

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 15, 2011
10:10 a.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCILMAN DARRELL CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 100759, 100873, 110005, 110006 and
110083

- - -

1
2 COUNCILMAN KENNEY: Excuse me,
3 ladies and gentlemen. We don't have a
4 quorum yet, so we're not getting started,
5 but I just wanted to make a last-minute
6 announcement that Bill No. 110083, which
7 is the 12th and Chestnut Street property,
8 is being held at the request of the
9 sponsor to a date certain, which would be
10 Wednesday, March 23rd at 10:00 a.m. in
11 this room. Thank you.

12 (Pause.)

13 COUNCILMAN KENNEY: Good
14 morning again, ladies and gentlemen. We
15 now have a quorum of the Rules Committee
16 consisting of myself, Councilman Kenney;
17 Councilman DiCicco; Councilman Goode;
18 Councilmember Reynolds Brown; and
19 Councilman Greenlee.

20 The first bill for
21 consideration today is Bill No. 100759,
22 which is amending Title 14 of The
23 Philadelphia Code, entitled "Zoning and
24 Planning," by amending Section 14-305,
25 entitled "'C-4' Commercial and 'C-5'

1 3/15/11 - RULES - BILL 100759, ETC.
2 Commercial Districts," by revising
3 parking and area regulations and
4 regulations relating to signs and
5 off-street loading and trash storage in
6 the area bounded by Arch Street, Juniper,
7 Cuthbert Street, Broad Street, all under
8 certain terms and conditions.

9 (Witness approached witness
10 table.)

11 COUNCILMAN KENNEY: Good
12 morning, Mr. Kramer. Please identify
13 yourself for the record.

14 MR. KRAMER: Good morning,
15 Councilman Kenney, members of the Rules
16 Committee. I am William Kramer, Division
17 Director of the Development Planning
18 Division of the Philadelphia City
19 Planning Commission. I am here to
20 testify on Bill No. 100759, which was
21 introduced by Councilmember DiCicco
22 November 4th, 2010.

23 Bill No. 100759 will amend
24 Section 305 of the Philadelphia Zoning
25 Code in order to facilitate the

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2 development of a portion of an area
3 bounded by Arch Street, Juniper, Cuthbert
4 and Broad Streets with a parking garage.
5 This site is currently a surface parking
6 lot and is across Arch Street from the
7 Pennsylvania Convention Center.

8 Bill No. 100759 will amend
9 Section 305 of the Zoning Code only for
10 the area previously mentioned to allow a
11 parking garage as a use, as well as
12 removing the requirement for a special
13 use permit for the garage use. There are
14 also provisions to remove the
15 requirements for a setback line above the
16 65 foot height limit of a building and
17 revisions for the trash storage and
18 loading requirements in this section of
19 the Code. Lastly, the bill will allow
20 accessory signage on this building while
21 maintaining the requirement of Art
22 Commission approval.

23 The proposed parking structure
24 will contain ground floor retail uses to
25 be built at the northwest corner of

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2 Juniper and Arch Street to better serve
3 patrons of the expanded Pennsylvania
4 Convention Center, with vehicular ingress
5 and egress to occur on Arch Street and
6 13th Street. The developer has met with
7 neighboring property owners and is in the
8 process of executing private agreements
9 with them concerning the design,
10 construction and other property-related
11 impacts of the garage.

12 The design of the garage facade
13 must be approved by the City Planning
14 Commission before building permits for
15 this project can be issued.

16 The Philadelphia City Planning
17 Commission considered Bill No. 100759 at
18 their meeting of February 15th, 2011.
19 After consideration, the Commission
20 recommended that the bill be approved
21 with the proviso that the developer
22 continue to work towards finalizing
23 private agreements with the community
24 that are mutually satisfactory.

25 Since that time, we have had a

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2 request from the Law Department to
3 request some technical amendments to the
4 bill, which do not change the substance
5 of it, but are language changes within
6 the Code. They have been submitted.
7 It's my understanding that the attorneys
8 for the applicant in this matter also
9 have an amendment to the bill, adding
10 some relief needed for bicycle parking
11 components of the Code. We are
12 supportive of that agreement, and if they
13 could be combined, we'd appreciate that.
14 We have submitted them to the Clerk
15 already.

16 COUNCILMAN KENNEY: Mr. Kramer,
17 for the record, could you please just
18 explain the amendments that you're
19 recommending.

20 MR. KRAMER: Yes, sir.

21 COUNCILMAN KENNEY: And I'll
22 have the attorneys for the applicant do
23 the same when they're testifying.

24 MR. KRAMER: There was a
25 language amendment on the -- from the

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2 City's Law Department with regard to the
3 language in what would say is Section 3,
4 Use Regulations, (c) Parking Garage. It
5 was originally saying that no special use
6 permit is required for the area. The Law
7 Department said it will do the same thing
8 if we changed it to say that any garage
9 in that neighborhood would require a
10 special use permit, except for those
11 permitted under the prior Section. So
12 it's a technical language amendment to
13 the Code.

14 I believe there was one other
15 one from Law that I'm trying to locate.

16 COUNCILMAN KENNEY: Are they in
17 raised print?

18 MR. KRAMER: They should be.
19 They should be bolded.

20 COUNCILMAN KENNEY: I think
21 there's only one.

22 MR. KRAMER: That may be the
23 only one from our Law Department.

24 COUNCILMAN KENNEY: No.
25 There's two, I think.

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2 MR. KRAMER: And there was a
3 second one that was from the attorneys
4 with regard to bicycle parking.

5 COUNCILMAN KENNEY: There's two
6 pages.

7 MR. KRAMER: Right. This would
8 give relief under Section 14-1401 using
9 Section 303 to provide such relief
10 regarding the bicycle parking, changing
11 it so that one bicycle parking space is
12 being provided for every 50,000 square
13 feet of building floor area if -- well,
14 I'll let the attorneys determine how many
15 that will provide, but we're okay with
16 that change.

17 COUNCILMAN KENNEY: Is that a
18 standard? It seems like it's quite a lot
19 of space for one bicycle.

20 MR. KELSEN: It is, and
21 we'll --

22 COUNCILMAN KENNEY: Please
23 identify yourself for the record.

24 MR. KELSEN: Good morning,
25 members of Council. Peter Kelsen on

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2 behalf of Realen Property, the applicant
3 and developer.

4 Let me answer the question on
5 bicycle parking first. We will provide
6 bicycle parking. I believe there will be
7 six spaces provided. It is a parking
8 garage. The Code, which was fairly
9 recently amended to require provision for
10 bicycle parking in this district, really
11 is intended for office buildings and the
12 ratio is very high, as you see. We don't
13 anticipate that need, but we feel it's
14 the right thing to do, so we're providing
15 the number that we feel is appropriate.

16 If I may, I believe you have
17 briefing booklets which we've handed out.
18 As Mr. Kramer says, we've offered an
19 amendment. We do support the Law
20 Department amendment as well. We would
21 also ask, as I begin my presentation, to
22 suspend the rules to allow this matter to
23 proceed expeditiously.

24 The project site, as you see,
25 is located on the south side of Arch

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2 Street between Broad and Juniper. It's
3 175 feet along Arch Street, 134 feet to
4 the rear. It's about 23,000 square feet
5 of lot area. It is zoned "C-5"
6 Commercial. As you know, that is our
7 highest density, highest development
8 district in the City. It allows for
9 maximum floor area ratios of 12 times lot
10 size, and that would allow development of
11 about 280,000 square feet.

12 This site has been vacant. It
13 has been an open-air parking lot for at
14 least 20 years, and what we propose to do
15 in support of the Convention Center and
16 other retail commercial uses, as well as
17 residential uses in the area, is to build
18 a 538-car parking garage, which will
19 include approximately 16,000 square feet
20 of ground floor retail commercial space
21 intended to serve the community and the
22 residents as well.

23 The floor area that we propose
24 is below that, which is the maximum under
25 the district. We're about -- we will

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2 provide about 250,000 square feet of
3 garage space. That includes the 16,000
4 of retail commercial.

5 The project is required and is
6 intended to support the expanded
7 Convention Center, which has just opened.
8 It will also alleviate parking problems
9 and pressures in the area. There's more
10 residential, there's more institutional,
11 and there is clearly more emphasis on
12 parking required.

13 Council will remember that as
14 part of the expansion project, quite a
15 few parking spaces located in that
16 immediate vicinity were eliminated, and
17 this will be an effort to maintain the
18 parking that's required. We have engaged
19 a parking and traffic consulting expert
20 that has confirmed that this will in fact
21 better the parking situation in the area
22 and will not degrade the traffic
23 considerations and conditions.

24 COUNCILMAN KENNEY: After this
25 weekend's Flower Show, I don't think we

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2 need a traffic study.

3 MR. KELSEN: Self-evident.

4 COUNCILMAN KENNEY: It's pretty
5 clear there's not a lot of places to
6 park.

7 MR. KELSEN: Hopefully in two
8 years at the next gate show, there'll be
9 ample parking.

10 We've designed this garage in a
11 very meaningful way. The architects have
12 labored to protect the block's view
13 corridor, especially to protect the
14 church on the corner, which is historic,
15 which is our good neighbor. And we've
16 set the structure back appropriately to
17 protect the views along Arch Street.

18 We are working very closely
19 with the church. We're working very
20 closely with the Masonic Temple that is
21 to the adjacent site in order to create
22 an agreement whereby we can all benefit.
23 And that agreement is virtually done. We
24 do have --

25 COUNCILMAN KENNEY: Does the

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2 agreement include prohibitions on certain
3 types of retail use?

4 MR. KELSEN: Yes.

5 COUNCILMAN KENNEY: Could you
6 give me some examples of what's --

7 MR. KELSEN: Well, what we've
8 committed to do, Councilman, is rather
9 than blanket prohibitions is to have a
10 continuing dialogue with the near
11 neighbors, including the Arch Street
12 Exchange, which is a condominium building
13 down the block, the church, as well as
14 the Masonic Temple to preview, if you
15 will, the retail uses that we envision.
16 There are -- in fact, in one of the
17 letter agreements, we have restricted
18 adult uses, by way of example, or
19 prohibited adult uses from being at that
20 location.

21 COUNCILMAN KENNEY: Adult uses?

22 MR. KELSEN: Regulated uses
23 such as those governed by the
24 Prohibitions sections of the Zoning Code,
25 adult cabarets, dance halls.

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2 COUNCILMAN KENNEY: Oh, fine.

3 MR. KELSEN: We don't plan on
4 having them. We never intended to, but
5 we wanted to give comfort that that would
6 not be there.

7 What we envision doing is
8 having retail commercial such as
9 restaurants, service retail that will
10 support not only the Convention Center
11 but the community itself.

12 The legislation that is before
13 you simply would allow the parking garage
14 as a permitted use in "C-5." Currently,
15 it is required now to go to the Zoning
16 Board. It allows for certain upper floor
17 setback modifications above 65 feet. It
18 allows for off-street loading and trash
19 storage, which is really not required for
20 a garage, but the Code is pretty
21 aggressive about that. It allows certain
22 signage, as you see in the booklet, to be
23 located above the second floor level and
24 also extend beyond the property line.

25 As I indicated, we have and

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2 will continue to work with our near
3 neighbors to create a mutually acceptable
4 agreement regarding not only the
5 operation of the project but construction
6 management issues, sharing of space with
7 regard to the church so that they will
8 get certain benefits in terms of
9 mechanical space. I know representatives
10 of the church are here today to speak as
11 well.

12 COUNCILMAN KENNEY: Am I
13 counting correctly, this is 11 stories?

14 MR. KELSEN: It is
15 approximately 11 stories, yes.

16 I would also note for Council
17 that we have submitted and have created
18 an economic opportunity plan. That was
19 submitted to the Council previously. Let
20 me give you the highlights of that, if I
21 could.

22 In terms of demolition
23 construction employment opportunities,
24 the ratios are as follows: Minority
25 goals will be 25 percent minimum, five

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2 percent for women. Contract
3 opportunities, 20 percent MBE, not less
4 than eight percent WBE, not less than two
5 percent DSBE. In terms of contract
6 opportunities in the demolition and
7 construction area, 20 percent MBE, eight
8 percent WBE and two percent DSBE.

9 COUNCILMAN KENNEY: I'm sorry.
10 Is this attached to the bill? Do you
11 have -- some Councilmembers want to see
12 it in writing.

13 MR. KELSEN: It was submitted
14 subsequently to the bill being
15 introduced, but we do have extra copies.

16 COUNCILMAN KENNEY: Submitted
17 to whom?

18 MR. KELSEN: Through Councilman
19 DiCicco's office.

20 COUNCILMAN KENNEY: So you have
21 it, okay.

22 Will it be part of the
23 actual -- I want to recognize
24 Councilmember Brown.

25 COUNCILWOMAN BROWN: Good

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2 afternoon, gentlemen. It has become our
3 custom here that when it comes to equal
4 opportunity plans, we require that it be
5 a part of the bill so that we have clear
6 evidence and back-up documentation that
7 what is projected verbally is factual on
8 paper.

9 MR. KELSEN: Yes. In fact,
10 that has been added to the legislation,
11 Councilwoman, and we would certainly
12 support having it referenced in the
13 legislation, as we've done in prior
14 legislation.

15 COUNCILWOMAN BROWN: Speak, if
16 you will, to your track record in the
17 area of MBE/WBE opportunities.

18 MR. KELSEN: The developer --
19 well, certainly this is a new development
20 and there is no history, but the
21 developer has in the past constructed
22 numerous projects, Edgewater Park and
23 others outside of Philadelphia.

24 COUNCILWOMAN BROWN: Okay.

25 MR. KELSEN: We believe -- and,

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2 Councilwoman, we use the formula that we
3 have used in prior development projects
4 such as the Barnes Foundation, the Mormon
5 Temple project, American Commerce Center,
6 and we believe that those documents,
7 certainly in the Barnes under their
8 construction, have worked very, very
9 well. We believe that the ratios that we
10 set are equal and consistent with that,
11 are achievable. The developer is fully
12 committed. Mr. Maloomian is in the room,
13 and he will testify, if you would like,
14 as to his commitment. We've sized these
15 so that we can do them.

16 COUNCILWOMAN BROWN: Okay.

17 MR. KELSEN: There is a
18 unique -- it's a unique project in the
19 sense that it is a structured parking
20 garage. I don't -- I personally don't
21 know of any other that have entered into
22 an EOP plan other than perhaps at the
23 Airport where it is a City project. This
24 could be the first private garage
25 developed based on this plan. We're

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2 excited about it. It is readily
3 achievable.

4 COUNCILWOMAN BROWN: And the
5 developer is here?

6 MR. KELSEN: Yes. Let me
7 introduce Dennis Maloomian of Realen
8 Properties.

9 MR. MALOOMIAN: Good morning.

10 COUNCILMAN KENNEY: Good
11 morning. Just please identify yourself
12 formally for the record.

13 MR. MALOOMIAN: I'm Dennis
14 Maloomian. I'm President of Realen
15 Properties.

16 COUNCILWOMAN BROWN: Good
17 morning.

18 MR. MALOOMIAN: Good morning.

19 COUNCILWOMAN BROWN: So please
20 share with me examples of your commitment
21 to the ongoing issue of a level playing
22 field for MBE/WBEs.

23 MR. MALOOMIAN: Well, in this
24 particular instance, we're committed to
25 the goals and the figures that Peter just

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2 recited. We operate about 2,000 parking
3 spaces in the City. Around the corner
4 from the subject site, we have a very
5 large parking garage that was built as a
6 public-private collaboration with the
7 Commonwealth of Pennsylvania and the
8 Philadelphia Parking Authority.

9 COUNCILWOMAN BROWN: Okay.

10 MR. MALOOMIAN: Now, we're not
11 required to operate that garage in any
12 specific way, but it's operated with
13 staff from the Philadelphia Parking
14 Authority.

15 COUNCILWOMAN BROWN: Okay.

16 MR. MALOOMIAN: And we're
17 particularly sensitive to our
18 obligations, morally, not legally, but to
19 recognize equal opportunity, and that
20 garage is a very good example of that
21 practice being in place for over ten
22 years.

23 I will tell you that it's
24 something that's important to us. We
25 haven't been required legally to do it in

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2 the past, but it's something that's
3 important to us and it's something that
4 we practice, and it's certainly something
5 we're committed to doing in this
6 instance.

7 COUNCILWOMAN BROWN: Well, as
8 always, I'm beginning to know that
9 leadership has a commitment, because it
10 does start with leadership.

11 MR. MALOOMIAN: Yes.

12 COUNCILWOMAN BROWN: And it's
13 the view of members of Council that any
14 cent of taxpayers' dollars, be it city,
15 state or federal, we believe there should
16 be attached to that opportunities for all
17 people of color and gender to have access
18 to opportunity. So it's encouraging to
19 know that you as leadership fully
20 recognize and embrace the notion and
21 actually practice the notion that folks
22 of color and women should have access to
23 opportunity.

24 MR. KELSEN: Councilwoman, if I
25 could just interject, when we began this

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2 process, I reached out and told
3 Mr. Maloomian and his partners that as a
4 condition for me to go forward with this
5 legislation, we would put together an EOP
6 plan, despite what may be required. I
7 said this is the way it is going to be
8 done. He stepped up. There was no
9 discussion. It was, Tell me how we do
10 it, tell me what the ratios are.

11 This is leadership. And as I
12 said a few moments ago, I'm proud of
13 this. He's proud of this, because it
14 could set a template for the type of
15 construction activities and efforts that
16 we don't have in Philadelphia. This is a
17 very unique development.

18 COUNCILWOMAN BROWN: It
19 certainly sounds like it.

20 MR. KELSEN: If we can begin to
21 move into the realm of meaningful
22 participation for structured parking
23 facilities, we've come a long way.

24 COUNCILWOMAN BROWN: Thank you
25 for your testimony.

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2 MR. MALOOMIAN: And we're
3 taking this as more than a goal. I mean,
4 we put the architectural engineering team
5 together already for this project and
6 assembled it to comply with these
7 requirements.

8 COUNCILWOMAN BROWN: So that is
9 to say then that you have
10 professionals -- you have people of color
11 and women across the spectrum of
12 opportunity, from the professional side
13 to laying the cement?

14 MR. MALOOMIAN: And it's our
15 intent to keep going as we further
16 contract for this project, yes.

17 COUNCILWOMAN BROWN: Thank you
18 very much.

19 Thank you, Mr. Chairman.

20 COUNCILMAN KENNEY: Thank you.

21 Please proceed with whatever
22 else you may have.

23 MR. KELSEN: That will conclude
24 my testimony.

25 COUNCILMAN KENNEY: Just a

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2 question relative to the packet. Will
3 the facade that we see, that will be the
4 facade?

5 MR. KELSEN: Let me answer
6 that, if I may. As Mr. Kramer said, the
7 illustration that you have is an
8 illustration of the facade. As we
9 further develop the specs, we will be
10 working with the Planning Commission,
11 because a requirement in this district,
12 which we did not modify, is that facade
13 review prior to the issuance of a
14 building permit be maintained at the
15 Planning Commission staff level. In
16 addition, whatever signage we propose in
17 addition to the blade sign will be
18 reviewed by the Art Commission.

19 COUNCILMAN KENNEY: But what is
20 represented in the packet is something
21 that you would like to see?

22 MR. KELSEN: Yes.

23 COUNCILMAN KENNEY: And that
24 also baffles the look of the garage
25 itself, because it's hard to tell it's a

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2 garage necessarily.

3 MR. KELSEN: That's the goal,
4 to baffle it and to make it very
5 architecturally pleasing.

6 COUNCILMAN KENNEY: Okay.

7 Anyone else? Councilman
8 DiCicco.

9 MR. MALOOMIAN: And if I might
10 add, there's a significant green roof on
11 this garage as well.

12 COUNCILMAN KENNEY: Oh,
13 wonderful. And you know about the tax
14 credit?

15 MR. MALOOMIAN: About the?

16 COUNCILMAN KENNEY: Tax credit
17 for a green roof up to \$50,000 for
18 your --

19 MR. KELSEN: He does now.

20 COUNCILMAN KENNEY: One of the
21 things we passed here. So
22 congratulations. A few more dollars you
23 didn't know were coming.

24 Councilman DiCicco.

25 COUNCILMAN DiCICCO: The

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2 sidebar with my colleague Councilman

3 Goode, we were talking about the EOP.

4 Could we make that technically as an

5 amendment to the bill, just add it in?

6 COUNCILMAN KENNEY: Just add it

7 in as an amendment.

8 MR. KELSEN: We did it as an

9 attachment previously to the bill, but if

10 Council wants to make an amendment to

11 include it, we have no problem with it.

12 COUNCILMAN DiCICCO: We'll do

13 it as an amendment.

14 COUNCILMAN KENNEY: So there

15 will ultimately be four amendments, two

16 Law, one developer and one for the EOP.

17 MR. KELSEN: That is correct.

18 COUNCILMAN KENNEY: Okay. No

19 other questions. We thank you very much

20 for your investment and look forward to

21 approving it.

22 MR. KELSEN: Thank you for the

23 time and consideration. We appreciate

24 it.

25 COUNCILMAN KENNEY: Yes.

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2 Anyone else to testify on this
3 bill?

4 Please come forward.

5 (Witness approached witness
6 table.)

7 COUNCILMAN KENNEY: Is there
8 anyone else besides this gentleman who is
9 going to testify?

10 (No response.)

11 COUNCILMAN KENNEY: Okay.

12 Thank you.

13 Good morning. Please identify
14 yourself for the record.

15 REVEREND HYNICKA: My name is
16 Robin Hynicka. I'm the Pastor of the
17 Arch Street United Methodist Church.

18 COUNCILMAN KENNEY: Reverend,
19 please proceed.

20 REVEREND HYNICKA: I'm very
21 pleased to be here this morning. Thank
22 you for this opportunity to make a few
23 remarks.

24 Let me clarify and sort of
25 characterize my remarks, as we are in

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2 really positive conversations with
3 Mr. Maloomian and Realen Incorporated
4 around this project. As you know,
5 though, the construction of an 11-story
6 parking garage next to an historic
7 building is a tremendous impact on that
8 building and on the life of the community
9 around that building.

10 You are aware that the Arch
11 Street United Methodist Church is the
12 oldest building in Center Square. We
13 were privileged to see City Council built
14 near us and then the Masonic Temple soon
15 after it.

16 In particular, our concerns
17 relate to the east side of our building,
18 light coming into the windows that are
19 there. We are also concerned about the
20 almost \$2 million investment we've made
21 in the building over the last four years
22 to improve access and generate increased
23 safety. And we are investing currently
24 tens of thousands of dollars in
25 developing sort of our master plan to

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2 increase our accessibility by hopefully
3 constructing an elevator as well as
4 removing and moving HVAC equipment so
5 that we can restore the original chapel,
6 add value to the community.

7 Many of you know that we are
8 not just a congregation that operates on
9 Sunday mornings. Our doors are open to
10 the community at large, and we are very
11 proud of the fact that we provide
12 accessible and affordable space to many
13 community groups around the City to
14 exercise their democratic rights and
15 their voice in the life of the City, and
16 so we're hoping that we can continue to
17 do that.

18 In particular, I do want to
19 state at this point in time we do not
20 have a signed agreement with the
21 developer. We have done our due
22 diligence as well as Mr. Maloomian and
23 his organization has, but we have not --
24 we do not have a signed agreement. We're
25 confident that we'll get there, but we

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2 need to make that clear at this point.
3 That is important to us and I think to
4 the City at large and to this investment
5 and to the decision that Council makes,
6 that that signed agreement really needs
7 to be a condition of approval for this
8 legislation. We're very close to that,
9 and one of the significant things that
10 Mr. Maloomian has put and has made
11 possible is the setting aside of a
12 significant amount of space on his
13 property to accomplish two things. One,
14 to relocate our HVAC equipment so that we
15 can reclaim a lot of historic space, as
16 well as the potential of developing an
17 elevator that would service our building.

18 So we're confident that we're
19 going to make this happen, but from a
20 practical person's point of view and from
21 the investment we've made particularly in
22 reviewing what opportunity is before us,
23 we need to at least put that word of
24 caution before you.

25 COUNCILMAN KENNEY: Councilman

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2 DiCicco.

3 COUNCILMAN DiCICCO: Thank you,
4 Mr. Chairman.

5 So there's no -- if the bill
6 comes out of this Committee with a
7 favorable recommendation today and even
8 with a rules suspension, we'll still have
9 at least a week, possibly two weeks
10 before second reading, and if there's any
11 still unfinished business, we will work
12 through that and make sure that's done in
13 a timely fashion.

14 REVEREND HYNICKA: We're
15 looking -- this is a great opportunity
16 for the community and for the City at
17 large. It is a major impact on our
18 building, but we're hoping to move this
19 forward in a way in which the developer
20 can meet deadlines but that we're also
21 being responsible with the opportunities
22 that are put before us. So I appreciate
23 that.

24 COUNCILMAN DiCICCO: And as you
25 know, the history of this from the

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2 beginning until this current date has
3 been one of cooperation on all sides.
4 It's one of the probably better or
5 easiest, I should say, projects that I've
6 had to deal with in the almost 16 years
7 I've been here.

8 REVEREND HYNICKA: Right. And
9 I'd like to give the church and the
10 congregation a lot of credit, because six
11 years ago when I came into Center City
12 from Frankford and, before that, North
13 Philadelphia, we began investing
14 ourselves, making it very clear what we
15 thought our future would be, not just
16 immediate but long range, and at that
17 point, we decided that if we could ever,
18 ever some way, somehow develop a good
19 enough relationship with our neighbor, we
20 might be able to put our historic chapel
21 back in service for the community at
22 large, and we thought that might be a 50-
23 to 100-year project. It looks now that
24 it might be accelerated.

25 Frankly, though, we're not made

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2 of money, and that congregation -- a \$2
3 million investment in that building over
4 the last six or seven years represents a
5 tremendous sacrifice on the part of those
6 members. And we're really proud of the
7 fact that we're looking to develop
8 something here, not stand in the way of
9 where the City needs to be and serving
10 all God's people.

11 Thank you.

12 COUNCILMAN KENNEY: Thank you,
13 Reverend, for your testimony. From the
14 tone of everyone's testimony, I think
15 you'll get where you want to be, and
16 Councilman DiCicco has always been adept
17 at getting developers and community
18 people together, and we look forward to
19 passing the bill at some point.

20 REVEREND HYNICKA: And I guess
21 the other thing is that in my experience
22 in the last six years here, the east of
23 Broad on Arch Street and beyond is
24 becoming increasingly more residential.
25 We used to think of that as pretty much

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2 commercial or other uses, but with the
3 Exchange condominium and apartments and
4 other places, I now have six families
5 that live within two blocks or three
6 blocks of the church, which was maybe ten
7 years ago wasn't even possible.

8 COUNCILMAN KENNEY: More souls
9 to save.

10 REVEREND HYNICKA: Yeah. And
11 more souls to vote.

12 COUNCILMAN KENNEY: That's the
13 practical man there.

14 Thank you, Reverend.

15 Anyone else to testify on this
16 bill?

17 (No response.)

18 COUNCILMAN KENNEY: Seeing
19 none, we'll move to Bill No. 100873,
20 which is to amend the Philadelphia Zoning
21 Maps by changing the zoning designations
22 of certain areas of land located within
23 an area bounded by Second Street, Rising
24 Sun Avenue, Cayuga Street, Front Street
25 and Hunting Park Avenue.

1 3/15/11 - RULES - BILL 100759, ETC.

2 Mr. Kramer, please.

3 MR. KRAMER: Good morning,
4 Councilman Kenney and members of the
5 Rules Committee. I am William Kramer,
6 Division Director of the Development
7 Division of the Philadelphia City
8 Planning Commission. I am here today to
9 testify on Bill No. 100873, which was
10 introduced by Councilwoman
11 Quinones-Sanchez on December 16th, 2010.

12 Bill No. 100873 will rezone a
13 parcel in the block bounded by Second
14 Street, Rising Sun Avenue, Cayuga Street,
15 Front Street and Hunting Park Avenue from
16 an existing zoning designation of "G-2"
17 General Industrial to the proposed
18 designation of "C-3" Commercial.

19 Currently, there is a vacant
20 warehouse on this property, and this
21 rezoning would permit the redevelopment
22 of the building for use as a gym and
23 rehabilitation center, with an accessory
24 daycare, child's gym space and parking
25 for approximately 23 cars. There is no

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2 plan for any additional construction on
3 the site.

4 The Planning Commission staff
5 originally drafted this legislation by
6 request using the "C-3" Commercial zoning
7 designation. Upon reviewing the
8 proposal, the Planning Commission staff
9 has determined that the "C-2" Commercial
10 zoning designation would meet the needs
11 of the developer while offering more
12 protection to the surrounding properties
13 in terms of potential development
14 density.

15 This change has been discussed
16 with representatives of Councilwoman
17 Quinones-Sanchez's office, and it is my
18 understanding that the Councilperson is
19 not opposed to the proposed amendment to
20 the legislation. I respectfully
21 submitted the proposed amendment for your
22 consideration.

23 The Philadelphia City Planning
24 Commission at its meeting of February
25 15th, 2011 recommended that Bill No.

1 3/15/11 - RULES - BILL 100759, ETC.
2 100873 be approved provided the bill be
3 amended to reflect the change in the
4 zoning designation on Map B from "C-2"
5 Commercial to "C-3" Commercial.

6 That concludes my testimony.
7 I'd be happy to answer any questions you
8 may have.

9 COUNCILMAN KENNEY: Thank you
10 very much, Mr. Kramer.

11 Is there anyone else to testify
12 on this bill?

13 (No response.)

14 COUNCILMAN KENNEY: Are there
15 any questions for this witness?

16 (No response.)

17 COUNCILMAN KENNEY: Seeing
18 none, I would like the record also to
19 reflect that Councilwoman Miller and
20 Councilman Clarke were in attendance and
21 are ready to vote at the end of the
22 hearing.

23 The next bill we have for
24 consideration is Bill 110005, which is
25 amending Bill No. 100656, passed by

1 3/15/11 - RULES - BILL 100759, ETC.
2 Council December 16, 2010, to include the
3 executed Neighborhood Development
4 Agreement.

5 Please identify yourself for
6 the record.

7 MR. KRAMER: Good morning,
8 Councilmember Kenney and members of the
9 Rules Committee. I am William Kramer,
10 Division Director of the Development
11 Division of the Philadelphia City
12 Planning Commission. I am here to
13 testify on Bill No. 110005, which was
14 introduced by Councilman Clarke on
15 January 27th, 2011.

16 Bill No. 110005 amends Bill No.
17 100656 by including the executed
18 Neighborhood Development Agreement as
19 part of the previously approved
20 legislation.

21 The project will consist of
22 approximately 209,000 square feet and
23 will provide 174 residential units,
24 31,000 square feet of retail, 110 parking
25 spaces and 64 bicycle parking spaces.

1 3/15/11 - RULES - BILL 100759, ETC.

2 This property will take a vacant lot and
3 the former Granary building and create a
4 mixed-use development compatible with the
5 neighborhood just north of the Benjamin
6 Franklin Parkway. The developers have
7 met with the neighborhood association and
8 have a neighborhood development
9 agreement, which is to be added to the
10 previously approved zoning legislation.

11 The Philadelphia City Planning
12 Commission at its meeting of October
13 19th, 2010 recommended that Bill No.
14 100676 be approved. Accordingly, as Bill
15 No. 110005 is considered consistent with
16 previous policy, it is recommended that
17 it also be approved.

18 That is the conclusion of my
19 testimony. I'd be happy to answer any
20 questions you may have.

21 COUNCILMAN KENNEY: Thank you
22 very much, Mr. Kramer.

23 Any questions for Mr. Kramer?

24 (No response.)

25 COUNCILMAN KENNEY: Please

1 3/15/11 - RULES - BILL 100759, ETC.

2 identify yourself, Mr. Little, for the
3 record.

4 MR. LITTLE: My name is Sam
5 Little. I'm the President of the Logan
6 Square Neighborhood Association, and I
7 want to testify -- I want to thank you
8 for a chance to testify. I want to
9 testify on behalf of this bill as being
10 really something where the ordinances and
11 the attention of Council has been
12 remarkably positive in a difficult but
13 very successful community-developer
14 interface to get a great development.
15 The Granary is going to be a project
16 which is going to be both good for the
17 neighbors, very neighbor friendly, and
18 also fulfill part of our neighborhood
19 plan and help with the Barnes and
20 commercial business.

21 So we're very pleased with it,
22 and we appreciate, again, the chance to
23 testify for it, and we appreciate
24 Council's both patience and sensitivity
25 in making this all work.

1 3/15/11 - RULES - BILL 100759, ETC.

2 Thank you.

3 COUNCILMAN KENNEY: Patience
4 and sensitivity is not how we're usually
5 described, but thank you very much. I
6 can see you've come a long way since the
7 last hearing that we had on this project.

8 MR. LITTLE: Yes, we have.

9 COUNCILMAN KENNEY: Councilman
10 Greenlee.

11 COUNCILMAN GREENLEE: I was
12 just going to add -- thank you,
13 Mr. Chairman -- that this was kind of a
14 long process. There was a lot of
15 different opinions on this. There was
16 parking issues. There was a lot of
17 things. And certainly Councilman Clarke
18 led, like Councilman DiCicco did on the
19 other bill we just discussed, to find a
20 middle ground and try to get everybody
21 happy on this, and the community was very
22 involved in it too obviously. And I'm
23 familiar with this site because it's not
24 too far south from where I live, so I
25 think it will be a good development for

1 3/15/11 - RULES - BILL 100759, ETC.

2 everybody.

3 MR. LITTLE: We have to say --

4 I can just say real briefly that with all
5 the rezoning that's going on and the
6 comprehensive plan, in a way, for
7 neighborhoods it's like the earth is
8 moving, but we have had a chance -- and
9 this is not the only one -- where our
10 Councilman and also the process that we
11 had has allowed us to have really win-win
12 development, and it's important because
13 we're right in the middle of a lot of
14 development pressure. So thanks again.

15 COUNCILMAN KENNEY: Thank you.

16 Councilman Clarke, do you have
17 anything to add?

18 COUNCILMAN CLARKE: No. I'm
19 good.

20 COUNCILMAN KENNEY: He's good.

21 You might as well stay here
22 because you have --

23 MR. LITTLE: Pardon?

24 COUNCILMAN KENNEY: You could
25 stay in your seat because you have one

1 3/15/11 - RULES - BILL 100759, ETC.

2 more, I think, you're testifying for.

3 Anyone else have any questions
4 for either of these witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing
7 none, we will now move to Bill No.
8 110006, which is amending Section 14-305
9 of The Philadelphia Code, entitled "'C-4'
10 Commercial District," specifically
11 Section 14-305(16)(c) regarding parking
12 for the area bounded by Hamilton Street,
13 19th Street, Callowhill Street and 20th
14 Street; all under certain terms and
15 conditions.

16 Mr. Kramer.

17 MR. KRAMER: Good morning,
18 Councilmember Kenney and members of the
19 Rules Committee. I am William Kramer,
20 Division Director of the Development
21 Division of the Philadelphia City
22 Planning Commission. I am here to
23 testify on Bill No. 110006, which was
24 introduced by Councilman Clarke on
25 January 27th, 2011.

1 3/15/11 - RULES - BILL 100759, ETC.

2 Bill No. 110006 amends Bill No.
3 100656 by changing the provisions related
4 to parking required for the development.
5 The purpose of the bill is to raise the
6 required parking from the proposed ratio
7 to a new ratio of 0.7 parking spaces per
8 each dwelling unit.

9 The project will consist of
10 approximately 209,000 square feet,
11 provides 174 residential units, 31,000
12 square feet of retail, 110 parking spaces
13 and 64 bike parking spaces. It takes the
14 former Granary building and will create a
15 mixed-use development compatible with the
16 neighborhood just north of the Benjamin
17 Franklin Parkway.

18 The Philadelphia City Planning
19 Commission at its meeting of October
20 19th, 2010 recommended that Bill No.
21 100676 be approved. Accordingly, Bill
22 No. 110006 is considered consistent with
23 previous policy and is, therefore,
24 recommended that this bill be approved.

25 That is the conclusion of my

1 3/15/11 - RULES - BILL 100759, ETC.

2 testimony. If you have any questions,
3 I'd be happy to answer them.

4 COUNCILMAN KENNEY: Thank you
5 very much.

6 Any questions for Mr. Kramer?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing
9 none, Mr. Little, please identify
10 yourself for the record again.

11 MR. LITTLE: I am Sam Little.
12 I am President of the Logan Square
13 Neighborhood Association, and I do want
14 to say as an adjunct to the previous
15 testimony that the change of the parking
16 ratio is an important part of a win-win
17 development solution with the developer
18 and it reflects the really important need
19 for parking, a sort of unusual need for
20 parking for residents in the Logan Square
21 area, because we both have and we're
22 trying to secure more young families with
23 children, and this is a case where
24 automobiles being able to go to schools
25 and going to the grocery store, often not

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2 on your own schedule, is something that
3 is very helpful. So, again, we support
4 this.

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

7 Any questions?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing
10 none, that will conclude our public
11 hearing on these bills. We will now
12 convene a public meeting, and the Chair
13 recognizes Councilmember DiCicco for a
14 motion to adopt the four amendments
15 described in earlier testimony, Bill No.
16 100759.

17 COUNCILMAN DiCICCO: Thank you,
18 Mr. Chairman. I move that the four
19 amendments that have been submitted and
20 read into the record be reported out of
21 this Committee with a favorable
22 recommendation for Bill No. 100759.

23 (Duly seconded.)

24 COUNCILMAN KENNEY: It's been
25 moved and seconded.

1 3/15/11 - RULES - BILL 100759, ETC.

2 All in favor?

3 (Aye.)

4 COUNCILMAN KENNEY: There are
5 none opposed. The four amendments are
6 adopted.

7 The Chair recognizes
8 Councilmember DiCicco for a motion on the
9 amended bill.

10 COUNCILMAN DiCICCO: Thank you,
11 Mr. Chairman. I move that Bill No.
12 100759, as amended, be reported out of
13 this Committee with a favorable
14 recommendation and a further
15 recommendation that the rules of Council
16 be suspended.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: It's been
19 moved and seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: There are
23 none opposed. Bill No. 100759, as
24 amended, reported out of this Committee
25 favorably and a request made for rules

1 3/15/11 - RULES - BILL 100759, ETC.
2 suspension to allow first reading at our
3 next Council session.

4 The Chair recognizes
5 Councilmember Blondell Reynolds Brown for
6 a motion to approve the amendment to Bill
7 No. 100873.

8 COUNCILWOMAN BROWN:
9 Mr. Chairman, I move that the
10 amendment -- I make a motion that we
11 approve the amendment to Bill No. 100873.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: It's been
14 moved and seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN KENNEY: There are
18 none opposed. Bill No. 100873 will be
19 amended accordingly.

20 The Chair recognizes
21 Councilmember Reynolds Brown for a motion
22 on the amended bill.

23 COUNCILWOMAN BROWN:
24 Mr. Chairman, I move that Bill No.
25 100873, as amended, be reported out of

1 3/15/11 - RULES - BILL 100759, ETC.

2 the Committee with a favorable
3 recommendation and further move that the
4 rules of Council be suspended so as to
5 permit first reading.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and
8 seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN KENNEY: There are
12 none opposed. Bill No. 100873, as
13 amended, will report out of this
14 Committee favorably and a request made
15 for rules suspension to allow first
16 reading at our next Council session.

17 The Chair recognizes
18 Councilmember Greenlee for a motion to
19 approve Bill No. 110005.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. Chairman. I move that Bill No.
22 110005 be reported out of this Committee
23 with a favorable recommendation and the
24 rules of Council be suspended to allow
25 for first reading at our next session of

1 3/15/11 - RULES - BILL 100759, ETC.

2 Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: Moved and
5 seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN KENNEY: There are
9 none opposed. Bill No. 110005 reported
10 out of this Committee favorably with a
11 rules suspension to allow first reading
12 at our next Council session.

13 The Chair recognizes
14 Councilmember Clarke for a motion on Bill
15 No. 110006.

16 COUNCILMAN CLARKE: Thank you,
17 Mr. Chairman. I move that Bill No.
18 110006 be reported out of the Committee
19 with a favorable recommendation and a
20 request for rules suspension as to allow
21 reading at the next session of Council.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and
24 seconded.

25 All in favor?

1 3/15/11 - RULES - BILL 100759, ETC.

2 (Aye.)

3 COUNCILMAN KENNEY: There are
4 none opposed. Bill No. 110006 reported
5 out of this Committee favorably and a
6 request made for rules suspension to
7 allow first reading at our next Council
8 session.

9 Bill No. 110083 be will held at
10 the request of the sponsor and will be
11 scheduled for March 23rd, Wednesday in
12 this room at 10:00 a.m.

13 That concludes the business of
14 the Rules Committee. Thank you very
15 much.

16 (Committee on Rules concluded
17 at 10:50 a.m.)

18 - - -

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

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

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20 transcript does not apply to any reproduction
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