
20 Philadelphian.

21 One of the most impressive
22 aspects of the process the Zoning Code
23 Commission undertook was the very
24 extensive amount of public engagement,
25 including presentations, education

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2 sessions, roundtable discussions and
3 feedback sessions within multiple
4 outreach sessions in each Councilmanic
5 District. The ZCC also posted a
6 conversion map on its website,
7 www.zoningmatters.org, several months ago
8 so that anyone in the City could look at
9 a specific property and see what zoning
10 district it would be in under the new
11 Code, then read about that district to
12 see what impact the proposed new Code
13 would have on that property. Hopefully
14 this is a tool that many citizens, City
15 staffers and members of Council will
16 utilize over City Council's summer recess
17 to prepare for testimony regarding the
18 proposed new Code when Council resumes
19 hearings in September.

20 As someone who has worked with
21 many neighborhood-based community
22 organizations and private developers on
23 projects throughout the City of
24 Philadelphia for over 25 years, I applaud
25 the proposed new Zoning Code for how it

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2 addresses zoning in a built-out city with
3 300-plus years of development in a way
4 that allows us to thrive in the 21st
5 century. The proposed Zoning Code
6 represents a great step forward in both
7 preserving neighborhoods and providing
8 for appropriate development to support
9 neighborhoods and business growth.

10 This Code is written for
11 Philadelphia's many unique issues,
12 including specifically addressing the
13 many neighborhoods with small, narrow
14 streets with thousands of small,
15 non-conforming lots in a way that
16 preserves neighborhood quality. By
17 defining allowable compatible
18 development, homeowners will have reduced
19 burden in the process they will have to
20 go through to renovate their homes. It
21 addresses the reality of increased
22 gasoline prices and growing a younger
23 knowledge-based population by providing
24 for increased transit-oriented, mixed-use
25 development and enabling new development

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2 of disused and underused property around
3 existing transit nodes. It provides
4 protections for preserving light and air
5 in densely developed commercial districts
6 and appropriately addresses allocation of
7 parking and greening of open parking
8 areas, as well as requiring buffers where
9 higher density and commercial development
10 abuts lower density residential
11 development.

12 Some claim that the proposed
13 Zoning Code is still flawed and not yet
14 ready for passage. With regard to the
15 Zoning Code, the definition of a "flaw"
16 is where someone didn't get their way to
17 give them a specific advantage. For
18 example, some think the design guidelines
19 for big-box retail stores is flawed
20 because it is too restrictive, while
21 others think this section is flawed
22 because it is not restrictive enough.
23 There will never be total agreement on
24 every section of any Zoning Code. That
25 is why the Zoning Board of Adjustment

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2 will continue to exist, but will
3 hopefully need to hear many fewer
4 appeals.

5 I implore Council not to use
6 the red herring of flaws in the Zoning
7 Code to keep the current deeply
8 problematic outdated Zoning Code on the
9 books beyond this year. When the voters
10 of Philadelphia overwhelmingly approved
11 the establishment of the Zoning Code
12 Commission four years ago, they expressed
13 the strong need across the entire city to
14 replace the current outdated and badly
15 broken Zoning Code with a new Zoning Code
16 written for Philadelphia today.

17 Finally, it is extremely
18 important that in a city of many
19 neighborhoods that this new, vastly
20 improved Zoning Code be enacted at the
21 same time throughout the City and that
22 City Council not create years of
23 confusion and delayed development that
24 would result from a multi-year,
25 multi-neighborhood rollout.

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2 The hard work of the Zoning
3 Commission over the past three years plus
4 created a clearer, fairer, current-day
5 appropriate code that applies to everyone
6 equally. A gradual rollout would result
7 in great confusion for homeowners,
8 businessowners, developers and builders
9 and would give lenders further reason to
10 withhold financing for projects due to
11 zoning confusion and inconsistency.

12 Over the summer, all interested
13 parties can examine the conversion map,
14 and if they identify any specific blocks
15 that need to be zoned differently in the
16 new Code, there is plenty of time to
17 address that in the same way that Council
18 addresses it now, with resolutions to
19 rezone target areas that have undergone
20 change or where different appropriate
21 development is desired by the
22 neighborhood. The most recent example of
23 this is Councilman Clarke's ordinance
24 that appropriately calls for rezoning 12
25 blocks of the West Poplar neighborhood in

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2 response to extensive recent residential
3 development in the area.

4 It is necessary for the health
5 of the City, especially in this difficult
6 development period, that this new Zoning
7 Code crafted with extensive community
8 input and three years of work by a
9 dedicated, experienced Commission be
10 adopted in this year's councilmanic
11 session and be adopted citywide within
12 six to 12 months of passage.

13 Thank you very much for
14 allowing me to provide this testimony in
15 support of the proposed new Zoning Code.

16 COUNCILWOMAN TASC0: Thank you
17 very much.

18 Mr. White.

19 MR. WHITE: Good morning, Madam
20 Chair and esteemed members of City
21 Council. Thank you for the opportunity
22 to testify. My name is James White and
23 I'm the Policy Coordinator of the
24 Philadelphia Association of Community
25 Development Corporations. PACDC is a

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2 citywide association of 90 CDCs and other
3 organizations that have extensive
4 experience with real estate development
5 and working to improve the quality of
6 life in Philadelphia's neighborhoods.

7 PACDC applauds the Zoning Code
8 Commission for developing a thoughtful
9 plan to bring Philadelphia's onerous
10 Zoning Code into the 21st century. We
11 also appreciate the extensive process to
12 obtain public input on the development of
13 the new Code. PACDC and its members have
14 provided input around various facets of
15 the Code, including the development of a
16 new CMX-2.5 zoning district to promote
17 active, pedestrian-friendly neighborhood
18 commercial corridors; promoting
19 transit-oriented development; and
20 visitability; using FAR bonuses to
21 incentivize the development of
22 mixed-income housing; and the civic
23 design review process.

24 While we support additional
25 improvements to the proposed Code, such

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2 as providing a higher FAR bonus to
3 incentivize mixed-income housing or
4 utilizing FAR bonuses as an incentive to
5 offset the costs to a developer of a
6 mandatory inclusionary housing
7 requirement, overall we believe the
8 proposed new Code is fair, transparent
9 and predictable for residents,
10 communities and developers.

11 We urge City Council to utilize
12 the remainder of the process to address
13 any outstanding concerns in a timely
14 manner to ensure that a fair and
15 equitable new Code is approved during the
16 calendar year 2011. We look forward to
17 the opportunity to continuing to work
18 with the City Council and the
19 Administration to advance a new Zoning
20 Code that will address resident and
21 community needs and result in stronger
22 neighborhoods throughout Philadelphia.

23 COUNCILWOMAN TASCO: Thank you
24 very much.

25 The Chair recognizes Mr. Andy

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2 Frishkoff. Good morning.

3 MR. FRISHKOFF: Good morning,
4 Madam Chair and members of Council. My
5 name is Andrew Frishkoff. I'm the
6 Executive Director of the Local
7 Initiative Support Corporation. It is my
8 pleasure to be here today and to testify
9 before you for the first time in this new
10 role. The Local Initiative Support
11 Corporation, or LISC, is a national
12 community development organization that
13 just celebrated its 30th anniversary and
14 has been active in Philadelphia for
15 almost 30 years as well. We've been
16 working with community development
17 organizations throughout the City to
18 provide capital, financing, equity and
19 grants and technical assistance and
20 capacity building in growing their
21 communities, stabilizing housing and
22 improving quality of life.

23 We have been particularly
24 active in Philadelphia in working on
25 commercial corridors, in large part

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2 thanks to the previous work of Andy Toy
3 when he was at LISC, and we have also
4 more recently been involved in
5 transit-oriented development and a
6 sustainable communities initiative that
7 tries to balance the needs of physical
8 development with community residents'
9 quality of life in communities.

10 In that regard, we see the
11 Zoning Code reform as making significant
12 progress towards work on commercial
13 corridors. Commercial corridors work
14 best and are most stable and able to grow
15 when residents' needs can be met and when
16 residents can live on or adjacent to
17 commercial corridors and where they can
18 walk to and from their homes and to
19 stores. We've seen where corridors are
20 separate from residents, that those
21 corridors are least often able to survive
22 over the long term.

23 Having the CMX-2.5 code is an
24 important step towards being able to
25 ensure that all communities will have

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2 access to convenient and quality goods
3 and services.

4 In terms of transit-oriented
5 development, increasingly both
6 communities and cities themselves will
7 grow and thrive insofar as people are
8 able to take public transportation to and
9 from work as well as to areas of
10 shopping. It is important for us to be
11 able to codify as much as possible and
12 encourage as much as possible density,
13 diversity and transparency around our
14 transit sites so that businesses can grow
15 near our existing transit sites and so
16 that residents are able to live near
17 transit sites.

18 Currently, we score very well
19 in this region in terms of residents'
20 access to transit. We don't score so
21 well in this region in terms of
22 businesses' location proximate to
23 transit. And so having the new
24 transit-oriented development aspect to
25 our Code is a significant improvement

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2 towards being able to ensure that we will
3 maintain an employment base in the City.

4 And, finally, I'd like to
5 recognize the overall work that our
6 community development corporations have
7 been engaged in, and that is reflected in
8 the Zoning Code reform process in terms
9 of community engagement.

10 When LISC first started working
11 in Philadelphia, one of the things that
12 we became aware of very early on was how
13 often residents were disengaged from
14 public processes, from laws, regulations,
15 and how important it was for civic
16 organizations and community development
17 corporations to be a bridge of
18 information between laws and regulatory
19 bodies.

20 What we've seen over the last
21 30 years has been an improved
22 transparency where increasingly residents
23 are able to gain access directly to
24 information that is important for them in
25 determining the quality of life in their

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2 community. This process, as Mr. Toy
3 alluded to previously in terms of the
4 community engagement, the public
5 engagement, should be the example for
6 which all similar processes learn from in
7 terms of making sure that residents
8 understand important changes in the City
9 and the Code itself. Even though this
10 will remain a complex issue, the Code
11 itself is an important step towards
12 bringing information in understandable
13 language to residents throughout the City
14 so that they can, again, make informed
15 decisions about what's happening in their
16 communities.

17 Thank you.

18 COUNCILWOMAN TASC0: Thank you
19 very much.

20 We thank you all for your
21 presentations and -- oh, I'm sorry.

22 MS. KLEIN: That's okay.

23 COUNCILWOMAN TASC0: Susan
24 Klein. I'm sorry.

25 MS. KLEIN: No problem.

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2 Councilwoman Tasco, members of
3 Council, my name is Susan Klein,
4 K-L-E-I-N. I'm the Director of Housing
5 at the Philadelphia Corporation for Aging
6 and I'm here representing Rodney
7 Williams, President of PCA, and also as a
8 member of PACDC. I've submitted to you a
9 letter from Mr. Williams to Eva Gladstein
10 in reference to specifically three
11 aspects of the Code that directly affect
12 seniors. And, as you know, seniors
13 represent -- we have the highest, in
14 Philadelphia, we have the highest
15 percentage of seniors in any of the
16 largest ten cities in the United States.
17 So what affects seniors affects us all.

18 There are three specific areas
19 of the Zoning Code -- and this is the
20 first time that the Zoning Code has
21 addressed seniors specifically, and they
22 are accessory dwelling units,
23 visitability and adult day care. And
24 accessory dwelling units can be defined
25 as a unit within a larger unit, sometimes

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2 called accessory apartments. In
3 Australia they call them "granny flats."
4 But this allows a senior to live with
5 their family and be cared for by them or
6 by a caregiver. And I think it's
7 important to note that 27 percent of
8 households in Philadelphia that have a
9 senior are multi-generational. So that's
10 a very large percentage. And this will
11 ease the process of people wanting to
12 care for their parents at home.

13 Visitability is the second
14 issue, and as someone who is very
15 involved with adaptive modifications for
16 many years, this is one that's
17 particularly close to my heart. And
18 visitability is a way of designing
19 housing, single-family housing, that
20 allows three things. One is a zero-grade
21 entrance; the second is a first floor
22 accessible half bath; and the third is
23 doorways and walkways on the first floor
24 that allows for a wheelchair. And this
25 is really significant whether you're a

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2 wheelchair user or trying to get your
3 luggage out of your house going to the
4 Airport. Having a zero-grade entrance is
5 really very significant.

6 The third area is adult day
7 care, and this is the first time that
8 adult day care has been included in the
9 Code, along with child day care. Ten
10 percent of the City's older population
11 report difficulty at remembering, and
12 memory issues are one of the primary
13 reasons that people go to adult day care,
14 so that if they're living -- especially
15 if they're living with family members, it
16 allows the family members to continue to
17 work and their loved one be cared for
18 during the day.

19 So thank you very much for this
20 opportunity, and thank you for the Zoning
21 Commission for including issues
22 concerning the elderly in the way that
23 they were looking at zoning.

24 Thank you very much.

25 COUNCILWOMAN TASC0: Thank you.

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Thank you all for your testimony. We appreciate you taking your time and participating, and we look forward to further discussion. Thank you.

The Chair recognizes the next panel, Mr. Richard DeMarco, Kiki Bolender, Brian McHale.

(Witnesses approached witness
table.)

COUNCILMAN DiCICCO: Good morning. Decide among yourself who will start with the testimony and proceed.

MR. DeMARCO: If it's okay with you, Councilman, I'll go first.

COUNCILMAN DiCICCO: That's fine. Thank you.

MR. DeMARCO: Good morning.

Dear honored members of City Council, my name is Richard DeMarco. Thank you so much for the opportunity to appear here today to testify on this issue.

Many of you may recall that I taught in these Chambers sometime ago in

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2 the past for the Honorable Council
3 President Ann Verna, and I am
4 particularly grateful to her for my
5 experience here, and I'm also grateful to
6 her for appointing me to the Zoning Code
7 Commission as one of her attorney
8 appointments. Without the vision of the
9 Council President and this honorable
10 body, we would not have come so far in
11 realizing zoning reform, which is so
12 badly needed in this city.

13 I appear here today to urge you
14 to pass this legislation which has been
15 forwarded to you by the Commission. I
16 was a former member of the Commission and
17 I have practiced zoning and land use law
18 for approximately 17 years, the first six
19 of which was as an employee for the
20 Council President and also 11 years as a
21 private real estate attorney. I served
22 on the Commission from its inception
23 until last December when I resigned to
24 pursue elected office.

25 From my experience as an

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2 attorney, having represented both
3 constituents, zoning protestants,
4 community groups and private developers,
5 I can tell you that the current Zoning
6 Code is obsolete and broken, leading to a
7 tremendous amount of uncertainty for both
8 your constituents, community groups and
9 the development community. This
10 uncertainty is poisonous to beneficial
11 development and sound planning, leading
12 to uneven results, stymied development,
13 vacant lots, boarded storefronts and,
14 most importantly, the loss of needed jobs
15 in this difficult economy.

16 I can also tell you that from
17 my experience as a private attorney and a
18 former member of the Commission, the
19 legislation that is before you will
20 result in less uncertainty and will
21 result in an increase in beneficial
22 development and increased community input
23 and notice for the projects which impact
24 your constituencies.

25 Make no mistake, while the

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2 current legislation -- under the current
3 legislation certain smaller projects may
4 not be sent to the Zoning Board for
5 review, the most impactful projects will
6 still receive the community input they
7 deserve and, in some cases, even more so.
8 It is true that this legislation will
9 lessen the number of cases which go to
10 the Zoning Board of Adjustment for
11 review. This could be perceived by this
12 body and other powerful stakeholders as
13 lessening influence in the process.
14 However, this is precisely the point of
15 this reform process. Lessening the
16 burden on the Zoning Board was precisely
17 the mandate granted to the Commission in
18 the enabling legislation which created
19 it.

20 In this reform process, every
21 stakeholder has been asked to give up a
22 small piece of their influence in order
23 to make the zoning process more workable
24 and predictable. To the credit of this
25 City and the Commission and the people

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2 involved with this process and the
3 Councilpeople involved, each stakeholder
4 in this process, developers, architects,
5 planners and community groups, have all
6 agreed to give up that small piece of the
7 pie in order to have a more workable
8 process. The only remaining stakeholder
9 being asked to make a sacrifice is this
10 esteemed body when it votes on this
11 legislation, which I hope it will do so
12 as soon as possible.

13 Having participated in this
14 process, I can tell you that no group is
15 completely happy with the document, but
16 this to me is a signal that it does
17 exactly what was envisioned by this body
18 and by the process that created it. It
19 represents tremendous trade-offs and
20 concessions by the numerous disparate
21 groups, but the document that has been
22 presented to you represents all of these
23 competing visions together. And they
24 have come together sometimes awkwardly,
25 sometimes fitfully to give you this final

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2 document, and they're asking you and we
3 are asking you to make the final
4 contribution, to vote the legislation
5 into law, even if the result might be
6 slightly less than influenced either by
7 you or other groups.

8 Even with the passage of this
9 legislation, I know and believe that this
10 body will continue to maintain the
11 influence over the zoning process that it
12 deserves and that it's legally entitled
13 to. This document does not impair in any
14 way this body's influence to pass
15 legislation which alters or affects the
16 Zoning Code and to have input into
17 impactful development within the Council
18 Districts and within the City. But I
19 urge you to consider how important this
20 legislation is, even if the benefits
21 might not be readily apparent. At
22 minimum, it will send a message to small
23 businesses, developers, large developers
24 and community groups that this City can
25 come together to fix a broken system and

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2 a broken Code. And at a minimum -- at
3 maximum, it will result in the creation
4 of desperately needed jobs and beneficial
5 development, which is so desperately
6 needed right now in this recession.

7 These results will be something that you
8 can campaign on and something that you
9 can leave as part of a beneficial legacy
10 to this City for decades to come.

11 To conclude, I ask this Council
12 to lead this City. It is truly a great
13 thing when leaders of this City embrace
14 change over resistance to change. I know
15 that resistance to change is a powerful
16 force within this City. However, I would
17 like to point to this body back to a few
18 decades ago when this group considered
19 raising the height limit in the City over
20 the statue of William Penn. If you
21 recall, many people were opposed to that
22 proposal. However, this body overcame
23 the naysayers and voted favorably on the
24 proposal. Is it now clear the wisdom of
25 that decision? We now have a world-class

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2 skyline.

3 I urge this body to consider
4 that we are now at a threshold moment
5 such as that. I urge you to embrace
6 change and reform and pass this
7 legislation and give this City a
8 world-class Zoning Code and development
9 process just as it gave this City a
10 world-class skyline back then.

11 Thank you so much for allowing
12 me the time to testify here and for
13 considering this legislation. Thank you.

14 COUNCILMAN DiCICCO: Thank you.

15 Next witness, please. Identify
16 yourself and begin with your testimony.

17 MS. BOLENDER: My name is Kiki
18 Bolender. Councilman DiCicco, may I have
19 your permission, as my testimony is quite
20 short, to also read an equally short
21 testimony from Julie Hoffman, President
22 of the American Institute of Architects?

23 COUNCILMAN DiCICCO: Yes.

24 MS. BOLENDER: Thanks. So this
25 begins my testimony.

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2 My name is Kiki Bolender. I am
3 a partner in Schade and Bolender
4 Architects, and as such, I'm a small
5 businessowner in the City of
6 Philadelphia. I am co-creator of the
7 Common Ground project that Commissioner
8 Salas mentioned. It's been my privilege
9 to be a teacher at the Citizens Planning
10 Institute, and I sit on the Advisory
11 Board of Design of the Redevelopment
12 Authority of Philadelphia.

13 Councilman DiCicco and
14 Committee members, I strongly urge you to
15 support adoption of the new Zoning Code
16 as proposed by the Zoning Code
17 Commission. An early and unanimous vote
18 in its favor would send a signal to
19 everyone outside of Philadelphia that we
20 are open for business and that the City
21 is poised to take advantage of its
22 considerable human, historic and physical
23 resources to become America's next great
24 city of this century. It would also
25 signal to residents that the City takes

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2 their interests seriously enough to embed
3 civic engagement in the new Code.

4 To implement the new Code, I
5 also strongly urge you to stand with the
6 Commission and with our nationally
7 recognized City Planning Commission to
8 ensure the success of the important next
9 steps. These include development of
10 district plans, land use recommendations
11 and, finally, revisions to the Zoning
12 Maps. Extensive citizen involvement is
13 planned at each of these steps. Over
14 about a five-year period, citizens and
15 planning professionals will meet to best
16 understand and codify the needs and
17 aspirations of their neighborhoods and
18 their city, thus further advancing the
19 principles of civic engagement created by
20 the participants in the Common Ground
21 project.

22 Thank you. This ends my
23 testimony. The following letter, Madam
24 Chair, Councilman DiCicco gave me
25 permission to read the letter by Julie

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2 Hoffman of the American Institute of
3 Architects. This is from President
4 Hoffman addressed to President Verna.

5 I am writing on behalf of the
6 Philadelphia Chapter of the American
7 Institute of Architects, a 1,700-member
8 professional organization representing
9 architects and affiliated professionals,
10 asking you to support the timely review
11 and approval of the new Zoning Code and
12 to support the public involvement process
13 as proposed by the Zoning Code
14 Commission.

15 Architects are required by law
16 to support the health, safety and welfare
17 of our fellow citizens and are uniquely
18 positioned to use and implement the
19 provisions of the Zoning Code. We are
20 extremely interested in the reforms being
21 considered and look forward to continuing
22 to participate in the ongoing process
23 that will result in a new Zoning Code,
24 land use recommendations and a Zoning Map
25 that will serve our city well into the

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2 future. A revised and modernized Zoning
3 Code will accelerate responsible
4 opportunities for the economic growth of
5 the City from without and from within.

6 Your leadership in guiding City
7 Council in its adoption of a modernized
8 Code will help bring increased
9 opportunity and progress to our wonderful
10 and ever-improving city.

11 President Julie E. Hoffman of
12 the AIA Philadelphia.

13 Thank you.

14 COUNCILWOMAN TASCO: Thank you
15 very much.

16 Next.

17 MR. McHALE: Thank you, Madam
18 Chair. My name is Brian McHale. I was a
19 facilitator of the Common Ground project
20 that Kiki helped create and I'm a member
21 of the public that's been a regular
22 attendee of the Zoning Code Commission
23 for the last three years. My testimony
24 is also relatively brief.

25 The last five years have seen a

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2 remarkable synergy between an increasing
3 realization of the need for robust
4 planning in the City and a more energetic
5 and transparent civic engagement process.
6 With the Phila 2035 Comprehensive Plan
7 and the upcoming Central Delaware
8 Waterfront Master Plan joining the array
9 of plans laid out over the last several
10 years, the City is well positioned to
11 capitalize on the growth which the census
12 has indicated is finally occurring.

13 The most difficult and perhaps
14 the most fragile plan of this remarkable
15 era is the reform of the Philadelphia
16 Zoning Code. It lays out the rules, the
17 regulations and the processes by which
18 people can develop property in the City.
19 It is why the process at the Zoning Code
20 Commission has been the most regular and
21 open of this entire constellation of
22 work. All you had to do in the last
23 three years was show up, call up or write
24 in, and that opinion was acknowledged by
25 the Commission and informed its work.

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2 The members of the Zoning Code
3 Commission and its staff are of different
4 backgrounds and philosophies who, over
5 the last three years, crafted a delicate
6 balance of give and take for everyone.
7 The current draft will not satisfy
8 everyone, but where there are
9 disagreements, there are a number of
10 perfectly valid sides which could be and
11 have been argued until the end of time.
12 That does not make the draft flawed or
13 somehow less than it could be. It
14 represents the best effort in good faith
15 to balance a number of different
16 perspectives which will never go away.

17 As this draft Code moves into
18 the next phase of its process, City
19 Council needs to add its own experience
20 in handling zoning matters. That
21 experience is extensive and can be
22 beneficial in smoothing the many rough
23 edges off of this draft. However,
24 Council is tasked with making
25 recommendations to improve the draft, not

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2 simply coming up with its own solutions.

3 An immense amount of public effort went
4 into this process in parallel with other
5 planning processes, and City Council
6 should be immensely wary of where it
7 decides to suggest changes outside of
8 that public input. The current draft is
9 backed up by data, best practices and
10 intense civic engagement and could be
11 passed right now. Should problems arise
12 in its implementation, Council is still
13 fully capable in the future of amending
14 the Code, as it currently does, and
15 should keep that in mind before making
16 changes to a draft to solve perceived
17 problems which have not happened yet.

18 In 2007, the City was given a
19 mandate by its citizens to move forward
20 with zoning reform, and over the last
21 three and a half years, the Zoning Code
22 Commission, its staff, its consultants
23 and the public representing both the
24 development community and neighborhood
25 groups have diligently worked to create

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2 what is now the draft preliminary report.

3 They have done the job tasked to them.

4 It is now time for City Council to do

5 theirs and move this process forward as

6 expeditiously and transparently as

7 possible.

8 Thank you for the chance to

9 testify before you today.

10 COUNCILWOMAN TASC0: Thank you

11 for testifying.

12 The Chair recognizes Mr.

13 DeMarco.

14 MR. DeMARCO: I testified.

15 COUNCILWOMAN TASC0: You

16 testified already?

17 MR. DeMARCO: I have a copy of

18 my testimony, if you want it.

19 COUNCILWOMAN TASC0: Well,

20 thank you very much for coming in to

21 testify. We appreciate it very much.

22 The next panel will be

23 Rasheedah Phillips, Steven Huntingdon,

24 Yvonne Haskins, Madeline Shikomba and

25 Marjorie Greenfield.

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2 (Witnesses approached witness
3 table.)

4 COUNCILWOMAN TASCO: We're
5 going to hear from Ms. Rasheedah Phillips
6 first.

7 MS. PHILLIPS: Good morning,
8 members of City Council, Councilwoman
9 Tasco. Thank you for giving me the
10 opportunity to testify before you today
11 on the Zoning Code Proposals of the
12 Zoning Code Commission. My name is
13 Rasheedah Phillips and I am an attorney
14 at Community Legal Services in the
15 Community Economic Development Unit on
16 the Child Care Law Project. The Child
17 Care Law Project was established at CLS
18 to address the legal needs of
19 Philadelphia's child care community. I
20 provide legal advice and representation
21 to low-income, non-profit and for-profit
22 child care providers. I also collaborate
23 with other non-profit organizations that
24 serve as resources to the child care
25 communities, such as the Southeastern

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2 Pennsylvania Early Childhood Coalition,
3 or SEPECC, which is a regional group of
4 early child care and education providers,
5 experts and advocates working together to
6 exchange information and coordinate
7 advocacy in support for early child care
8 and education.

9 Zoning is the entry point for
10 all child care providers, many of whom
11 are first-time businessowners and many of
12 whom are low-income residents of
13 Philadelphia. Many of these providers
14 have often come out of dire financial
15 circumstances and are attempting to
16 create a business that can be both
17 economically viable and fulfill an
18 important communal need. Philadelphia
19 child care providers are also small
20 community organizations and
21 religious-based organizations seeking to
22 provide a safe space in a community for
23 children to learn and play while their
24 parents go to work. For providers
25 wishing to develop their businesses,

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2 zoning is often a hurdle in the process
3 that serves to frustrate their purposes
4 rather than further them.

5 The proposed new Zoning Code
6 provides the basis for access to healthy,
7 safe and quality child care programs
8 through land use decisions. The proposed
9 new Code seeks to encompass the great
10 breadth of child care options upon which
11 the families and the economy of
12 Philadelphia depend, create uniformity
13 and is more accessible and user-friendly
14 for providers who rely on zoning
15 decisions to be able to take the next
16 step toward opening their day cares and
17 providing quality early childhood
18 education programs to children in the
19 City. While the proposed new Code isn't
20 perfect, it reflects a compromise that
21 was developed by the Zoning Code
22 Commission through four years of
23 extensive consultation with neighborhood
24 residents, developers, elected and
25 appointed officials and other

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2 stakeholders, including a number of City
3 Council offices. This was one of the
4 most broad-based democratic processes we
5 have seen in the City the size of
6 Philadelphia and something the City and
7 its residents can be proud of.

8 The plan called for City
9 Council to initiate hearings on the draft
10 Code within 45 days of receiving it from
11 the Zoning Code Commission. The hearings
12 will provide one more opportunity for
13 Council and the public to offer input
14 before revisions are made and a final
15 proposal is considered.

16 While SEPECC does not agree
17 with every element of the proposed draft
18 Code, we strongly encourage you to keep
19 the process on track by holding these
20 public hearings, continuing them through
21 the fall and acting on the adoption of
22 the new Code by the end of the calendar
23 year. Through the adoption of the new
24 Code, Philadelphia can take a step
25 forward for children and all the people

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2 in the City who depend upon equitable
3 administrative processes to build and
4 strengthen their communities.

5 Thank you for your time and
6 consideration.

7 COUNCILWOMAN TASCO: Thank you
8 very much for your testimony.

9 Mr. Huntingdon.

10 MR. HUNTINGDON: Thank you.
11 I'm Steve Huntingdon. I'm speaking this
12 morning on behalf of the Crosstown
13 Coalition. I'd like to ask the
14 Chairman's permission to have my remarks
15 divided into two sections. I've got
16 general remarks, which have also been
17 endorsed by the Development Workshop. We
18 have more specific remarks which I'd like
19 Mr. Little of the Coalition to present,
20 which have not been endorsed by the
21 Development Workshop. So if I have your
22 okay, I'd like to present our general
23 comments.

24 COUNCILWOMAN TASCO: Is he
25 going to come forward and testify at the

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2 end or are you going to present both
3 testimonies?

4 MR. HUNTINGDON: I would like
5 him to speak briefly after I finish, if I
6 may.

7 COUNCILWOMAN TASCO: Okay.

8 MR. HUNTINGDON: The Crosstown
9 Coalition is a consortium of 12 civic
10 associations, Center City residents, East
11 Falls Community Council, East Passyunk
12 Civic, Logan Square Neighborhood,
13 Northern Liberties Neighborhood, Old City
14 Civic, Overbrook Farms Club, Queen
15 Village Neighborhood Association, Society
16 Hill Civic Association, South Broad
17 Street Neighborhood Association and
18 SOSNA, the South of South Neighborhood
19 Association. We formed this coalition
20 group to address the issues raised by the
21 Zoning Code reform efforts. We followed
22 the ZCC process for more than two years.
23 We've issued more than 100 pages of
24 commentary on the various Zoning Code
25 proposals that have been presented.

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2 At our last meeting, we
3 resolved to analyze the current draft of
4 the Code that was recently presented to
5 Council over the summer, and it's our
6 plan to have a written analysis of this
7 draft available for Council's review in
8 the fall.

9 Our first request is that
10 Council set aside time in the fall for
11 the conduct of public hearings prior to
12 the preparation of Council's response to
13 the current ZCC draft.

14 Our second proposal is that
15 some time be spent by Council over the
16 summer in preparation for the fall
17 hearings.

18 If the past two years have
19 taught us anything, we've learned that
20 Zoning Code reform is a large and complex
21 task. The members of the Zoning Code
22 Commission have devoted an extraordinary
23 amount of time and energy, generated
24 literally thousands of pages of draft
25 materials, and their staff has been

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2 tireless in moving the process along.

3 But because this is a large task

4 involving so many details, we suggest

5 that Council consider working on this

6 project during the summer recess.

7 Perhaps Council President Verna could

8 organize break-out sessions during the

9 recess so that when fall arrives, Council

10 can convene prompt and fruitful hearings.

11 A useful model created by the

12 Zoning Code Commission was the series of

13 stakeholder meetings which were topically

14 based. For example, there was a

15 stakeholder meeting on overlays, and

16 another suggestion was devoted to an

17 analysis of use provisions. And

18 obviously it would be useful to have

19 outreach in each Council District so that

20 the individual concerns of every

21 neighborhood can be taken into account.

22 So we look forward with working

23 with Council to ensure that the City

24 obtains its best possible Zoning Code.

25 And those are -- that's the end

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2 of my remarks. Those remarks once again
3 were endorsed by the Development
4 Workshop, and I'd like to have Mr. Little
5 address some of the specific topical
6 concerns that our group, the Crosstown
7 Coalition, has.

8 COUNCILWOMAN TASCO: Thank you.

9 MR. LITTLE: Thank you. I'm
10 going to be brief.

11 Our Coalition is a broad
12 coalition over Northeast, Central and
13 West Philadelphia.

14 COUNCILWOMAN TASCO: Would you
15 identify yourself.

16 MR. LITTLE: I'm sorry. My
17 name is Sam Little. I am a member of the
18 Coalition, the Crosstown Coalition, and
19 I'm also the President of the Logan
20 Square Neighborhood Association.

21 Our Coalition has worked very
22 hard for success, not failure, of this
23 plan. We think it is a terrific advance
24 in terms of what it will do. I would
25 just follow what Steve says. A couple of

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2 key issues amongst the really good ones
3 for neighborhoods and where there's never
4 really been anything quite like this, the
5 civic design review -- and I think you
6 may have heard about it this morning --
7 really gives the neighborhoods a place at
8 the table in terms of better development,
9 more effective development and more
10 adaptive development to the neighborhoods
11 it's in. The community organizations are
12 going to be given a greater identity and
13 more responsibility to make this work.
14 So those are two really good points.

15 We do believe that there are a
16 few key points we would like to resolve
17 and maybe even change a bit before this
18 plan is finalized. One is that, just as
19 an example, the bulk of buildings in
20 dense commercial areas we think needs a
21 little bit more regulation. It's
22 complicated. There is a new innovative
23 system called "sky planing" to control
24 the bulk of buildings in key locations.
25 We believe that some form of form-based

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2 control needs to be extended to the CMX-4
3 and CMX-5 areas. Technical, but
4 important in terms of lower density
5 residential neighborhoods that are right
6 nearby.

7 I would like to -- hearing the
8 previous testimony -- and I agree that we
9 have to have compromise and we have to
10 have concessions. I think there's
11 something more important that the Zoning
12 Code can do, which is to empower the
13 different parties to collaborate to make
14 something better than some of its parts.
15 In Logan Square Neighborhood Association,
16 we have had the benefit of a great
17 location, good people, a -- it's a large
18 area. It goes from Broad Street to the
19 river, Spring Garden to Market, but we
20 right now have the better part of one
21 billion dollars worth of development that
22 is either underway in construction or is
23 going to happen, and there are a couple
24 of important reasons for this. One is
25 the location. The second is the level of

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2 collaboration between developers and
3 neighborhood. And I think, third, we
4 have had the benefit of a neighborhood
5 plan, which the Planning Commission has
6 accepted. And, finally, in a
7 councilmanic way, our councilmanic
8 guidance has not been made the decisions
9 for a project or against, but has told
10 both developers in the neighborhoods,
11 Work it out, and this has led to a better
12 product, sometimes harder to do, but it
13 is better for both the neighborhoods and
14 I believe for development as well.

15 And in that sense, I want to
16 come to the point, and I'll conclude, is
17 that we had asked previously of Council
18 that greater support be provided than
19 initially suggested for the district
20 planning process. We feel that this is a
21 critical element in bringing
22 neighborhoods to a better understanding
23 of opportunities, a better recognition of
24 constraints, and developers as well, in
25 the all-important remapping process. I

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2 know these have been considered as
3 separate, but I would hope that both
4 Council and the Planning Commission and
5 the neighborhood organizations of the
6 whole see them coming together in a very
7 much more productive way.

8 Thank you. Those are my
9 comments.

10 COUNCILWOMAN TASC0: Thank you
11 very much.

12 While you're sitting there,
13 you're Ms. --

14 MS. GREENFIELD: Greenfield.

15 COUNCILWOMAN TASC0: --
16 Greenfield. Why don't you just go ahead.

17 MS. GREENFIELD: Thank you very
18 much. I am here wearing several hats. I
19 am a member of the Crosstown Coalition on
20 behalf of East Falls Community Council,
21 and we fully endorse the comments which
22 were just made.

23 COUNCILWOMAN TASC0: Thank you.
24 Please proceed.

25 MS. GREENFIELD: As residents,

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2 we're stakeholders. We're not powerful.
3 Together we hope to be more powerful, and
4 we have been assiduously following and
5 working with the proposed changes to the
6 Code. I agree that they are a vast
7 improvement. There are, however, certain
8 areas which raise deep concerns for us,
9 and I say this as a person who has been
10 the Chair of the Zoning and Land Use
11 Committee of our community for several
12 years. I just completed the Citizens
13 Planning Institute course, and my
14 concerns remain, that despite the best
15 efforts -- and I believe they were well
16 intentioned -- the way the proposed Code
17 is now drafted, it does not adequately
18 protect, preserve and enhance the
19 individual characteristics of successful
20 neighborhoods. It doesn't support them
21 adequately.

22 There are areas of concern
23 which include Section 14-404, which
24 provides for what are special
25 institutional districts, which does not

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2 have adequate protections for residential
3 areas in which they do or will reside.

4 And we have submitted detailed draft
5 comments to our Councilman, and we'll
6 flesh those out.

7 We are very concerned about
8 many of the uses which may now be allowed
9 as of right in small retail districts
10 under the CMX-2.5 section. Some others
11 are also allowed uses by special
12 exception, which sounds as if the
13 community might have an opportunity to
14 have them disallowed. However, the way
15 the Code is now drafted, the community
16 will be effectively precluded from
17 preventing any of those special
18 exceptions, because they're not really --
19 the standards by which one could object
20 to and prevent a special exception are so
21 high. For example, if that proposed use
22 would normally generate a lot of traffic,
23 then that is not a basis for objecting to
24 it, even though it might have a negative
25 impact on the community.

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2 The bar is very, very high, too
3 high, and, therefore, as far as I am
4 concerned, we'd like to see a lot of
5 those uses put down as no's so that we'd
6 have an opportunity to really have an
7 effective hearing.

8 Finally, there's been a lot of
9 consolidation of overlays. East Falls
10 has special district controls, commonly
11 known as an overlay. Some of the
12 provisions have made the way into the
13 CMX-2.5 standards, others have been
14 dropped and we are left with bare bones.
15 Again, this does not give enough
16 attention to the character of our
17 neighborhood, a river community with a
18 lot of old rowhouses, which are in the
19 commercial district, and the housing
20 which goes up from those areas.

21 One of the things they've
22 dropped -- and they keep insisting it
23 didn't belong in the Code, but it was in
24 our overlay -- was a venting requirement
25 for restaurants. Because we're at the

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2 bottom of the hill, the fumes from a
3 restaurant, the exhaust fumes, normally
4 go up the hill, and we have neighbors now
5 who simply cannot use their backyards
6 because of the fumes from restaurants,
7 and those -- that control was completely
8 dropped.

9 So those are some of our
10 concerns. I think that a lot of them in
11 terms of the special districts and the
12 institutional development districts, the
13 special institutional districts in the
14 new Code and uses, are shared by many
15 other similar communities. We will
16 attempt to educate our Councilman and
17 City Council over the summer about those,
18 but we ask that you pay special attention
19 to those concerns, because those concerns
20 affect the character and the success of
21 our neighborhoods, and that is supposed
22 to be a goal of this new legislation.

23 We thank you for your attention
24 and the opportunity to testify. I
25 apologize for not having my comments

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2 printed for you. I did not -- I wasn't
3 sure whether we were going to actually be
4 able to make them, and, frankly, we've
5 been having a number of firestorms in our
6 community in the last few days, which
7 have taken a lot of time and attention.
8 But thank you very much for the time to
9 be heard.

10 COUNCILWOMAN TASC0: Thank you.

11 And there will be an opportunity for
12 further discussion when we begin the
13 hearings in the fall.

14 MS. GREENFIELD: Thank you very
15 much.

16 COUNCILWOMAN TASC0: Thank you
17 for coming.

18 Mrs. Haskins.

19 MS. HASKINS: Good morning,
20 Madam Chair. Before I give you my brief
21 testimony, I'd like to ask if we could
22 testify as a group. There are four of us
23 here together really concerning --

24 COUNCILWOMAN TASC0: Are you
25 going to say the same thing?

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2 MS. HASKINS: No. There are
3 four of us here together who are coming
4 from the same community, but we're all
5 listed and registered for testimony.

6 COUNCILWOMAN TASC0: Is it
7 Robyn Tevah?

8 MS. HASKINS: Yes.

9 COUNCILWOMAN TASC0: Paula
10 Paul?

11 MS. HASKINS: Yes.

12 COUNCILWOMAN TASC0: And Connie
13 Winters?

14 MS. HASKINS: Yes.

15 COUNCILWOMAN TASC0: When we
16 finish with Ms. --

17 MS. HASKINS: Haskins.

18 COUNCILWOMAN TASC0: No; Ms.
19 Shikomba, then -- let's let her testify
20 first and then the four of you come up.
21 Okay?

22 MS. HASKINS: Okay. Thank you.

23 COUNCILWOMAN TASC0: Thank you.

24 Thank you, Ms. Shikomba.

25 MS. SHIKOMBA: Thank you very

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2 much, Councilperson Tasco. My name is
3 Madeline Shikomba. That's spelled
4 S-H-I-K-O-M-B-A.

5 I would like to congratulate
6 the Zoning Commission on what they have
7 done. It was a tremendous task.
8 However, I find that what they presented
9 to us over the course of time has changed
10 dramatically. The last rewrite I got was
11 so different from the one they submitted
12 to City Council, it became very difficult
13 for me to coordinate between the
14 different passages of what was happening.

15 I have prepared a written
16 statement for City Council, but because
17 some of the sections, the numbers and
18 everything was changed and I'm trying to
19 coordinate between reading back and forth
20 between what was happening in the last
21 rewrite of May and what they sent to you,
22 there were changes made, slight word
23 changes that somehow changed the meaning
24 of the entire thing. For instance,
25 especially on neighborhood community

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2 groups. One section said, 14-303,
3 Section 12 or whatever -- I'll read it
4 for you.

5 If an application calls for
6 specific design, they only have to meet
7 once with the community group. And then
8 they added, which was not in the one I
9 had before, A second meeting with a
10 registered organization group is not
11 required following Design Committee
12 Review and before the action by the
13 Zoning Board.

14 Now, when I looked back, this
15 section was not the section. It was
16 changed. There were so many changes
17 made, it was just ridiculous, and I'm
18 finding difficulty with it.

19 Getting back to neighborhood
20 community groups, my major argument is
21 this: The RCOs, as they called them,
22 have been really muted in what they have
23 to say. They are told that we have to
24 abide by the rules of the Commission.
25 These rules of the Commission don't even

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2 exist. How can they put something in a
3 book when the rules don't even exist?

4 They have also changed certain
5 things as -- one of the changes said,
6 changes were already -- one of the
7 things, it says Regulations of the Zoning
8 Administrative Manual. They changed that
9 to read, Regulations of the Commission.

10 When I asked, well, where are the
11 regulations of the Commission, they don't
12 exist. How can you have regulations of
13 the Commission? The regulation of the
14 Zoning Manual is there. Now, if the
15 Commission is going to do those
16 regulations, then they should say that.
17 I want to know what are the regulations
18 of the Commission. Where are they?
19 Where do they exist?

20 Okay. They also paraphrase
21 many things concerning the L&I,
22 concerning the duties and everything,
23 which they did exclude from this working,
24 which didn't agree with the wording in
25 the Charter. Okay?

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2 Furthermore, decisions -- L&I
3 have been given the right to make a lot
4 of decisions. They now take it out of
5 the purview of the community groups to
6 even challenge. That means that the
7 developer can go right straight to L&I,
8 which he can do right now under certain
9 conditions under the present Zoning Code,
10 get what he want and don't even have to
11 talk to the community. Well, this has to
12 me been extended within the present
13 Zoning Code, giving them more purview
14 over certain rights, which means as a
15 community group we don't even have the
16 right to challenge them, and I don't
17 think that's particularly right either.

18 My suggestion is, I do not wish
19 for us to rush into passing this Code.
20 There are some influences that are in
21 this document, especially concerning
22 community groups, that need to be
23 addressed, and I think we should take our
24 time when reviewing this document. I
25 commend them on what they have done, but

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2 we need to take our time in reviewing
3 this document.

4 I have other things I have --
5 because I've talked to you before about
6 these things, and I will give it to you
7 in writing, once I've been able to
8 compare the last document I got from them
9 and the current document I get from them,
10 that there is so many changes, I have
11 gotten confused. Section numbers have
12 been changed. They're not the same
13 section numbers, and it's just confusion
14 for me as a layperson.

15 My last comment is, I wish you
16 will consider establishing a position of
17 public advocate. That is a person that
18 we as the public can go to who can help
19 us to navigate through this maze. I
20 mean, it is extremely difficult, and I
21 hope that you will look into that
22 possibility of establishing such a
23 position as a public advocate to help the
24 people and the public in general navigate
25 through this maze of Zoning Code.

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2 Thank you.

3 COUNCILWOMAN TASC0: Thank you
4 very much. You will have an opportunity
5 when we reconvene to present your
6 argument, and you might want to present
7 that in a written testimony to Council
8 prior to that.

9 MS. SHIKOMBA: I am.

10 COUNCILWOMAN TASC0: So this is
11 just the opening to begin the discussion,
12 so it will be ongoing and you'll have an
13 opportunity to continue bringing your
14 concerns to the Council.

15 MS. SHIKOMBA: Thank you.

16 COUNCILWOMAN TASC0: All right.
17 Now the other ladies, Robyn Tevah, Paula
18 Paul, Connie Winters, you may come
19 forward, please.

20 (Witnesses approached witness
21 table.)

22 MS. HASKINS: Thank you, Madam
23 Chair, for allowing us to do it this way.
24 My name is Yvonne Haskins. I'm here
25 representing myself as a developer in

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2 Germantown as well as representing
3 neighbors in the West Central Germantown
4 area.

5 We're here to ask that the
6 Council pay attention to Germantown. The
7 significance of Germantown is its
8 historic value has been ignored by the
9 Zoning Commission in its removal of the
10 special overlay for Lower and Central
11 Germantown that -- West Central
12 Germantown that Councilwoman Donna Reed
13 Miller had passed in 2007. This special
14 overlay specifically seeks to preserve
15 the historic significance of Germantown.

16 Germantown was the first
17 municipality in the State of
18 Pennsylvania. I don't know if many
19 people are aware of that. It has as many
20 historic properties and sites as Center
21 City.

22 The Commission has preserved
23 North Central -- a North Central overlay
24 that deals with uses, and that's the only
25 overlay that I saw that is being

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2 preserved that deals with uses. It
3 suggests an overlay for Germantown Avenue
4 that deals with height and setback and so
5 forth.

6 We're asking that the special
7 control district that was passed for
8 Germantown be preserved just as you're
9 doing it for North Central. We're also
10 asking that the Council adhere to what
11 others are suggesting, that you delay
12 moving too fast on passage.

13 We certainly commend the
14 Commission in its work. We commend all
15 of the efforts and all of the outreach,
16 but this is going to be something that is
17 our future that dictates what Germantown
18 will look for as its special protection.

19 And so I'd like to turn it over
20 to one of -- would you like to go next,
21 Paula?

22 MS. PAUL: Sure. Thank you.

23 COUNCILWOMAN TASC0: Good
24 morning.

25 MS. PAUL: Good afternoon, I

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2 guess. My name is Paula Paul. I'm a
3 30-year resident of Germantown. I'm here
4 as a resident, although I'm a member of a
5 number of community groups, Neighborhood
6 Networks, Germantown Community
7 Connections, West Central Neighbors, but
8 I'm here as an individual resident,
9 because I love my neighborhood. I've
10 lived there a long time. My son went to
11 public school there. And when I arrived
12 in Germantown when I needed a birthday
13 cake, I'd go on the Avenue to buy one.
14 If I wanted groceries, I'd go to the
15 corner to Shop Rite and shop. Gone.
16 When I wanted to take my child to summer
17 camp, we'd go to the Germantown Women's
18 Y. Gone. If I wanted to buy a gift for
19 someone, I went to a gift store in the
20 neighborhood mall. Gone. And over the
21 years, our business district, our
22 commercial corridor, has deteriorated
23 tremendously with an abundance of dollar
24 stores and cell phone stores and wig
25 stores, and fortunately, our City

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2 Councilwoman got an overlay passed for us
3 limiting this so that we could induce
4 other kinds of businesses to our
5 neighborhood, which is a beautiful
6 neighborhood, close to Wissahickon Park,
7 full of community gardens and full of
8 magnificent historical sites.

9 So we were very excited when a
10 property, the largest property, between
11 Cheltenham and Rittenhouse Street along
12 Pulaski right next to a train station
13 became available for development, and
14 were very upset, the neighbors really
15 were upset, to find out that lo and
16 behold on this property was going to come
17 another dollar store.

18 We're very interested in
19 keeping the overlay that protects our
20 neighborhood from variety stores of a
21 certain kind be part of the new Zoning
22 Code, because we're for progressive
23 zoning. We want reform, but we also want
24 to support new business coming into our
25 community. There is new investment

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2 coming in, and we want the area around
3 the Cheltenham Train Station to be unique,
4 different, aesthetically beautiful,
5 pleasing and have businesses that will
6 bring all our neighbors back to the
7 neighborhood.

8 We lose a tremendous amount of
9 money in our neighborhood because our
10 neighbors shop elsewhere. They go to
11 Roxborough. They go to Mount Airy. They
12 even go to West Oak Lane to the Fresh
13 Grocer over there, but we need stores
14 that keep the money in our neighborhoods.

15 So we're here not to ask for
16 money from City Council. We're here to
17 ask you to let us bring new money into
18 our community by keeping the overlay in
19 place that let's us restrict more variety
20 stores and dollars stores coming to our
21 neighborhood. I think someone else will
22 be telling you exactly how many of those
23 stores we actually have.

24 COUNCILWOMAN TASCIO: Next.

25 MS. WINTERS: My name is Connie

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2 Winters. I'm almost embarrassed to admit
3 that I'm a 35-year resident of Germantown
4 and I have a background in city planning.
5 I've been working to redevelop houses in
6 Germantown since I got there, and I
7 formed a company called Historic
8 Germantown Properties in the year 2000,
9 which was specifically formed to improve
10 the commercial district. I brought five
11 copies of three of my buildings, and I'm
12 wondering if I could hand them to you.

13 The one on the top is a tax
14 credit project at the corner of Chelten
15 and Pulaski. The one in the center is
16 another building on Chelten Avenue that's
17 directly across the street from that, and
18 the third one is a facade reconstruction
19 of a historic building on Germantown
20 Avenue.

21 I'm also here to speak in
22 behalf of having the overlay retained,
23 because it denies or prohibits certain
24 uses that have proliferated for the last
25 15 years on Chelten Avenue and Germantown

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2 Avenue that have brought our business
3 district down.

4 In the three buildings that
5 I've given you pictures of, I've adhered
6 to the standards of the ordinance over
7 the last ten years without any oversight,
8 because I understand the need for a
9 healthy multi-dimensional commercial
10 district. The commercial district
11 impacts the surrounding residential
12 districts, the values of the housing
13 stock and thus the flow-through to the
14 City in terms of real estate revenue.

15 Cheltenham Avenue as a business
16 district extends from Germantown Avenue
17 all the way actually to Morris Street and
18 then it extends for two blocks further to
19 Wissahickon Avenue, but that's primarily
20 residential. I own three buildings with
21 a total of 15 apartment units. I rent
22 these apartments myself, and I'm aware of
23 what it takes to keep young employed
24 tenants in Germantown, and we have very
25 few of the things that they want to see,

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2 so eventually they usually move on to
3 Northern Liberties or Center City.

4 The access to the park is a big
5 plus, but we need a coffee shop. We need
6 a nice neighborhood bar and restaurant.
7 We need a high-class deli. We need a
8 hardware store. And what we have is 18
9 beauty shops, seven nail salons, eight
10 cell phone stores and 11 dollar stores.
11 So this does not encourage people to shop
12 in the area.

13 This ordinance prevents the
14 proliferation of those if it's enforced,
15 and we'd like to see it retained in the
16 new zoning laws.

17 Thank you.

18 COUNCILWOMAN TASCO: Thank you.

19 Ms. Tevah.

20 MS. TEVAH: Thank you, Chairman
21 Tasco and members of the Council. My
22 name is Robyn Tevah and I am here as an
23 individual, but I've been a member of
24 Germantown Community Connections since
25 the beginning. I am now chairing the

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2 committee for WCGN, West Central
3 Germantown Neighbors, which is
4 specifically on this project next to the
5 train station, and I'm a member of a new
6 group called Germantown Cares, which has
7 a website you can find.

8 I've been to several of the
9 meetings about zoning changes. I've gone
10 online and filled out those
11 questionnaires. I've done things like
12 that. But it wasn't really apparent to
13 me from any of these how disastrous the
14 loss of the overlay would be for
15 Germantown and how different Germantown
16 is than many other areas outside of
17 Center City.

18 For instance, if you look at
19 the Manayunk overlay, you get down to --
20 they have itemized letters A through O.
21 You get down to O before they use the
22 word "historic." So when you look at --
23 which I was not able to find online, so I
24 just reviewed it this morning. But when
25 you look at the proposed way of keeping

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2 some kind of overlay type thing in the
3 new Code, it's all about commercial
4 corridor. It doesn't seem to mention the
5 word "historic." And so you need the
6 sense it's protecting the historic nature
7 that we need, along with doing things
8 that will help economic revitalization.

9 I moved to Philadelphia five
10 years ago. I have lived maybe a dozen
11 places in my life, and I have never found
12 as warm and lovely a community as
13 Germantown. I love all of Philadelphia,
14 but Germantown is really special. And I
15 do not want to see a low-end
16 suburban-style strip mall built right
17 next to the train station, which ought to
18 be the gateway to downtown Germantown.
19 It goes against the transit-oriented
20 development plan for Nicetown and
21 Germantown that the City Planning
22 Commission put together. The proposed
23 development does not use any
24 transit-oriented development concepts,
25 and by removing the overlay, it gives us

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2 no time to get any of those protections
3 in to preserve our community.

4 Thank you.

5 COUNCILWOMAN TASCO: Thank you
6 all very much for your testimony. We
7 appreciate it.

8 MS. HASKINS: Thank you. And I
9 gave you a statement.

10 COUNCILWOMAN TASCO: I have it.
11 Did you give the -- they're the ones that
12 need it. I have it for myself. Thank
13 you.

14 The Chair recognizes Cheryl
15 Gaston.

16 Is there anyone else here to
17 testify on this resolution?

18 (No response.)

19 (Witness approached witness
20 table.)

21 COUNCILWOMAN TASCO: Good
22 afternoon.

23 MS. GASTON: Good afternoon,
24 Chairwoman Tasco and members of Council.
25 My name is Cheryl Gaston. I am Chair of

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2 the Real Property section of the
3 Philadelphia Bar Association. I served
4 as counsel to the Zoning Board of
5 Adjustment for 17 years, and I was a
6 member of the Law Department for 19
7 years, where I specialized mainly in
8 zoning matters.

9 Our Real Property section has a
10 subset of our best zoning attorneys who
11 worked for a long time here to review the
12 Zoning Code Proposals of the Zoning Code
13 Commission, and we have the following
14 comments to make.

15 The Real Property section of
16 the Philadelphia Bar Association shares
17 with the Zoning Code Commission the
18 desire to provide all Philadelphians with
19 a simple, transparent and effective
20 Zoning Code with which to guide
21 development. In that spirit, we spent
22 countless hours intensively reviewing the
23 Zoning Code Commission's Modules 1, 2 and
24 3 and red line, blue line and green line
25 drafts of the proposed Code, a task made

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2 daunting as the Commission moved through
3 the Code revision process.

4 Since adoption of the Zoning
5 Code Commission's draft preliminary
6 report, the green line that was dated
7 March 2nd, 2011, we submitted extensive
8 written comments and met with the Zoning
9 Code Commission on numerous occasions to
10 review those comments.

11 Just hours before a scheduled
12 meeting with the Zoning Code Commission
13 on Thursday, April 28th, 2011, we learned
14 the ZCC chose to revise substantially
15 certain standards regarding the legal
16 process for the grant of variances and
17 special exceptions. The revisions
18 represented wholesale changes of sections
19 for which different revisions had been
20 agreed to at previous meetings. The
21 result was that the entire April 28th
22 meeting was consumed by discussions of
23 these revisions, leaving much of the
24 draft Code that is yet to be reviewed.

25 We also learned at that April

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2 28th meeting that the Zoning Code
3 Commission expected any comments with
4 respect to the significant revisions to
5 be submitted by Monday, May 2nd, 2011, a
6 deadline we scrambled to meet.

7 We were also informed at the
8 same April 28th meeting that the Zoning
9 Code Commission planned to release a
10 preliminary report, the purple line I
11 think as it's called, on Wednesday, May
12 the 4th, again, with significant changes
13 and would vote to send this report to
14 City Council on May 11th, 2011.

15 Upon cursory review of the
16 preliminary report, the Real Property
17 section could not, in such a short time,
18 properly review or meaningfully comment
19 upon this preliminary report. We
20 informed the Zoning Code Commission of
21 this by letter prior to the May 11th
22 meeting.

23 While the changes embedded in
24 the preliminary report may even improve
25 it -- and we will concede that the

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2 process of continual revision that has
3 gone on during this process has resulted
4 in an improved document -- we remain
5 convinced that numerous provisions
6 require further study and revision in
7 order to make this preliminary report a
8 sound document.

9 We plan to review, analyze and
10 prepare written documents concerning the
11 preliminary report over the summer. We
12 believe that our input will make a
13 substantial contribution to City
14 Council's deliberations and response to
15 the preliminary report, and as such, we
16 respectfully request that City Council
17 provide us with the time required to
18 properly review and provide written
19 comment and that Council set aside time
20 in the fall for public hearings before
21 Council prepares its response to the
22 preliminary report.

23 We look forward to working with
24 City Council to produce the fair,
25 sensible and smart Zoning Code all the

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2 citizens of Philadelphia need and expect,
3 and we thank you for giving us the
4 opportunity to testify.

5 COUNCILWOMAN TASCO: And we
6 thank you for taking time to come and
7 testify. We certainly will be having
8 extensive hearings. So you have an
9 opportunity to present your argument.

10 MS. GASTON: Thank you. Thank
11 you very much.

12 COUNCILWOMAN TASCO: Is there
13 anyone else here to testify on this
14 resolution?

15 (No response.)

16 COUNCILWOMAN TASCO: There
17 being none, this Committee is -- did I
18 see your hand?

19 (Witness speaking without
20 microphone.)

21 COUNCILWOMAN TASCO: No. This
22 is not the L&I Committee. That's coming
23 up next. This is the Committee of the
24 Whole discussing the Zoning Commission's
25 new Zoning Code revision. You all right?

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2 UNIDENTIFIED SPEAKER: Yes.

3 COUNCILWOMAN TASC0: Thank you.

4 This Committee will stand
5 adjourned until the call of the Chair.
6 Thank you all very much for your time.

7 (Committee of the Whole
8 adjourned at 12:45 p.m.)

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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 June 15, 2011, and that
8 this is a true and correct transcript of same.

9
10
11
12
13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

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