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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 29, 2009, 1:15 p.m.
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BILL 080130 - Transit-Oriented Dev. Districts.

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BILL 090071 - Overbrook Farms Transit-Oriented
Center Special District Controls.

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BILL 090578 - City Ave. Reg'l Center and City
Ave. Village Center Special Dist. Controls.

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Bill No. 090582 - Changing zoning of area
bounded by 8th, Filbert, 9th, Market Streets.

12

BILL 090584 - Changing zoning of area bounded
by 12th, Catharine, Fawn, and Clymer Streets.

13

14

BILL 090585 - Changing zoning of area bounded
by 12th, Spruce, Camac, and Manning Streets.

15

BILL 090667 - Designating Waverly Walk and
Addison St. as Demolition Moratorium Districts.

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COMMITTEE MEMBERS PRESENT:

18

Anna C. Verna, Chair
Blondell Reynolds Brown

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Darrell L. Clarke
Frank DiCicco
W. Wilson Goode, Jr.

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William K. Greenlee
Donna Reed Miller

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1 10/29/09 RULES - BILL 080130

2 COUNCIL PRESIDENT VERNA: Good
3 afternoon, everyone. This is a public
4 hearing of the Rules Committee.

5 I would ask Mr. Erekson to
6 please read the title of Bill No. 080130.

7 MR. EREKSON: Bill No. 080130,
8 an ordinance amending Title 14 of the
9 Philadelphia Code, entitled "Zoning and
10 Planning," by amending Chapter 14-300,
11 entitled "Commercial Districts," by
12 adopting a new section, entitled
13 "Transit-Oriented Development District,"
14 to promote mixed-use, higher-density
15 development in certain areas in order to
16 encourage the use of public transit and
17 less reliance on automobiles, all under
18 certain terms and conditions.

19 COUNCIL PRESIDENT VERNA: Good
20 afternoon, Mr. Kramer. Please identify
21 yourself for the record and proceed with
22 your testimony.

23 MR. KRAMER: Good afternoon,
24 Council President Verna and members of
25 the Rules Committee. I am William

1 10/29/09 RULES - BILL 080130

2 Kramer, Division Director of the
3 Development Planning Division of the
4 Philadelphia City Planning Commission. I
5 am here to testify today on Bill No.
6 080130, which was introduced by
7 Councilmember Greenlee February 7th of
8 2008.

9 Bill No. 080130 will amend the
10 Zoning Code by creating a new section of
11 the Zoning Code, entitled "Transit-
12 Oriented Development District (TOD)," in
13 order to encourage the use of public
14 transit and less reliance on automobiles,
15 which is a function of better
16 development.

17 Several months ago, a
18 representative of the Philadelphia City
19 Planning Commission indicated that the
20 Planning Commission supports the concept
21 of the creation of a transit-oriented
22 district in the Zoning Code.

23 To that end, the staff of the
24 Commission has worked with
25 representatives of Councilman Greenlee's

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office as well as other interested parties in order to develop the criteria to be adopted into the code. These efforts have resulted in an amendment, which I have respectfully submitted to the Council. As amended, the bill will create a new overlay template for transit-oriented development overlays.

To be clear, this bill does not actually establish such an overlay anywhere in the City; to do so will require additional legislation.

Such an overlay would contain a designated commercial street and designated transit stations. The provisions of such an overlay would permit certain uses over and above the uses permitted in the base zoning designation. These would include single-family dwellings as well as multifamily dwellings, retail sales, and professional offices.

A list of auto-related uses to be prohibited has been established,

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2 including auto sales lots, the sale of
3 automobile parts, car-washing and
4 cleaning services.

5 Service stations and parking
6 lots would be prohibited on designated
7 commercial streets.

8 Commercial and industrial
9 buildings would be allowed to occupy a
10 hundred percent of the lot, and new
11 height relations would be established.

12 Building entrances in active
13 retail spaces would be required on
14 designated commercial streets.

15 There are also requirements for
16 parking garages and surface parking lots,
17 as well as a reduction in parking
18 requirements in the district.

19 Signs above the bottom of the
20 second-floor level would not be
21 permitted; and for properties where no
22 signage is permitted under the underlying
23 zoning district, signage will be
24 permitted as if zoned C-2 commercial.

25 Bill No. 080130 was presented

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2 to the Planning Commission for their
3 consideration, with a staff
4 recommendation for approval.

5 After some discussion, the
6 Commission believed that this complex
7 issue warranted further review and wanted
8 to avail themselves for a report on the
9 subject being prepared by neighborhoods
10 now. This report is expected to be
11 released shortly.

12 Accordingly, the Philadelphia
13 City Planning Commission, at its meeting
14 of October 20, 2009, recommended that
15 Bill No. 080130 be tabled to allow for
16 additional review of its provisions.

17 This concludes my testimony. I
18 appreciate the opportunity to appear and
19 will be happy to answer any questions you
20 may have.

21 COUNCIL PRESIDENT VERNA:

22 Mr. Kramer, I note that that this bill
23 had been scheduled to -- for two prior
24 hearings; and, of course, we have it
25 before us again today.

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2 Do you and your staff feel that
3 the proposed amendments sufficiently
4 resolve the concerns that you might have
5 had with this bill?

6 MR. KRAMER: They do address
7 the concerns that the staff had raised.

8 The Commission was asking
9 questions with regard to specific
10 provisions of the bill; in particular,
11 they had concerns with regard to the
12 height. They were looking for a minimum
13 height requirement, which is not included
14 in this legislation.

15 It was the opinion of staff
16 that if that was really deemed something
17 that we needed to do, we could have done
18 it with additional legislation. However,
19 the Commission voted to recommend the
20 tabling of the bill, which is what I'm
21 putting forth here.

22 COUNCIL PRESIDENT VERNA: You
23 know, I just noticed that the bill was
24 introduced February 7, 2008.

25 MR. KRAMER: Yes, ma'am.

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2 COUNCIL PRESIDENT VERNA: You
3 mean that's not enough time for all of
4 these issues to have been addressed?

5 MR. KRAMER: As I have said,
6 the staff has worked with the
7 Councilman's office to address just those
8 concerns, and we have come up with the
9 answers to what we believe are most of
10 those concerns.

11 The Commission wanted to take
12 it a step further and was aware that this
13 neighborhood's now report was coming out
14 and specifically said that they wanted to
15 see that before they made a final ruling
16 or recommendation.

17 The staff of the Planning
18 Commission has, in fact, seen that report
19 in its draft forms and has made comments
20 on it back to neighborhoods now, and it's
21 my understanding that they are just about
22 ready to print that publication and
23 release it. It may be done by the end of
24 the week or next; I'm not sure which.

25 COUNCIL PRESIDENT VERNA: Thank

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2 you.

3 The Chair recognizes Councilman
4 Greenlee Greenlee.

5 COUNCILMAN GREENLEE: Thank you
6 very much, Madam President.

7 I think for the record, we
8 should be clear of the differences
9 between the recommendation of the
10 Commission and the recommendation of the
11 staff. The staff, Mr. Kramer,
12 Mr. Greenberger, and others have worked
13 very closely with us, with Beverly
14 Coleman of Neighborhoods Now.

15 And if I could editorialize;
16 they're not the problem. We've worked
17 with them. The amendments I'll ask to be
18 submitted today, which everybody has, are
19 amendments which they proposed.

20 So we all understand the need
21 for this bill and the Planning -- the
22 members of the Commission, as you pointed
23 out, Madam President, this bill was
24 introduced by myself and actually
25 Councilman Jones -- somehow his name fell

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2 off the pink sheet; I don't know what
3 happened.

4 But it's -- they had sufficient
5 time for anybody to ask questions about
6 this and apparently chose not to do it.
7 So I will be moving for the bill to be
8 approved today if the committee sees fit.

9 I just want to make really
10 clear what this bill is and what it
11 isn't.

12 What it is, as Mr. Kramer said,
13 is a template to promote transit-oriented
14 development, which a lot of cities have
15 done. We're a little behind some other
16 cities on this.

17 What it is not is an attempt to
18 push any particular area of the City for
19 this. That's obviously a decision that
20 the District Councilperson of that
21 particular district area has to do, and
22 he or she could make necessary changes
23 that they see fit.

24 So this sets up the area. And
25 then it's for, as Mr. Kramer said, future

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2 legislation to determine if and when
3 there is a specific district set up.

4 So I hope that that keeps it
5 clear to everybody, that we're not trying
6 to promote -- I know you District
7 Councilpeople get very touchy about this,
8 but this at-large member is not trying to
9 push any particular area; we're just
10 trying to set up the general template.

11 So I hope the committee sees
12 fit to move this bill, as amended.

13 Thank you.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Are there any questions from
17 members of the committee?

18 (No questions.)

19 COUNCIL PRESIDENT VERNA:

20 Seeing none, do we have any other
21 witnesses that would like to testify?

22 (Witness comes forward.)

23 COUNCIL PRESIDENT VERNA: Good
24 afternoon.

25 MS. COLEMAN: Good afternoon.

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2 COUNCIL PRESIDENT VERNA:

3 Kindly identify yourself for the record
4 and proceed with your testimony.

5 MS. COLEMAN: Here's my
6 testimony.

7 (Ms. Coleman passes forward
8 copies of her testimony.)

9 MS. COLEMAN: Good afternoon,
10 Council President Verna and members of
11 the Rules Committee. I will keep my
12 remarks very, very brief.

13 My name is Beverly Coleman. I
14 am the executive director of
15 Neighborhoods Now. I've testified before
16 Council on two separate occasions in
17 support of TOD and legislation that
18 supports TOD.

19 Over the past year, we've
20 worked very closely with Councilman
21 Greenlee, Councilman Jones, and the City
22 Planning Commission on the legislation
23 that's before you. We're very
24 comfortable with the legislation, and we
25 support it.

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2 Thank you very much.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 Councilman Greenlee?

6 COUNCILMAN GREENLEE: Just very
7 quick, I just want to thank Miss Coleman
8 for all of the work she's done. This is
9 certainly something she brought to us and
10 has worked very hard on. And I thank her
11 for that.

12 And I note that, Miss Coleman,
13 the Planning Commission seemed to hold it
14 up because of the plan you have, which is
15 in support of the bill.

16 MS. COLEMAN: We really want to
17 make that real clear.

18 COUNCILMAN GREENLEE: Yes, that
19 Neighborhoods Now supports this bill,
20 right?

21 MS. COLEMAN: We support it
22 wholeheartedly.

23 COUNCILMAN GREENLEE: Okay.
24 Thank you.

25 MS. COLEMAN: Thank you.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Any other questions or comments
5 from members of the committee?

6 (No further questions.)

7 COUNCIL PRESIDENT VERNA: Thank
8 you. Thank you very much.

9 Do we have anyone else to
10 testify on this bill?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:
13 Seeing no one, I would ask Mr. Erekson to
14 please read the title of Bill No. 090071.

15 MR. EREKSON: Bill No. 090071,
16 an ordinance amending Title 14 of the
17 Philadelphia Code, entitled "Zoning and
18 Planning," by amending Chapter 14-1600,
19 entitled "Miscellaneous," by adopting a
20 new section, entitled "Overbrook Farms
21 Transit-Oriented Center Special District
22 Controls," under certain terms and
23 conditions.

24 COUNCIL PRESIDENT VERNA:
25 Mr. Kramer?

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2 MR. KRAMER: Good afternoon,
3 Council President Verna and members of
4 the Rules Committee. I am William
5 Kramer, Division Director of the
6 Development Planning Division of the
7 Philadelphia City Planning Commission. I
8 am here to testify today on Bill No.
9 090071, which was introduced by
10 Councilmember Jones February 5, 2009.

11 This bill amends Section
12 14-1600 of the Zoning Code by creating a
13 new special control district for an area
14 fronting on 63rd Street between City
15 Avenue and Woodbine Avenue.

16 The bill would prohibit certain
17 uses in the district, most of which are
18 auto-related such as auto sales, service
19 stations, and repair shops, as well as
20 restaurants with a drive-through service
21 and dispensing windows on the sidewalk.

22 It also allows for office
23 commercial use to be allowed in
24 properties whose base zoning designation
25 is residential.

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2 The bill also establishes
3 building standards for the district and
4 signage regulations to be applied in the
5 district.

6 The Philadelphia City Planning
7 Commission, at its meeting of March 17,
8 2009, considered Bill No. 090071 and
9 recommended that the bill be approved,
10 with two amendments.

11 The first amendment would be
12 that section (5)(b)(.3) be removed from
13 the ordinance because it would require
14 the staff to perform a historic review
15 for these properties, which would
16 encroach on the responsibility of the
17 Historic Commission. Additionally, it is
18 expected that such review would require
19 the expertise available only at the
20 Historic Commission.

21 Secondly, the Planning
22 Commission is recommending that the
23 portion of Section (5)(a) requiring the
24 Planning Commission to coordinate Art
25 Commission reviews in this area be

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2 removed. It is believed that such
3 provision would complicate and likely
4 delay the process of Art Commission
5 review.

6 The City's Law Department has
7 reviewed this bill and has requested
8 certain technical language amendments be
9 made in addition to the recommendations
10 of the Philadelphia City Planning
11 Commission. I submit the amendments
12 respectfully for Council's consideration.

13 This concludes my testimony. I
14 appreciate the opportunity to appear and
15 will answer any questions you may have.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chair recognizes Jones.

19 COUNCILMAN JONES: Thank you,
20 Madam President and members of the
21 committee.

22 This is a long process that was
23 started by two fine groups -- the Special
24 Services District of City Avenue and the
25 Overbrook Farms Civic Association, which

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2 has a proud history of maintaining the
3 character and dignity of an important
4 part of the Philadelphia community.

5 I learned in a number of
6 hearings that many of my colleagues
7 happen to also share fine walking
8 experiences and traveling experiences in
9 that area, and all have waited on this
10 matter.

11 And I'm proud and pleased to
12 support this piece of legislation and ask
13 that all members consider giving it a
14 favorable recommendation.

15 Thank you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Are there any further questions
19 from the committee?

20 (No further questions.)

21 COUNCIL PRESIDENT VERNA:
22 Seeing no one, do we have anyone else
23 that would like to testify on this bill?

24 Kindly approach the witness
25 table.

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2 (Witnesses come forward.)

3 COUNCIL PRESIDENT VERNA: Good
4 afternoon. Kindly identify yourself for
5 the record.

6 MR. FOLEY: My name is Terrence
7 Foley. I'm the president of the City
8 Avenue Special Services District. Thank
9 you for hearing me today.

10 To put this ordinance in
11 context, I just wanted to let you know
12 that the Overbrook Farms Transit-Oriented
13 Center is one element of a comprehensive
14 update of zoning along the City Avenue
15 corridor, from the Schuylkill Expressway
16 to 63rd Street, in both Philadelphia and
17 Lower Merion Township.

18 The basic goal of the zoning
19 provision is to improve the economic
20 vitality of this multi-jurisdictional
21 corridor through preserving and
22 protecting some areas such as the 63rd
23 Street Neighborhood Commercial Corridor
24 covered under this ordinance, while
25 encouraging higher-density, regionally-

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oriented, or pedestrian-friendly
development in the larger undeveloped
parcels close to the Schuylkill
Expressway on both the City and Township
sides of City Avenue.

Over the last, the City Avenue
District, with its consultant
(indiscernible), has been working closely
with the Planning Commission staff in
Philadelphia and the planning department
of Lower Merion, as well as impacted
property interests and neighborhood
groups, to develop appropriate ordinance
legislation for each specific area of the
district.

In June of this year, this
committee approved Bill No. 090072, which
dealt with the area known as City Avenue
Regional Center covering the area between
Stout Road and the expressway and the
area known as City Avenue Village Center
covering the area between 52nd Street and
Belmont Avenue.

A separate Bill No. 090071 is

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2 before you today. It covers area the
3 known as the Overbrook Farms Transit-
4 Oriented Center, covering the 63rd Street
5 Commercial Corridor between City and
6 Woodbine Avenues and includes the R5
7 Overbrook Station.

8 While our consultant drafted
9 the ordinance in conjunction with the
10 City of Philadelphia Planning Commission,
11 it is based upon the work performed for
12 the Overbrook Farms Club by the Community
13 Design Collaborative. The intention of
14 this ordinance is to protect and preserve
15 the character of the area and to better
16 define the permitted uses.

17 The bill has the full support
18 of the Overbrook Farms Club and will be a
19 key ingredient to the revitalization of
20 this important corridor.

21 Here with me today representing
22 our partner in this effort is Mr. Terry
23 Henry, the president of the Overbrook
24 Farms Club.

25 COUNCIL PRESIDENT VERA: Thank

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2 you.

3 MR. HENRY: Good afternoon. As
4 Terry, said I am Terry Henry, president
5 of the Overbrook Farms Club and the
6 Overbrook Farms Civic Foundation.

7 About four years ago, our
8 community embarked on a planning mission
9 that was designed to ensure our community
10 remain vibrant, that improved our quality
11 of life, and preserved our significant
12 history. One key element of that plan
13 was to develop a master plan for our
14 unique commercial corridor along 63rd
15 Street.

16 Working with the Community
17 Design Collaborative, the steering
18 committee of stakeholders, and our
19 community, we developed that master plan.
20 That plan is designed to improve the
21 overall look of the corridor and to
22 revive it as a walkable neighborhood
23 commercial district.

24 Our commercial corridor master
25 plan overlaps with that portion of the

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2 City Avenue Special Services District
3 plan called Overbrook Farms
4 Transit-Oriented Center. Terry sat on
5 our steering committee, and the concepts
6 identified in our master plan have been
7 implemented in the Overbrook Farms
8 components.

9 These zoning revisions will
10 enable the community to maintain the
11 historic look and feel of the corridor,
12 which is a major attribute of our area.
13 These revisions also better define
14 permitted uses for the properties so that
15 the community can work together toward
16 the kinds of development sought after for
17 walkable neighborhood commercial
18 corridors.

19 The Overbrook Farms
20 Transit-Oriented Center zonings revisions
21 set out in Bill No. 090071 are an
22 excellent example of what community
23 partnerships can achieve, and it has the
24 support of the Overbrook Farms community.

25 Thank you.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you very much.

4 Any questions or comments from
5 members of the committee of these
6 witnesses?

7 (No questions or comments.)

8 COUNCIL PRESIDENT VERNA: Thank
9 you very much. We appreciate you coming
10 in.

11 At this time, I would like the
12 record to reflect the members of the
13 committee who are present at the moment.
14 To my extreme left are Councilwoman Brown
15 and Councilman Goode; to my immediate
16 right, Councilman Greenlee and Councilman
17 Jones.

18 I would ask Mr. Erekson to
19 kindly read the title of Bill No. 090578.

20 MR. EREKSON: Bill No. 090578,
21 an ordinance amending Section 14-1637 of
22 the Philadelphia Code, entitled "City
23 Avenue Regional Center and City Avenue
24 Village Center Special District
25 Controls," including by making changes

1 10/29/09 RULES - BILL 090578
2 relating to minimum spacing and buffer
3 areas, all under certain terms and
4 conditions.

5 COUNCIL PRESIDENT VERNA:

6 Mr. Kramer.

7 MR. KRAMER: Good afternoon,
8 Council President Verna and members of
9 the Rules Committee. I am William
10 Kramer, Division Director of the
11 Development Planning Division of the
12 Philadelphia City Planning Commission. I
13 am here today to testify on Bill No.
14 090578, which was introduced by
15 Councilmember Jones on September 17,
16 2009.

17 This bill amends Section
18 14-1637 of the Philadelphia Zoning Code,
19 entitled "City Avenue Regional Center and
20 City Avenue Village Special District
21 Controls." This section of the code was
22 established as a result of the passage of
23 Bill No. 090072 in June of 2009.

24 A clerical area occurred during
25 the passage of that bill, and Bill No.

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2 090578 will correct those omissions.

3 These corrections involve certain
4 language with regard to building bulk and
5 spacing requirements for the district.

6 The Philadelphia City Planning
7 Commission, at its meeting of October 20,
8 2009, considered Bill No. 090578 as an
9 item in accord with previous policy; and
10 accordingly, they recommended that Bill
11 No. 090578 be approved.

12 This concludes my testimony. I
13 appreciate the opportunity to appear and
14 will be happy to answer any questions you
15 may have.

16 COUNCIL PRESIDENT VERNA:
17 Mr. Kramer, do I understand you to say
18 that the amendments are technical?

19 MR. KRAMER: Yes, ma'am.

20 COUNCIL PRESIDENT VERNA: Fine.
21 And we do have copies?

22 MR. KRAMER: There's no
23 amendments to this bill. This bill is an
24 amendment to a bill that was previously
25 passed.

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2 COUNCIL PRESIDENT Verna: Very
3 well. Thank you.

4 Any questions from members of
5 the committee?

6 (No questions or comments.)

7 COUNCIL PRESIDENT Verna: Thank
8 you very much.

9 We will now consider Bill No.
10 090584.

11 MR. EREKSON: Bill No. 090584,
12 an ordinance to amend the Philadelphia
13 Zoning Maps by changing the zoning
14 designations of certain areas of land
15 located within an area bounded by 12th
16 Street, Catharine Street, Fawn Street,
17 and Clymer Street.

18 COUNCIL PRESIDENT Verna:
19 Mr. Kramer.

20 MR. KRAMER: Good afternoon,
21 Council President Verna and members of
22 the Rules Committee. I am William
23 Kramer, Division Director of the
24 Development Planning Division of the
25 Philadelphia City Planning Commission. I

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2 am here to testify today on Bill No.
3 090584, which was introduced by
4 Councilmember DiCicco on September 17,
5 2009.

6 Bill No. 090584 is a rezoning
7 bill for the block bounded by 12th
8 Street, Catharine Street, Fawn Street,
9 and Clymer Street. This bill proposes to
10 rezone the block from a zoning
11 designation of R-13 residential to a
12 designation of REC, recreational.

13 Currently, this vacant site is
14 being used as a site of unregulated
15 open-air car parking and short-dumping.
16 The rezoning of the property to the
17 zoning designation of recreational will
18 allow for the block to be transformed
19 into a park facility under the control of
20 Fairmount Park. Such open space will be
21 an asset to the community and help to
22 complete the Martin Luther King, Jr.
23 Plaza development.

24 The land is owned by the
25 Philadelphia Housing Authority and will

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2 be leased to the City of Philadelphia and
3 placed under the jurisdiction of the
4 Department of Parks and Recreation.

5 The Philadelphia City Planning
6 Commission, at its meeting of October 20,
7 2009, considered Bill No. 090584 and
8 recommended that the bill be approved.

9 This concludes my testimony. I
10 appreciate the opportunity to appear and
11 will be happy to answer any questions you
12 may have.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 Any questions from members of
16 the committee?

17 (No questions or comments.)

18 COUNCIL PRESIDENT VERNA: Do we
19 have anyone else to testify on this bill?

20 (No response.)

21 COUNCIL PRESIDENT VERNA:

22 Seeing no one, I would ask that we now
23 consider Bill No. 090585.

24 MR. EREKSON: Bill No. 090585,
25 an ordinance to amend the Philadelphia

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2 Zoning Maps by changing the zoning
3 designations of certain areas of land
4 located within an area bounded by 12th
5 Street, Spruce Street, Camac Street, and
6 Manning Street.

7 MR. KRAMER: Good afternoon,
8 Council President Verna and members of
9 the Rules Committee. I am William
10 Kramer, Division Director of the
11 Development Planning Division of the
12 Philadelphia City Planning Commission. I
13 am here to testify today on Bill No.
14 090585, which was introduced by
15 Councilmember DiCicco on September 17,
16 2009.

17 Bill No. 090585 is a rezoning
18 bill for the block bounded by 12th
19 Street, Spruce Street, Camac Street, and
20 Manning Street. The entire block is
21 currently zoned C-1 commercial.

22 This bill proposes to rezone a
23 portion of the block to a designation of
24 C-3 commercial. The portion of the block
25 to be rezoned is located along 12th

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2 Street between Spruce Street and Manning
3 Street.

4 The purpose of the rezoning is
5 to allow for the use of the property for
6 two commercial spaces and eight
7 residential units. This is a proposed
8 reuse of an existing five-story
9 structure. Because the existing
10 instructor covers a hundred percent of
11 the lot, there is no zoning designation
12 which would eliminate the need to obtain
13 a variance from the Zoning Board of
14 Adjustment.

15 In discussions with the
16 developer and with the District
17 Councilperson, we have recommended that
18 the property be rezoned to a zoning
19 designation of C-2 commercial. This will
20 allow for the flexibility needed by the
21 developer in order to obtain tenants
22 while maintaining the character of the
23 community. Both the developer and the
24 Councilperson agree to such an amendment
25 and respectfully submit such for your

1 10/29/09 RULES - BILL 090585

2 consideration.

3 The Philadelphia City Planning
4 Commission, at its meeting of October 20,
5 2009, considered Bill No. 090585 and
6 recommended that the bill be approved,
7 with the requested amendment.

8 That concludes my testimony. I
9 appreciate the opportunity to appear and
10 will be happy to answer any questions you
11 may have.

12 COUNCIL PRESIDENT VERNA: Did I
13 understand you to say something about an
14 amendment?

15 MR. KRAMER: Yes, ma'am.

16 The map was originally issued
17 as a C-3 commercial, and we're making the
18 recommendation that the map be amended to
19 be C-2 commercial. I submitted those
20 prior to the hearing to the clerk.

21 The reason for that is, the
22 only benefit that C-3 would give you
23 would be to allow for wholesale uses at
24 this location. That's not on the radar
25 screen for the developer or his

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2 representatives; and, therefore, it
3 accomplishes the same purpose to leave it
4 at C-2.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Mr. Kramer, is the structure
8 that's situated on the property currently
9 occupied?

10 MR. KRAMER: I'm not sure if
11 it's currently occupied. It's currently
12 being considered before the Zoning Board
13 of Adjustment, and the matter, I don't
14 believe, has been voted yet but has been
15 considered.

16 COUNCIL PRESIDENT VERNA: Okay.
17 Any questions from members of the
18 committee?

19 (No questions or comments.)

20 COUNCIL PRESIDENT VERNA: Thank
21 you, Mr. Kramer.

22 Do we have anyone else to
23 testify on this bill?

24 (Witness comes forward.)

25 MR. CHAPMAN: Good afternoon

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2 Madam President and --

3 COUNCIL PRESIDENT Verna: Good
4 afternoon. Nice seeing you.

5 MR. Chapman: -- members of the
6 Rules Committee. My name is Tom Chapman.
7 I'm an attorney with Blank Rome, and I
8 represent the owner of the property and
9 the redeveloper of the property.

10 Mr. Kramer really covered
11 everything there is to be covered.

12 I just wanted to address your
13 question. The building is currently
14 vacant; it's been vacant for quite some
15 time.

16 It's a five-story building,
17 it's a historically certified building.
18 And my clients are going to sink a lot of
19 money into the building to restore it.
20 It's a very attractive building, but it's
21 been vacant for quite some time and it
22 needs a lot of work.

23 COUNCIL PRESIDENT Verna: Thank
24 you.

25 MR. Chapman: Thank you.

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2 COUNCIL PRESIDENT VERNA: Nice
3 seeing you.

4 MR. CHAPMAN: Thank you very
5 much.

6 COUNCIL PRESIDENT VERNA: Do we
7 have anyone else to testify?

8 (No response.)

9 COUNCIL PRESIDENT VERNA:
10 Seeing no one, I would ask Mr. Erekson to
11 please read the title of Bill No. 090582.

12 MR. EREKSON: Bill No. 090582,
13 an ordinance to amend the Philadelphia
14 Zoning Maps by changing the zoning
15 designation of certain areas located
16 within an area bounded by Eighth Street,
17 Filbert Street, Ninth Street, and Market
18 Street.

19 MR. KRAMER: Good afternoon,
20 Council President Verna and members of
21 the Rules Committee. I am William
22 Kramer, Division Director of the
23 Development Planning Division of the
24 Philadelphia City Planning Commission. I
25 am here to testify today on Bill No.

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2 090582, which was introduced into City
3 Council on September 17, 2009.

4 This bill rezones the property
5 bounded by Eighth Street, Filbert Street,
6 Ninth Street, and Market Street from an
7 existing zoning designation of CED
8 commercial entertainment district back to
9 a zoning of C-5 commercial. This change
10 reflects the failure of the Foxwoods
11 Casino group to move forward with a
12 proposed casino at this location.

13 Leaving the property zoned CED
14 would negatively impact the owners and
15 proprietors of that block, as they would
16 be forced to create a master plan for
17 City Planning approval as part of the CED
18 process.

19 The Philadelphia City Planning
20 commission, at its meeting of October 20,
21 2009, recommended approval for this item
22 as it was in accord with previous policy.

23 This is the conclusion of my
24 testimony. I'd be happy to answer any
25 questions of the committee at this time.

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2 COUNCIL PRESIDENT Verna: Are
3 there any questions from members of the
4 committee?

5 (No questions or comments.)

6 COUNCIL PRESIDENT Verna: Thank
7 you, Mr. Kramer.

8 Do we have anyone else to
9 testify on this bill?

10 Kindly approach the witness
11 table, please.

12 (Witnesses come forward.)

13 MR. CUTLER: Good afternoon,
14 Council President Verna and members of
15 the Rules Committee. My name is Adam
16 Cutler. I'm an attorney with the Public
17 Interest Law Center at Philadelphia, and
18 I represent the Chinatown Preservation
19 Alliance.

20 I am here to read into the
21 record a statement from Mary Yee, the
22 president of the Chinatown Preservation
23 Alliance, who could not attend the
24 hearing today. And so, with your
25 permission, I'll go ahead and read that

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2 now.

3 "On behalf of the Chinatown
4 Preservation Alliance, as president of
5 the organization, I apologize for not
6 being present in person and ask that my
7 testimony regarding Bill No. 090582 be
8 read into the record

9 "After the Pennsylvania Gaming
10 Control Board ordered Foxwoods to cease
11 its efforts to relocate to Center City
12 adjacent to Chinatown, the Chinatown
13 Preservation Alliance requested that
14 Councilman DiCicco propose legislation
15 repealing the CED designation previously
16 granted to the former Strawbridge's
17 parcel at Eighth and Market. We are
18 indeed grateful to Councilman DiCicco for
19 introducing Bill No. 090582; and without
20 question, we support the repeal of the
21 Strawbridge's CED designation.

22 "However, we ask that the Rules
23 Committee and Council take additional
24 steps, given the Gaming Control Board's
25 September 1, 2009 order. We strongly

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urge the repeal of the 2009 amendments to Chapter 14-400 of the Philadelphia Code that created a new CED classification applicable to the area bounded by Sixth Street, Broad Street, Chestnut Street and Arch Street, which added new zoning rules applicable only to that area such as amendments to Section 14-409 of the Philadelphia Code that now allow trucks to back out of off-street loading areas in that area.

"There is no circumstance for which the City now needs a CED classification or special zoning rules for this area, as there are no pending casino proposals. Keeping the options open is not a response that inspires citizens' confidence in the governmental process.

"Retaining the now-moot Market East CED classification only serves to corroborate the public's views that the entire casino issue has been contaminated with behind-the-scenes deals,

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2 pay-to-play, and political sleight of
3 hand. We disdain the pitting of
4 neighborhood against neighborhood. We
5 urge you to rebuild public confidence by
6 doing the right thing.

7 "In light of our community's
8 experience with large-scale public
9 projects and Council's support of the
10 City's neighborhoods, we believe it to be
11 in the public interest, and for the good
12 of this committee and Council, to
13 consider request pass a bill as soon as
14 possible that protects the City and
15 citizens.

16 "This bill would require: One,
17 obtaining in-depth knowledge of the true
18 costs and benefits of any casino locating
19 in the City; and, two, adopting a more
20 thorough and transparent review process
21 before approval of casino development
22 plans and related documents.

23 "So that both the citizens and
24 Council could make informed decisions
25 accordingly, independent, economic,

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2 social, public-health, and transportation
3 impact studies should be commissioned, a
4 requirement that the professionals at the
5 Planning Commission know to be good
6 ethical practice.

7 "Now that Foxwoods location is
8 set, there is no rationale for delaying
9 the commissioning of comprehensive impact
10 studies, which should include
11 neighborhood input.

12 "This is the time, without the
13 excuse of exigent circumstances, for the
14 City to develop a comprehensive,
15 multifaceted understanding of the real
16 effects that two casinos will have on the
17 economy of the City, the quality of life
18 in our neighborhoods, the well-being of
19 our families, the need for health and
20 social services, and public safety.

21 "The Chinatown Preservation
22 Alliance will continue to speak out to
23 this committee and council to urge the
24 adoption of rational and ethically-sound
25 policies as laws, including preventing

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2 casinos from locating within 1500 of
3 homes, schools, day-care centers, or
4 places of worship. We will resist and
5 fight the casino industry's attempt to
6 take away our power to control
7 development in our own communities,
8 whether in Chinatown, Society Hill, Logan
9 Square, Northern Liberties, or other
10 neighborhoods across the City.

11 "Again, we would be gratified
12 if Bill No. 090582 passes out of the
13 Rules Committee and then passes in full
14 Council, but we will return to ensure
15 that this is only the first step in
16 rectifying how casinos influence our
17 public process and how government
18 responds to citizen advocacy.

19 "Thank you.

20 Mary Yee, President, Chinatown
21 Preservation Alliance."

22 COUNCIL PRESIDENT VERA: Thank
23 you.

24 The Chair recognizes Councilman
25 Greenlee.

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2 COUNCILMAN GREENLEE: Thank
3 you, Madam President.

4 And good afternoon.

5 So just to make it clear on the
6 record, there's no opposition to this
7 bill. You're talking about proposing
8 another bill at some point; is that
9 basically it?

10 MR. CUTLER: We're seeking the
11 City's recognition that there are still
12 problems that remain and that the
13 overlay, which covers an area from Sixth
14 to Broad and Chestnut to Arch, is no
15 longer necessary.

16 COUNCILMAN GREENLEE: I
17 understand that, but that bill isn't
18 before us today; we can only consider
19 what's here.

20 MR. CUTLER: Correct.

21 COUNCILMAN GREENLEE: Okay, all
22 right, fine. Thank you.

23 And you support that bill,
24 right?

25 MR. CUTLER: We support Bill

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2 No. 090582, yes.

3 COUNCILMAN GREENLEE: Okay, all
4 right. Thanks.

5 MR. CHIN: Good afternoon,
6 Madam President Verna and Councilmembers
7 of the Rules Committee. My name is John
8 Chin. I'm the executive director of the
9 Philadelphia Chinatown Development
10 Corporation.

11 I am here to state my support
12 of Bill No. 090582 to remove the CED
13 designation originally granted to the
14 real estate parcel located at 801 Market,
15 also known as the Strawbridge building.

16 I'm also here to ask that
17 additional action be taken to broaden the
18 scope of this bill to repeal other bills,
19 No. 090354 and No. 090294, which were
20 previously granted to create a CED
21 district from City Hall east to Sixth
22 Street.

23 I just want to underscore one
24 concern that we had during this process
25 with the Foxwoods siting at the

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2 Strawbridge building, and that one
3 concern is that there appears to be a --
4 my concern seems to be genuine now based
5 on Foxwoods' most recent request for a
6 temporary facility.

7 I just want to quickly say that
8 the Chinatown neighborhood has always
9 expressed concern about the City's
10 hopefulness for what Foxwoods' impact
11 along Market Street corridor could be and
12 how it could jump-start revitalization of
13 Market Street East and the neighboring
14 corridors.

15 Yes, we do need to look at the
16 positive. However, Chinatown has also to
17 look at the worse-case scenarios. When
18 something like a casino is built and
19 placed in a location, we have to live
20 with it, whether it's good or bad. So
21 the Foxwoods site along Market Street was
22 just too close to Chinatown, and that
23 should not be allowed anywhere.

24 Councilman DiCicco shared the
25 same concerns about harm to neighborhoods

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2 in his response to the Gaming Control
3 Board's recent decision to extend
4 Foxwoods' license in August. He says:

5 "From the beginning, I have
6 believed that gaming, if done well, will
7 be a great benefit for Philadelphia.
8 However, if enacted poorly, I have no
9 doubt that gaming will harm the City and
10 damage our neighborhoods."

11 So I just want to underscore
12 that point and the fact that whatever --
13 however you move forward with these
14 casinos, that there needs to be a more
15 thorough process in reviewing the impacts
16 of these casinos on neighborhoods.

17 Thank you for your time.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Good afternoon.

21 MR. MOY: My name is George
22 Moy. I have appeared before this body
23 for over 43 years.

24 How is that gambling was once
25 considered wrong and a crime, is now

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2 considered okay and actively supported as
3 a means of making money. Gambling is
4 like a virus: It will destroy people,
5 families, and community; it will come
6 back to bite you.

7 Why is it that neighborhoods
8 don't want casinos in or near the
9 community, yet the authorities, who are
10 supposed to represent their constituents,
11 keep pushing to establish such facilities
12 around the state and country.

13 Anyone who thinks the proceeds
14 from gambling are a panacea are sorely
15 mistaken. Gambling produces nothing but
16 problems. Vast amounts of money go into
17 pockets of people who probably don't even
18 live in the vicinity, some with a shady
19 past. It has potential for corruption.

20 Currently, with the
21 proliferation of casinos, the
22 profitability of each casino will surely
23 diminish, as some have already gone
24 bankrupt. Any arrangements to share the
25 proceeds without -- I'm sorry. Without

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2 any arrangements to share the proceeds
3 will no longer be any windfall. The cost
4 of dealing with the negative impacts of
5 problem gambling far outweighs any
6 proceeds that any entity might get.

7 Every person, especially any
8 official, owes it to themselves and their
9 constituents to look into the reams of
10 studies that have been made regarding
11 gambling before making any decision
12 regarding this issue. There will be no
13 way that the harm gambling creates can be
14 undone. The retention of the CED keeps
15 the door open to future undesirable
16 facilities.

17 I'm 84 years old, and I would
18 like to retire to my rocking chair once
19 and forever.

20 But one other comment, and that
21 is with regards to the past bill. It
22 would permit the backing out of loading
23 docks by large trucks. It's a danger to
24 pedestrians, especially children. And if
25 it's not permitted in other areas, how is

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2 it okay in this area.

3 Thank you.

4 COUNCIL PRESIDENT Verna: Thank
5 you very much.

6 Any questions from members of
7 the committee?

8 (No questions or comments.)

9 COUNCIL PRESIDENT Verna:
10 Gentlemen, thank you.

11 Do we have anyone else to
12 testify?

13 (Witnesses come forward.)

14 COUNCIL PRESIDENT Verna: Good
15 afternoon.

16 MS. LOESCH: Good afternoon.
17 Good afternoon, Councilwoman Verna and
18 members of the Rules Committee.

19 My name is Roseanne Loesch, and
20 I'm president of Society Hill Civic
21 Association. Our neighborhood goes from
22 the river to Eighth Street and from
23 Lombard to Walnut Street.

24 We also support the
25 introduction and passage of Bill No.

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2 090582 that removes the CED designation
3 for the Strawbridge building at 801
4 Market Street.

5 But in addition, we also
6 strongly urge the repeal of Bill No.
7 090354, which created a CED overlay in a
8 24-block area in the heart of
9 Philadelphia, from Sixth to Broad and
10 from Chestnut to Arch. We do not
11 understand what purpose is served by
12 keeping this area CED-permissible unless
13 there is some non-public plan to put a
14 casino in Center City.

15 We also concur with the earlier
16 speakers that now is the time to do a
17 long-promised study on the costs and
18 benefits of casinos to the City of
19 Philadelphia.

20 Residents and taxpayers deserve
21 to know, before casinos open here,
22 whether casino revenue will be a net
23 benefit in light of the known high
24 economic and social costs and the current
25 crumbling of the casino industry

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2 nationwide, including the declining
3 revenues at our sister city of
4 Pittsburgh, at the casino in Pittsburgh.

5 Our association's position
6 remains that the two Philadelphia casinos
7 be put in locations in Philadelphia that
8 will not cause unacceptably high impacts
9 on neighborhoods; and none of the four
10 proposed sites, two on Market and two on
11 the waterfront fit the bill.

12 In conclusion, we urge Council
13 to introduce legislation to repeal the
14 CED overlay, to do a cost-benefit
15 analysis, and to work with residents and
16 elected officials to move Foxwoods and
17 SugarHouse off of the waterfront and away
18 from neighborhoods.

19 I thank the committee for its
20 time.

21 COUNCIL PRESIDENT Verna: Thank
22 you.

23 Good afternoon, sir.

24 MR. SPEAKER: Good afternoon.

25 I wonder if you wanted to ask questions

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2 of my colleague here.

3 Ladies and gentlemen, my name
4 is Tully Speaker. I am a former
5 president and currently a member of the
6 board of the Logan Square Neighborhood
7 Association, LSNA. I was authorized by
8 Robert Stewart, who was then president of
9 LSNA, to report that at its regular
10 monthly meeting, on 14, April, 2009, the
11 LSNA Board considered zoning bills 090294
12 and 090295.

13 Very briefly, on a motion duly
14 made and seconded, the LSNA Board
15 affirmed that LSNA continue to oppose
16 building casinos close to residential
17 neighborhoods and on East Market Street.

18 I continue on our board and
19 have been authorized to speak today by
20 our current president, Sam Little. Only
21 this morning did we become aware of
22 today's efforts to repeal zoning
23 permitting a casino in a commercial
24 entertainment district on East Market
25 Street; that is, Bill 090582; and a

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2 related effort, 090354, to remove also
3 the commercial entertainment overlay
4 along East Market and parallel streets.

5 Our short notice has not
6 provided the LSNA Board time to review
7 and consider these prospects, and I
8 cannot, therefore, speak for the board.

9 However, speaking as an
10 individual and as an active board member,
11 I believe our board would maintain its
12 former position -- positions, plural,
13 opposing both casino and the overlay. I
14 personally strongly believe that LSNA may
15 be expected to recommend repealing both
16 the casino overlay and the commercial
17 entertainment district overlay. I would
18 say you can bet on it.

19 Thank you.

20 COUNCIL PRESIDENT Verna: Thank
21 you. I thank both of you.

22 Any questions from members of
23 the committee?

24 (No questions.)

25 COUNCIL PRESIDENT Verna:

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2 Seeing none, I thank you again.

3 Are there any other witnesses
4 to testify on this bill?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:

7 Seeing no one, I would ask Mr. Erekson to
8 please read the title of Bill No. 090667.

9 MR. EREKSON: Bill No. 090667,
10 an ordinance amending Chapter 14-1600 of
11 the Philadelphia Code, entitled
12 "Miscellaneous," be repealing Section
13 14-1626, entitled "Demolition Moratorium
14 in Old City," and Section 14-1628,
15 entitled "Demolition Moratorium in Queen
16 Village," and enacting a new Section
17 14-1626, entitled "Demolition Moratorium
18 Districts," and designating Waverly Walk
19 between 12th Street and 13th Street, and
20 Addison Street between 12th Street and
21 13th Street, as Demolition Moratorium
22 Districts, all under certain terms and
23 conditions.

24 MR. KRAMER: Good afternoon,
25 Council President Verna and members of

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2 the Rules Committee. I am William
3 Kramer, Division Director of the
4 Development Planning Division of the
5 Philadelphia City Planning Commission. I
6 am here to testify today on Bill No.
7 090667 which was introduced into City
8 Council September 24, 2009.

9 This bill repeals two existing
10 districts in which there was a moratorium
11 on demolition, the Old City District and
12 the Queen Village District. This bill
13 then creates a new Section 14-1626,
14 entitled "Demolition Moratorium
15 Districts," and creates the following
16 regulation:

17 No demolition of any building
18 or any other structure shall be permitted
19 in the following areas unless one such
20 demolition is necessary to abate an
21 imminently dangerous condition as
22 determined by the Department of Licenses
23 and Inspections; or two, either a zoning
24 and use registration permit for such
25 demolition or a building permit for such

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2 demolition was issued prior to the
3 enactment of this something.

4 Lastly, this bill creates two
5 areas which are covered by this new
6 regulation: Waverly Walk between 12th
7 Street and 13th Street and Addison Street
8 between 12th Street and 13th Street.

9 The reason for the new
10 districts is that along this area, a
11 large gas main was built in the basements
12 of the rowhomes. Tearing down one of
13 these rowhomes would expose this large
14 gas main to the elements and to possible
15 harm. This potentially dangerous
16 situation is unacceptable; thus, the
17 creation of a demolition moratorium until
18 a policy and procedure can be adopted by
19 the City.

20 In order for the bill to pass
21 any legal hurdles, a sunset provision
22 must be added so that there is a date
23 certain for the ending of this
24 moratorium.

25 The Philadelphia City Planning

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2 Commission, at its meeting of October 20,
3 2009, recommended approval for this item,
4 with an amendment to include a sunset
5 provision.

6 That is the conclusion of my
7 testimony. I'd be happy to answer any
8 questions of the committee at this time.

9 COUNCIL PRESIDENT Verna: Any
10 questions from the committee?

11 (No questions or comments.)

12 COUNCIL PRESIDENT Verna: Thank
13 you, Mr. Kramer.

14 Do we have anyone else to
15 testify on this bill? I think there may
16 be a witness list.

17 Richard Brome. Is Richard
18 Brome here?

19 (Witnesses come forward.)

20 MR. BROME: Yes.

21 COUNCIL PRESIDENT Verna:
22 Please identify yourself for the record
23 and continue with your testimony.

24 MR. BROME: Good afternoon,
25 Council President Verna and Councilman

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2 DiCicco and members of the City Council's
3 Committee on Rules. My name is Richard
4 A. Brome and I come before you today to
5 offer testimony opposing Bill No. 090667.

6 I am grateful for the
7 opportunity to address City Council and
8 the issues surrounding my
9 million-dollar-plus investment in my
10 neighborhood and my attempts to address
11 my neighbors' concerns over this
12 investment.

13 Seated next to me is my
14 attorney, Leon King, II, former Deputy
15 City Solicitor Civil Rights for the City
16 of Philadelphia, and my architect, Jackie
17 Gusick.

18 Unlike the thousands of others
19 who come to Philadelphia for an education
20 and then leave the city for what they
21 consider better opportunities, I came and
22 made the city my home.

23 It has been 13 years since I
24 came to Philadelphia to attend Drexel
25 University. I then established my own

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2 successful business here eight years ago
3 and purchased my first home here two
4 years ago.

5 My business contributes well
6 over \$100,000 in tax revenue to the City
7 each year, and I have invested over
8 \$1 million to date in my property and
9 renovations for my home in the beautiful
10 Washington Square West neighborhood. My
11 intent is nothing more than to establish
12 a permanent home for myself in the city I
13 love.

14 My home on Pine Street is
15 historic, and I have invested in
16 restoring the historic aspects of the
17 home that were previously neglected. I
18 love the quaint historic charm of the
19 neighborhood I live in and want only to
20 contribute to it and enhance it.

21 After purchasing 1210 Pine
22 Street, the property immediately behind
23 it, 1211 Waverly Walk, came on the
24 market. I saw a unique opportunity to
25 enhance my property, and investigated the

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2 options. I spoke with my architect and
3 multiple City departments, including the
4 Planning Commission and the Department of
5 Licenses and Inspections.

6 I was told that I would be
7 permitted to demolish 1211 Waverly Walk,
8 which is not historically designated, and
9 combine the two properties. I was told
10 the Zoning Code permitted this and that
11 no zoning variance would be required.

12 It was with this specific
13 understanding of city law and in full
14 reliance on the City's representations
15 that I spent \$416,000 to purchase 1211
16 Waverly Walk. I plan to use this
17 property exclusively for a large
18 landscaped yard.

19 Since then, I've been busy
20 taking all possible steps to plan the
21 project in a careful and responsible way.
22 I have been working with my architect,
23 structural engineer, contractor, and
24 demolition experts to ensure that all
25 potential structural issues are addressed

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2 with a detailed plan. The experts I have
3 talked to all concur that this is a
4 standard rowhome of typical construction,
5 there are no unique structural issues.

6 I've also been working closely
7 with PGW to address the unique gas main
8 configuration on our block. PGW
9 engineers have come up with a simple,
10 safe solution that neatly addresses this
11 issue.

12 I have put extra effort into
13 steering PGW toward a solution that does
14 not impact my neighbors unnecessarily,
15 specifically steering PGW away from an
16 initial plan that would have involved
17 partial demolition of my neighbors'
18 finished basements to address the gas
19 main issue.

20 Coming up with a better
21 solution has involved significant
22 compromises to my original plans, and I
23 was happy to make those compromises to
24 avoid negative impact on my neighbors, as
25 any good neighbor would do.

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2 Separately, I have made
3 compromises to my plans to ensure the
4 final design meets PGW's high standards
5 for safety, durability, and maintenance.
6 Throughout all stages of the project, I
7 have been, and continue to be, committed
8 to minimizing the impact on my neighbors,
9 even at significant extra expense to
10 myself.

11 As I mentioned, I am committed
12 to enhancing the neighbor. To that end,
13 I plan to make the part of the property
14 facing Waverly Walk an attractive,
15 architecturally-appropriate brick fence,
16 with land set aside devoted exclusively
17 to a small garden, creating new green
18 space on Waverly Walk.

19 The new configuration will have
20 significant benefits to the neighborhood.
21 First and foremost, it will replace the
22 current impermeable area of the entire
23 property with a permeable landscaped
24 yard. This will relieve the overloaded
25 storm and sewer system of significant

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2 storm runoff, which is exactly the kind
3 of change the Water Department has
4 recommended to address the serious issue
5 of basement flooding on our block.

6 In addition, the project will
7 improve natural light and airflow to
8 Waverly Walk, which is an unusually
9 narrow and dark passageway. And new
10 landscaping will also contribute to air
11 quality in the neighborhood.

12 I have attempted to contact my
13 thirty closest neighbors about this
14 project, provide details, address their
15 concerns, solicit input, and involve them
16 in the process. Only three neighbors
17 have responded with any interest in
18 meeting with me, and only two have been
19 willing or able to be with me.

20 In reaching out to thirty
21 closest neighbors, I offered to leave the
22 appearance of the property as it faces
23 Waverly Walk completely up to them.
24 Again, I received almost no interest in
25 cooperating on this.

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2 I have proposed designs that
3 have sacrificed part of my property to
4 add new green space exclusive to the
5 Waverly Walk side of the fence.

6 It has also been suggested that
7 the entire façade remain, a suggestion
8 I'm willing to consider but one that has
9 also been met with a cool reception by my
10 neighbors. With this option on the
11 table, I have a hard time understanding
12 any argument that the streetscape will be
13 affected in any way.

14 As I stated earlier, I
15 purchased 1211 Waverly Walk only after
16 researching the Zoning Code, talking to
17 City officials, and determining that my
18 plans for it were permitted and did not
19 require any zoning variance.

20 How can anyone commit to
21 purchasing property with the intent to
22 improve it if the Zoning Code is a moving
23 target. If the Zoning Code can be
24 changed on the fly, with extremely narrow
25 exceptions, at the request of anyone

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2 opposed to civic plans, I worry that this
3 precedent will discourage investment in
4 our city.

5 If my plans are somehow
6 unreasonable, then I humbly suggest that
7 the City Council examine larger issues of
8 the Zoning Code as it applies to the
9 whole city. To create a new law that so
10 clearly targets just my property is
11 unfair, discriminatory, and
12 unconstitutional.

13 This, of course, also has
14 created additional expense, and it has
15 caused me to hire Mr. King to protect my
16 legal interests and advise me if and when
17 I should take this matter to federal
18 court for resolution, which, while I am
19 certainly prepared to initiate a lawsuit
20 to protect my rights and investment, I'm
21 extremely motivated to reach an agreement
22 with my neighbors.

23 While I appreciate my
24 neighbors' concerns, they must be
25 balanced with my personal property

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2 rights.

3 I certainly have no desire to
4 have a negative impact on my neighbors'
5 property, nor on the neighborhood in
6 general. I have the same vested interest
7 in this neighborhood that they do, I've
8 gone out of my way to minimize impact on
9 neighboring properties and out of my way
10 to include my neighbors in the process.

11 I've also made sure to address
12 their concerns about utilities and
13 structural issues. My neighbors have
14 thus far been unable to articulate any
15 other concrete reasons to oppose my
16 plans. They only a vague opinion that
17 the block should never change.

18 A non-historic block stuck in
19 time impedes progress and discourages
20 investment in our city. What we are left
21 with is a simple difference of opinion
22 about the character of the block.

23 I believe my plans will have a
24 significant positive impact on the block.
25 My neighbors may not agree, but that

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2 doesn't justify the extreme measure of
3 this legislation, which tramples on my
4 personal property rights.

5 I also believe this legislation
6 flies in the face of the current reform
7 effort being undertaken by the
8 Philadelphia Planning Commission.

9 For these reasons, I urge this
10 committee to vote against the bill --
11 vote against moving this bill to the
12 Committee of the Whole for final passage.

13 I also request that in light of
14 my desire to reach a resolution of the
15 issues with my neighbors and the
16 significant legal uses as I see them,
17 that at the conclusion of testimony today
18 this hearing be recessed until the call
19 of the Chair to allow further discussion
20 on settling these matters without the
21 need for an enacted bill and the
22 likelihood that litigation will follow.
23 I suggest a period two of weeks.

24 Thank you for the opportunity
25 to testify on this matter and for your

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2 concern for my neighborhood.

3 At this time, and with the
4 Council President's permission, Mr. King
5 has just a few words to add to this
6 presentation, and then we will be happy
7 to answer any questions you may have.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Mr. King?

11 MR. KING: Good morning,
12 Council President Verna and members of
13 the committee.

14 I just want to more clearly
15 outline why we think it's a good idea to
16 finish the testimony today and then allow
17 us a couple weeks to work more with the
18 neighbors, perhaps under the auspices of
19 Councilman DiCicco.

20 I was hired on this matter on
21 Monday, and I received the amendment last
22 night, at 9 o'clock, when I was at home,
23 looking at my computer.

24 Yesterday -- the first problem
25 with this is, it came up and it is

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2 specifically targeted at my client; there
3 was no other issue in the neighborhood.

4 He bought this property, he
5 relied on the City's representations that
6 he didn't need any zoning variances to
7 demolish Waverly Walk. No sooner had he
8 signed the papers, people found out about
9 it, and we're here about it today.

10 And we in America are not
11 allowed to target specific people to
12 regulate their property rights in this
13 way.

14 There were acknowledged legal
15 issues with this legislation yesterday.
16 When I talked to representatives of
17 executive branch, they echoed what the
18 Planning Commission gentleman said about
19 a sunset clause being required in this
20 legislation to avoid taking issues under
21 the fifth amendment, and I think it would
22 appear that the Administration is still
23 taking that issue.

24 I talked to the person who
25 heads the Civil Rights Unit yesterday in

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2 the Law Department on this issue. Based
3 on our conversation, he said that he
4 thought there were some civil rights
5 issues with this.

6 And what we have now is a new
7 amendment that sort of maybe recognizes
8 that we can't do this forever, so we're
9 going to give my client a little bit of
10 due process rights.

11 But the burden that's being
12 imposed on him is higher than the burden
13 that the City will have to respond to if
14 we go to federal court on this matter.
15 The standard being imposed is: If you
16 can show us, one, that the building is
17 imminently dangerous -- he's not a bad
18 neighbor, so that's not going to happen;
19 or two, if you can show us that you can't
20 use this property for any other reason,
21 you have to prove this to us then. And
22 if there's a public benefit from you
23 doing this, then you can do it.

24 And that's unreasonable and, I
25 would submit, unconstitutional standard

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2 to impose on my client.

3 And I think that, you know,
4 based on the little bit of research I've
5 been able to do, it even flies in the
6 face of the Pennsylvania Supreme Court
7 precedent in this area.

8 I again last night submitted,
9 you know, this suggestion, and I would
10 like to hear from the Law Department what
11 their legal rationale is in regard to
12 this, and they haven't had the courtesy
13 of responding to me this morning so that
14 we could move forward.

15 So I really think, as my client
16 indicated, you know, if we're talking
17 about esthetics, how the block looks,
18 he's willing to keep the façade of the
19 building; and if that is true, I can't
20 imagine what the reason would be that the
21 neighbors would be opposed to this.

22 As in regard to the gas main
23 that I think was mentioned by the
24 gentleman from the Planning Commission,
25 within days, I think -- we're awaiting a

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2 report from PGW that's been worked out
3 with the architects and Mr. Brome in
4 regards to what PGW's going to do with
5 those pipes. And he has -- you know,
6 there are certain rights that he has
7 under his deed to reconfigure this gas
8 main, whether or not he demolishes the
9 property.

10 So I think that it would be
11 best if we continue to talk about this so
12 that everybody in this particular
13 situation doesn't have to lawyer up,
14 meaning I would lawyer up, the Law
15 Department would have to lawyer up to
16 defend the City's actions to this case,
17 and the neighbors of the neighborhood
18 might have to lawyer up, depending on who
19 I decided would be additional defendants
20 in the lawsuit when we go down to federal
21 court.

22 So I think -- and if go to
23 federal court, you know, nothing's
24 guaranteed. We may all end up with a
25 decision that we don't like. So our

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2 request that I'm emphasizing again is
3 that the committee allow us a couple
4 weeks to work with Councilman DiCicco and
5 the neighbors to come up with a solution,
6 especially since my client is so
7 motivated to do so.

8 Thank you.

9 COUNCIL PRESIDENT Verna: Thank
10 you.

11 The Chair recognizes Councilman
12 DiCicco.

13 COUNCILMAN DiCicco: Thank you,
14 Madam Chair. And good afternoon.

15 Mr. King, just to address your
16 comments about the Law Department. With
17 all due respect, it's my understanding
18 they were not contacted until late last
19 evening.

20 MR. KING: I contacted -- I had
21 a conversation with Mr. Straw from the
22 Civil Rights Unit. We met at 4:30
23 yesterday; it was a prescheduled meeting.

24 I personally went over to the
25 Law Department, to the 17th floor and

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2 sought out Miss Maioni (sp?), Mr. Feder,
3 Miss Johnston who, I understand, wrote
4 the memo in this case. I left messages;
5 no one got back to me.

6 COUNCILMAN DiCICCO: But you
7 have to understand it's not the Law
8 Department, the City's law department's,
9 responsibility to respond to individuals
10 who are threatening to sue.

11 MR. KING: It is their job to
12 respond to --

13 COUNCILMAN DiCICCO: I don't
14 think so.

15 MR. KING: That's what they're
16 there for. They're there to respond.

17 COUNCILMAN DiCICCO: All right.
18 You and I are not going to argue. You're
19 the lawyer, I'm not; we're not going to
20 get into an argument. I just want to get
21 that on the record.

22 Yesterday, we had a meeting in
23 my office with Mr. Brome and Mr. King, so
24 I want that established for the record.
25 I believe the community understood that I

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2 would be having a meeting to see a little
3 bit more clearly what your proposal was
4 and to try to see if we can come up with
5 some reasonable accommodation to allow
6 you to continue with your expansion of
7 your Pine Street property, while
8 recognizing and trying to respect the
9 concerns for the folks who live on
10 Waverly Street.

11 And as I said at the onset
12 yesterday, these are not easy issues to
13 deal with. Waverly way has a very unique
14 characteristic.

15 And by the way, do you happen
16 to have any of the artist renditions,
17 copies that you left me yesterday? Do
18 you happen to have any extra with you?

19 MR. BROME: I do.

20 COUNCILMAN DiCICCO: Yeah, I'd
21 like for -- so that my colleagues on this
22 committee can get a better appreciation
23 for what we're talking about.

24 And while that's being
25 delivered, just again to summarize, some

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2 of the comments and discussion we had
3 yesterday was that I'm sensitive to both
4 sides. We certainly want people to move
5 into the City of Philadelphia; I've been
6 an advocate for development for a long
7 time, as have my colleagues.

8 But we also try to understand
9 and respect the characteristic and
10 aesthetic of some communities that we
11 represent. And I think the fact that
12 Waverly Way is a very unique residential
13 community, any disturbance of that
14 certainly will get the attention of
15 folks, and people just are going to be
16 resistant to that kind of change because
17 they feel as though it will disrupt the
18 characteristic of their community in such
19 a way that it may take away from some of
20 the positive things that encouraged
21 people like yourself to want to move into
22 Washington West and into other
23 neighborhoods.

24 So if you just give me a few
25 minutes, I would like to explain a little

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2 bit to my colleagues.

3 Do you not have the other photo
4 of the Pine or Spruce Street property
5 that would be a similar example of what
6 you're trying to do?

7 MR. BROME: No. I'm sorry. I
8 don't have it with me.

9 COUNCILMAN DiCICCO: I have to
10 ask Brian to go to my desk. I apologize.

11 In the interest of time, I will
12 point out, until the other photographs
13 arrive, that the red buildings, the
14 taller structures, represent existing
15 houses on Waverly way.

16 This is a three-story building,
17 and this is a two-story. They're all
18 residential, single-family.

19 Where you see the tree and the
20 shrubbery now exists a two-story
21 residential property that would be the
22 same height as this one on the right.

23 Mr. Brome is looking to take
24 down that building, that single-family
25 home, replace it with either a wall or

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2 one of these three renditions, with some
3 shrubbery that would be facing the
4 walkway, Waverly Walk.

5 And on the other side of it,
6 where you see the tree, would be the
7 extension of his yard on Pine Street,
8 coming back.

9 When the photograph of Waverly
10 way comes up, I think you'll get a better
11 appreciation for the concern of the
12 community in breaking up that.

13 These are all elevations. I
14 don't know if you guys want to see these.

15 MR. KING: Councilman, I don't
16 know if it would be helpful, but he also
17 has a picture on his iPhone of the
18 property around the corner that was used
19 as the examples for those designs.

20 COUNCILMAN DiCICCO: This is
21 not Waverly Way, but if you would -- and
22 you'll see again when the photographs
23 come up, this would be the result of the
24 demolition of the property is, where
25 there would be a two-story house here.

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2 This is on Pine Street, I
3 believe, around Ninth?

4 MR. BROME: Yes. 1325 Pine
5 Street.

6 COUNCILMAN DiCICCO: 1325 Pine.
7 If you'd like, Madam Chair,
8 maybe we can begin to get the other
9 testimony.

10 Why don't we do this,
11 gentlemen. We'll start the testimony
12 from the residents, folks that are here.
13 And then when the photographs arrive,
14 we'll then take it from there.

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

17 COUNCILMAN GOODE: Either
18 Mr. Brome or Mr. King can answer this
19 question.

20 If it's your contention that
21 the legislation is targeted toward an
22 individual property and that it is
23 illegal to do so, then wouldn't amending
24 the legislation based upon negotiation
25 with an individual be just as illegal?

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2 MR. KING: Well, our proposal
3 isn't to negotiate to amend the
4 legislation to reflect our agreement.
5 Our intention is to negotiate with the
6 neighborhood and come up with an
7 agreement and not have any legislation.

8 COUNCILMAN GOODE: I just
9 wanted to make that clear for the record.
10 Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 In order to save some time, do
14 you mind sitting within the rail so that
15 when Mr. DiCicco's aide comes down with
16 the photos, we could see them.

17 MR. BROME: Sure.

18 COUNCIL PRESIDENT VERNA: I
19 would like to call -- just a moment,
20 please.

21 COUNCILWOMAN MILLER: I just
22 have one question for Mr. Brome.

23 In reading your testimony, you
24 did say you did reach out to your
25 neighbors, and none were really able to

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2 talk to you except for two?

3 MR. BROME: Correct.

4 COUNCILWOMAN MILLER: Okay. Is
5 that -- what does that mean? Did it mean
6 that they're not interested?

7 MR. BROME: I don't know.

8 COUNCILWOMAN MILLER: Or that
9 they weren't interested in talking to you
10 regarding what they want or what they
11 didn't want or just didn't want you to
12 make the change?

13 MR. BROME: I don't know. I
14 tried to communicate and received very
15 little response.

16 It started with a letter
17 requesting a meeting. I sent a letter to
18 all of them saying that's great, I would
19 love to meet with all of you. And then I
20 received two responses to that.

21 COUNCILWOMAN MILLER: Okay. So
22 people just didn't respond at all.

23 MR. BROME: Correct.

24 COUNCILWOMAN MILLER: Okay.
25 Are the neighbors here today?

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2 COUNCILMAN DICICCO: Yes.

3 COUNCILWOMAN MILLER: Okay, all
4 right. Thank you.

5 COUNCILWOMAN BROWN: Quick
6 follow-up, Madam President.

7 I do have a quick follow-up so
8 that we're clear. You've reached out in
9 writing?

10 MR. BROME: Yes.

11 COUNCILWOMAN BROWN: And you
12 say you received two responses. Were
13 they written? were they verbal? were they
14 e-mail? What were they?

15 MR. BROME: I included a
16 response sheet with several suggested
17 meeting times to meet in person.

18 COUNCILWOMAN BROWN: Okay.

19 MR. BROME: And people returned
20 that sheet with meeting times checked.
21 There were two of those responses.

22 COUNCILWOMAN BROWN: And have
23 you had the follow-through with those
24 meetings?

25 MR. BROME: Yes. There was a

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2 meeting last night with the two neighbors
3 that were able to make it, the neighbors
4 immediately on either side of the
5 property in question.

6 COUNCILWOMAN BROWN: Is there a
7 neighborhood association that makes up
8 that part of the world?

9 MR. BROME: It falls within the
10 Washington Square West neighborhood.

11 COUNCILWOMAN BROWN: Oh, okay.
12 All right then.

13 Thank you for your testimony.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 MR. BROME: Thank you.

17 COUNCIL PRESIDENT VERNA: In
18 order to save time, I'm going to call up
19 the next three witnesses: Michael Daly,
20 Elizabeth Mell, and Susan Browne.

21 (Witnesses come forward.)

22 COUNCIL PRESIDENT VERNA: Good
23 afternoon. Kindly identify yourself for
24 the record for the record and proceed
25 with your testimony.

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2 MR. APPLEBAUM: Good afternoon,
3 Council President Verna and members of
4 the committee. My name is David R.
5 Applebaum, and I live at 1215-C Waverly,
6 Walkway.

7 Since purchasing my house in
8 1998, I have been active, engaged, and
9 involved with the neighborhood and our
10 community. I am also someone elected by
11 my neighbors to represent them in
12 partisan politics.

13 This is not a partisan
14 political moment, and the legislation
15 proposed transcends narrower concerns and
16 goals.

17 My field of expertise is
18 history, and my work is in Paris, France.
19 Cross-national comparative historical
20 analysis informs my understanding of the
21 current statute under consideration.

22 The walkway on Camac Street can
23 be compared to the Cité des Fleurs, a
24 street in Paris in the neighborhood of
25 the Institut d'Histoire du Temps Present.

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2 They differ from Cité in terms of the
3 time period of urban construction and
4 renewal. They share with Cité a history
5 of intentional creation of an urban space
6 and streetscapes with unique and
7 exceptional value.

8 The value is shared by
9 homeowners and citizens, as evidenced by
10 the guided historical tours of the
11 walkways. In other words, the goals of
12 the RDA during an era of the Great
13 Society programs for urban renewal are
14 being fulfilled.

15 Cité is protected in Paris.
16 The walkways are worthy of protection in
17 Philadelphia.

18 The process of finding ways to
19 safeguard the walkways in my experience
20 dates to 1998, 1999. At that time,
21 homeowners gathered to address concerns
22 and issues.

23 It was, and is, up to us to
24 play the lead role in that effort. The
25 City of Philadelphia does not cover any

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2 of the expenses associated with the
3 walkway and its maintenance. We worked
4 together and built consensus. For
5 example, planters at one end of the
6 walkway were removed by one owner in
7 order to resolve the water problem that
8 impacted the entire block.

9 Discussions and problem-solving
10 may have predated my purchase of the home
11 on the walkway. They have continued over
12 time, and the conversation has been one
13 element in the semiannual neighborhood
14 gatherings that take place on Camac
15 Street.

16 In sum, the legislation
17 proposed by Councilman DiCicco comes out
18 of a rich and shared set of ongoing
19 concerns. At the same time, there is no
20 doubt that the imminent demolition of one
21 property on one of the main walkways in
22 the legislation has brought greater
23 clarity and purpose to the residents.

24 The legislation proposed has
25 been carefully crafted. It provides for

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2 individuals to exercise personal property
3 rights through the process of appeals and
4 potential exemptions but within the
5 framework and a context of mutual
6 obligations. It fills a gap in current
7 regulatory process and guidelines.

8 It is our sincere hope that in
9 time, the regulatory regime -- and here I
10 would reference the work of Gunther
11 Teubner on reflexive law on the
12 regulatory crisis -- will be resolved
13 through changes in the zoning rules
14 inside the city. And specifically, it
15 just concerns associated with the absence
16 of an effective and just regulatory
17 regime for demolition processes.

18 And I've spoken with Alan
19 Greenberger about. This and I'm quite
20 sure that this will be part of the new
21 work of the Zoning Board.

22 Under the proposed statute,
23 there is no presumption that the answer
24 will be no. Rather, it establishes the
25 basis of a burden of proof upon the

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2 person who wishes to make change that is
3 as significant as the demolition of a
4 building.

5 It is consistent with
6 principles and values from John Locke and
7 Adam Smith in the Wealth of Nations.
8 Careful reading of those texts, which are
9 the basis for the existence of our
10 democracy, demonstrate that the concept
11 of private property rights was not one of
12 anarchistic individualism and
13 foreshadowed government action to create
14 due process norms as well as boundaries
15 and limits.

16 Those limits, sometimes
17 referred to as responsibilities, freedom,
18 and individual property rights, exist
19 within the framework of do no harm to
20 others. That existed under customary law
21 and it's adapted in Blackstone and in
22 common law.

23 As a common law municipal
24 statute, the legislation proposed by
25 Councilman DiCicco reflects the

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2 appropriate and necessary control that
3 will make sure that there is both
4 continuity and change within the
5 framework of the regulatory regime.

6 And I have for you photographs
7 which will give you a clear picture of
8 the walkway as well as a clear picture of
9 the pieces that will be taken out and cut
10 out.

11 I would also add that built
12 space is also populated space. And what
13 the walkway is about is not simply the
14 building, but it's people going into and
15 out of homes, it's neighbors moving.

16 And the empty space is an empty
17 space; it is a space of deep population,
18 depopulation within the framework of
19 community. And it is a disruption that
20 will permanently and fundamentally alter
21 the interplay that takes place among and
22 between the neighbors.

23 Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you very much.

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2 Mr. Daly?

3 MR. DALY: Good afternoon,
4 Council President Verna and members of
5 the committee. My name is Michael Daly,
6 and I live at 1215 Waverly Walkway.

7 I purchased my home after
8 returning to Philadelphia in 2004. I had
9 lived in Washington Square West during
10 the early part of the 1990s, and I came
11 back ten years later, happy to see the
12 neighborhood had retained the charm and
13 beauty I had so admired.

14 I was thrilled to move onto the
15 walkway; it had stayed the same as I
16 remembered it, a contiguous row of homes
17 and the quiet, hidden nature of the
18 pedestrian street. Friends who visit are
19 interested in the historic homes that
20 surround the walkways and remark how well
21 the Waverly and Addison development is
22 integrated into the neighborhood with its
23 reclaimed brick and with all of the homes
24 opening onto the walk.

25 Tour guides routinely take

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2 groups to the crosswalks, pointing out
3 the way in which the developer united the
4 historic homes that had survived the
5 decline of the neighborhood with the
6 townhomes that now border the walkways.

7 Passage of the ordinance before
8 you is critical to maintaining the fabric
9 of our community and these unique
10 residential walkways of Washington Square
11 West. The vision of Edmond Bacon in the
12 1950s and '60s was to revitalize and
13 regenerate the alleys that had fallen
14 into disrepair and neglect and have
15 resulted in a vibrant and successful
16 design.

17 It is the ensemble of homes,
18 the consistent feel of Waverly and
19 Addison that draws visitors and residents
20 of the City into the walkways, a feature
21 that is only reproduced by historically
22 protected homes on streets such as Camac,
23 which Waverly and Addison border, in
24 Washington Square West.

25 As residents of the walkways,

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2 we are the stewards who must protect and
3 be responsible for the maintenance and
4 care of these brick passages. We are
5 passionate about our piece of the
6 neighborhood and are stunned by the
7 possibility that a demolition can occur
8 on a pair of streets that are fully
9 established, completely viable, and in
10 excellent condition.

11 And yet, a routine, over-the-
12 counter transaction can by bypass the
13 important Zoning Commission that allows
14 the walkway to be surgically cut up so
15 that properties now become open gaps
16 serving as backyards to other properties.
17 That vision of the developer and the RDA
18 to revitalize the walkways in the 1960s
19 where all homes opened onto the
20 pedestrian walks will be forever changed.

21 This sets a precedent that
22 increases the certainty of future
23 demolitions dismantling the walkways,
24 returning them to the ally status they
25 once had. The Waverly Addison Walkway

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complex is too valuable a component of
the neighborhood to be put in a
vulnerable such as facing a demolition.

There are also significant
structural hurdles that must be overcome
to remove a walkway home, which the
original developer of the project perhaps
never intended or anticipated in their
construction. This is evidenced by the
unusual setup of a gas main that runs
through the basements of the walkway
homes and the seamless nature of our
brick façades that unite the development.

It is my hope that this
ordinance will bridge a gap that exists
in the zoning process so that the
seriousness of a demolition in a
successful and viable neighborhood is
given the highest level of scrutiny and
in the context of a walkway plan instead
of an individual's desire to demolish for
individual purposes.

Unless the walkway homes are
protected, we will always be under a

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2 possible demolition threat from the
3 larger homes on the streets that surround
4 us. This is not a question of individual
5 property rights but a question of
6 protecting a shared vision of the
7 walkways between its residents and the
8 City of Philadelphia alike.

9 Thank you for the opportunity
10 to speak to you today.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 Miss Browne?

14 MS. BROWNE: Good afternoon,
15 Council President Verna and members of
16 the committee. My name is Susan Browne,
17 and I live at 1215-B Waverly Walk.

18 I write this letter in support
19 of the amendment of the Philadelphia
20 Code, Chapter 14-1600, "Miscellaneous,"
21 that proposes to identify demolition
22 moratorium districts Waverly Walk and
23 Addison between 12th and 13th Street.

24 I bought my home in August of
25 2006, when I moved to Philadelphia from

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2 New York City at the commencement of my
3 employment at American (indiscernible) in
4 West Point, Pennsylvania. My fiancé
5 joined me there in March of 2008, and we
6 intend to build our married life there,
7 at 1215-B, Waverly Walk.

8 I have to commute for more than
9 an hour to work every day, but instead of
10 living close to work, I chose to live in
11 Philadelphia because of it's a vibrant
12 and cultured city that offers a wealth of
13 environments, events, and opportunities
14 that I could not find outside the city.
15 And in particular, it's a culture of
16 neighborhoods.

17 There are multiple areas within
18 the City that provide access to all of
19 the many benefits of Center City living,
20 but I chose to live in Waverly Walk
21 because it provides all of those benefits
22 plus numerous more; in particular:

23 Safety. The contiguous nature
24 of the houses means that backyards access
25 is currently almost impossible from the

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2 street; and peacefulness, due to being on
3 a walkway and off a main road. It's a
4 beautiful environment to experience every
5 day, and it's a friendly, neighborly
6 environment.

7 During the three years I've
8 lived on Waverly Walk, my positive first
9 impression of our block has only been
10 embellished. Among the neighbors who are
11 residents in the street, I now count
12 several as close friends; and I
13 underscore, they are residents in the
14 street. There is a feeling of community,
15 of camaraderie, and of pride for our
16 block. This extends from Waverly Walk to
17 include Addison Street, Camac Street, and
18 Iseminger Street within our block of 12th
19 to 13th Street between Pine and Lombard.

20 We've got good reason to be
21 proud of our block. I cannot count the
22 number of times I've told where I live
23 and they've responded with a comment
24 like, "I know Waverly Walk. I love to
25 run there. I love to walk my dog there.

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2 I love to take my son for a walk."

3 The community spirit of the
4 block is evidenced by the high number of
5 interactions that take place amongst the
6 neighbors, including people looking out
7 for each other's properties, children
8 playing together on the street, and the
9 regular block get-togethers.

10 It is also evidenced by the
11 large-scale negative reaction from the
12 residents to the possibility that the
13 fabric of our block could be threatened
14 by the risk of demolition, or
15 demolitions, in the future.

16 There are numerous reasons that
17 I believe we need to protect Waverly Walk
18 and Addison Streets from the possibility
19 of property demolition.

20 First, these residential
21 streets were built up as part of the
22 urban renewal of the 1960s; they were
23 part of the thrust to bring more
24 residents back into the city center and
25 to build the type of vibrant city that we

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2 all know and enjoy now, in 2009.

3 Removal of one residential
4 property would be a step towards
5 reversing the availability of areas that
6 people want to live in and could have a
7 huge negative impact.

8 Importantly, if one property
9 were to be removed, this would set a
10 precedent that could have terrible
11 repercussions for the neighborhood. As
12 soon as one property is lost, the
13 contiguous nature of the houses that line
14 the streets would be interrupted. This
15 will create multiple negative
16 corollaries.

17 One, we are all concerned about
18 the structural integrity of the rowhouses
19 if a central component is removed, and
20 this includes the possibility of
21 structural damage and issues surrounding
22 the safety of shared amenities such as,
23 but not limited to, the gas supply.

24 Second, an important safety
25 barrier for all of the properties, the

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contiguous frontage of the streets, will
be breached, facilitating possibility of
increased crime via the rear of houses,
which are out of view of the street.

Third, the empty lot will
create dead space, which has an increased
likelihood of attracting negative
activities to the area.

And fourth, the neighborly
fabric between residents will be
interrupted.

One can easily see the domino
effect that one demolition might have on
Waverly and Addison Streets. Once
residents begin to see the negative
repercussions of one lost property, there
could be an exodus of residents leading
to a decline in maintenance of this
district and ultimately loss of city
center residences and residents.

As a property owner and a
resident of Waverly Walk, I feel that my
property rights would be infringed if I
did not support this amendment. I and my

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2 fiancé, Robert Green, who could not be
3 here today, are giving our very strong
4 support of this amendment because we feel
5 it is vital to maintain the integrity of
6 our property and of our neighborhoods.

7 Furthermore, it is clear in the
8 ordinance that there are provisions to
9 allow for any demolition required on the
10 grounds of safety, if ever required. It
11 is also clear that there are precedents
12 for demolition moratoriums in other
13 districts in the City; for example, in
14 Old City and Queen Village.

15 The precedent of allowing a
16 voluntary demolition of a residential
17 property on Waverly Walk or Addison
18 Street would provide no benefits to the
19 community; but instead, has the potential
20 for an unknown number of negatives.

21 I thank you for your time. And
22 please register my support for this
23 amendment advocating both Waverly Walk
24 and Addison Street as demolition
25 moratorium districts. And this is

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2 co-signed by my fiancé, Robert Green.

3 Thank you.

4 COUNCILMAN DiCICCO: Thank you.

5 Any questions for these three
6 witnesses?

7 (No questions or comments.)

8 COUNCILMAN DiCICCO: I will
9 move on to the next panel: Marilyn
10 Yakowitz, Connie Moore, Judith Frank.
11 Judith is not here?

12 Connie Moore?

13 Rick Wright?

14 UNIDENTIFIED SPEAKER: Could I
15 concede my spot to someone?

16 COUNCILMAN DiCICCO: Who is
17 that?

18 UNIDENTIFIED SPEAKER:
19 (Inaudible.)

20 (Witnesses come forward.)

21 COUNCILMAN DiCICCO: Have a
22 seat, ladies.

23 Sir, your name?

24 MR. LEE: Robert Lee.

25 COUNCILMAN DiCICCO: Okay.

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2 Decide among yourselves who will begin.

3 Identify yourself for the record and
4 proceed with your testimony.

5 MS. YAKOWITZ: Thank you very
6 much, Madam President and Councilmen,
7 Councilwomen, ladies and gentlemen.

8 I'm Dr. Marilyn Yakowitz. I'm
9 representing 1214 Pine Street, a house
10 that was built in 1828. The owner, Ruth
11 Eldridge, is currently abroad and sends
12 regrets that she could not be here.

13 I want to simply address two
14 specific issues and emphasize them. One
15 is security, and one is the comparison to
16 1321 Pine Street, which I believe is a
17 red herring.

18 Although the area has been
19 described in the most bucolic and ideal
20 terms, we are all aware that safety and
21 security remains an issue. As a
22 consequence, people living in the
23 residences have alarm systems; they
24 guarantee that people are in the
25 buildings, which helps keep them

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2 security. We keep lights on all night
3 long. We have locks, we have alarmed
4 windows and alarmed doors.

5 We fear break-ins. There are
6 many muggings. Mr. Taylor, who is
7 here's, wife was mugged two times. We
8 are aware of problems of drugs in the
9 area. So we are very concerned that
10 opening up one of the lots will allow
11 access to all of our structures.

12 In comparing the proposal to
13 1321 Pine, we are really comparing apples
14 and oranges. 1321 Pine is three lots
15 across. The open space is actually a
16 front yard of the el of one of the
17 buildings, so there are actually only two
18 properties.

19 The garden that is in front of
20 the el only opens the house up to the
21 house that has the garden itself; no
22 other properties are exposed by that
23 garden. There is a wall in front of that
24 garden. There are two, what appears to
25 be false, gate houses, so it's really

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2 been improved in a lovely way. There is
3 a door that can go in and out to the
4 street, which I believe is used.

5 So this is really only the
6 front garden of one house exposing no
7 other houses and does visually add to the
8 neighborhood and creates a lovely
9 property but really is not a property
10 that can be compared with what is
11 currently being proposed.

12 Thank you very much.

13 COUNCILMAN DiCICCO: Thank you.

14 Please identify yourself for
15 the record.and proceed with your
16 testimony.

17 MR. LEE: My name is Robert
18 Lee. Councilman and Councilmembers,
19 thank you for this opportunity. I don't
20 have any prepared statements; I will be
21 brief.

22 I rent an apartment on the
23 corner of Waverly and Camac, on Waverly
24 Walk. And I've been rent -- I've been
25 living there for about nine years now.

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2 I'm not here to represent my fellow
3 renters, but I would say I am probably
4 representative.

5 There are 12 units in the
6 building. About half of my neighbors
7 have been there longer than I have, the
8 other half a little less.

9 What attracted us to rent
10 apartments in that building is the same
11 reasons that people -- my neighbors have
12 bought properties there. I don't think
13 any one of us expect to -- expected to be
14 living there as long as we have.

15 But the neighborhood -- the
16 qualities of the neighborhood that have
17 already been discussed keep us there, in
18 a building with very few amenities and no
19 elevator, because we enjoy the location,
20 we enjoy the certain serenity of Waverly
21 Walk and we enjoy the community aspect.
22 Most of us know our neighbors. I have
23 even developed friendships in the
24 community.

25 Let me just add that the

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2 serenity and security that we speak of is
3 a fragile condition in our experience.
4 While the block itself is very quiet and
5 neighborly, we are in the middle of the
6 city. We're very close to bars,
7 nightclubs, and there's traffic at all
8 hours around the general area. And so,
9 it's kind of a struggle to keep the
10 neighborhood safe.

11 And I would like the Council to
12 consider not just this one proposed
13 demolition but what might happen when the
14 next property owner wishes to demolish or
15 modify the character of the neighborhood.

16 Thank you.

17 COUNCILMAN DiCICCO: Thank you.

18 MS. MOORE: My name is
19 Constance Moore, otherwise known as
20 Connie.

21 Thank you, Councilman Kenney
22 and others for hearing us.

23 COUNCILMAN DiCICCO: It's
24 DiCicco.

25 MS. MOORE: I'm sorry.

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2 DiCicco.

3 COUNCILMAN DiCICCO: I smile a
4 lot.

5 MS. MOORE: I do know you.
6 Sorry.

7 I live on two historic
8 properties on the corner of Addison
9 Walkway. And the neighborhood, since I
10 bought in 1980, has really improved a
11 great deal. However, I understand from
12 neighbors that there is some drug traffic
13 and prostitution in that area that is
14 building up.

15 I feel demolishing a building
16 on one of the walkways and leaving a
17 garden, which could be vulnerable to
18 people to climb the wall, hide in, and
19 continue this unattractive behavior is
20 not good for the area.

21 There are a lot of historic
22 properties adjacent to it, as was said
23 previously. There are historic tours
24 that go through because what we have
25 there is a village in the city.

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2 And it's very special. People
3 really do care for each other, and they
4 do maintain the environment as best they
5 can. And I think any demolition of it
6 would cause a commencement of
7 deterioration. And I ask that we have
8 this moratorium on demolition.

9 And I fear for my property and
10 those around me and the nature of this
11 area, which, in the city, is quite unique
12 and should remain so.

13 Thank you.

14 COUNCILMAN DiCICCO: Thank you.
15 Thank you for coming.

16 Any questions for this panel?

17 (No questions.)

18 COUNCILMAN DiCICCO: Rick
19 Wright?

20 Next panel, please.

21 Carol Basile? No?

22 David Jack?

23 Hugh and Betty Taylor.

24 (Witnesses come forward.)

25 COUNCILMAN DiCICCO: Thank you,

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2 gentlemen. Identify yourself for the
3 record and proceed with your testimony.

4 MR. WRIGHT: My name is Rick
5 Wright. Thank you, Councilman. And
6 thank you also, Council President Verna
7 and other members.

8 I live at 1213 Waverly Walkway.

9 I have several paragraphs too
10 but noting how many points have been hit,
11 I'd just like to stress the one paragraph
12 that may be the most important to me.

13 That is that there is a daily
14 coming-and-going from all of the
15 buildings where I've gotten to know all
16 of my neighbors. And I think continuing
17 to have that kind of flow in and out of a
18 building is important.

19 Removing a home effectively
20 makes that remaining wall kind of a dead
21 zone or sort of a back of a property kind
22 of quality to it.

23 My former neighbor at 1211 was
24 a piano student. And despite his
25 penchant for late-night practicing on a

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2 baby grand piano, I felt it added
3 personality, presence, comfort, and
4 quality to the street. You could hear
5 him tinkling on the ivories constantly.

6 And that's the kind of
7 engagement that I like and appreciate
8 about the walkway and will miss when that
9 house is now unoccupied completely.

10 The house that the piano player
11 was in was occupied, thriving, and adding
12 to the sites and sounds. With an empty
13 space, there is no more coming and going.
14 And based on experience, it does become a
15 kind of a dead zone in that place, and
16 any dead zone on any of these streets
17 gets used for less than appealing
18 behavior. The detritus and evidence of
19 that you can see in the mornings
20 following, which require a pickup and a
21 cleanup of not a, uh... not the most
22 appealing character.

23 Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

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2 Good afternoon. Please
3 identify yourself for the record.

4 MR. TAYLOR: Good afternoon and
5 greetings to Council President Verna and
6 Councilmember DiCicco and other members
7 of the committee.

8 I am Hugh Taylor representing
9 myself and my wife, Betty Taylor, who are
10 co-owners of 1209 Waverly Walkway.

11 My wife, who was then Betty
12 Jukanski (sp?) bought this home in 1980
13 and lived there between 1980 and 1985,
14 when we were married. She and I now live
15 in a Delaware County lot which backs up
16 to Chester Creek, and you can see no
17 house directly from where we live. And
18 so, she has learned about country living
19 from me, and I have learned about
20 neighborhood living, in particular living
21 on Waverly Walkway, from her.

22 Her original home in the city
23 was on 18th Street, a rowhouse. And when
24 she grew up and graduated from high
25 school, she worked about three jobs so

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2 she could save money for a similar
3 property closer to the city. And she
4 researched and found Waverly Walk as a
5 place that she would like to live. And
6 as I said, she lived there for about five
7 or six years.

8 As Waverly Walkway residents
9 talk with us, our hearts go out to them,
10 because they want to keep their
11 neighborhood in its current symmetrical
12 and neighborly configuration. We've
13 talked about a missing link there being
14 somewhat like a missing tooth. It raises
15 questions. It doesn't to us seem right
16 for them and for us as homeowners.

17 We see no need to destroy 1211
18 and set a precedent for further theft of
19 the neighborhood's sense of neighborhood
20 and sense of habitat.

21 We also have talked about the
22 safety issue others have mentioned. As
23 one prior speaker talked to you about, my
24 wife, Betty, was mugged twice during her
25 five years on Waverly Walkway, at one

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2 point being pushed into her own front
3 door.

4 And so, we would yearn to not
5 have a discontinuity of a vacant lot or a
6 yard on that block, which just gives more
7 opportunities for mischief of one kind or
8 another.

9 This community, as I understand
10 it, is really Waverly Walkway, not Pine
11 Street. Pine Street people, including
12 the gentlemen you've already heard from,
13 are also very fine Philadelphians.

14 But they do not come and go on
15 Waverly Walkway, they do not congregate
16 with this neighborhood. It's different
17 for them. And we believe they would also
18 respect the need for Waverly Walkway to
19 have its own uniqueness and front door
20 access to the people on that street.

21 This proposed demolition erodes
22 the well-known neighborhood culture of
23 Philadelphia. It disturbs the current
24 residents who've talked to you and with
25 great passion and also of us who are

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2 owners and are renters.

3 So we would plead with you to
4 protect Waverly Walkway and Addison
5 Street as they exist today by approving
6 this demolition moratorium and also, in
7 so doing, protect the historic and
8 wonderful neighborhood nature of
9 Philadelphia.

10 We thank you and respectfully
11 submit this as Hugh and Betty Taylor.

12 COUNCIL PRESIDENT VERNA: Thank
13 you, sir.

14 Please identify yourself for
15 the record.

16 DR. JACK: Yes. My name is
17 Dr. David Jack. And good afternoon,
18 Council President and Councilmembers.

19 Thank you for the opportunity
20 to provide testimony for you today. I
21 don't have a written statement, but I
22 just want to kind of reiterate some of
23 the thoughts that I had as a homeowner on
24 Waverly Walkway.

25 I moved to Philadelphia from

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2 the suburbs of New Jersey because I found
3 that Philadelphia, and specifically
4 Waverly Walkway, was a very cohesive and
5 friendly neighborhood. I'm very well
6 accepted by everyone in the neighborhood
7 and very -- once again, very cohesive.

8 I was contacted by the current
9 homeowner of 1211 regarding the
10 demolition but asked to select a wall,
11 which I really didn't agree with, so I
12 never responded back to that individual.

13 I'm here to say that, you know,
14 there's an aesthetic beauty to the
15 walkway. I do believe that there are
16 safety issues concerned because our
17 backyards are all joined together, so it
18 would propose itself that somebody could
19 jump a wall and then have access to many
20 of our backyards. And, you know, I have
21 French patio doors that lead onto it,
22 which would be easily accessible to
23 anybody, you know, causing mischief.

24 I would definitely support a
25 moratorium for demolition and would ask

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2 Council to, you know, think about some
3 the long-term ramifications that if
4 people are able to take a very viable
5 structure and demolish it, you know, for
6 the sake of, you know, improving and
7 enlonging in their yard, you know, I
8 think it just does open up a Pandora's
9 Box.

10 Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you very much.

13 Are there any questions from
14 members of the committee?

15 (No questions or comments.)

16 COUNCIL PRESIDENT VERNA:

17 Again, I thank you.

18 Do we have anyone else to
19 testify on this bill?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Did you want Mr. Brome to come
24 up again?

25 COUNCILMAN DiCICCO: Well, I

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2 have some comments. Yeah, maybe
3 Mr. Brome and his attorney can come
4 forward and the architect as well.

5 (Witnesses come forward.)

6 COUNCILMAN DiCICCO: Thank you,
7 Madam Chair. And good afternoon,
8 everyone.

9 As is often the case, when
10 change is being proposed, residents who
11 have a longtime history or connection to
12 a community feel threatened in a way when
13 something is being proposed that will
14 change the appearance, the feel, the look
15 of the community which they live in.

16 And I did express that earlier
17 in some of my brief remarks earlier, and
18 I also expressed that to Mr. Brome
19 yesterday along with his attorney.

20 What I've been hearing since I
21 first got involved with this a few months
22 ago, and more recent today, are a couple
23 of issues that seem to be paramount in
24 the majority of the folks who are here to
25 testify in favor of the moratorium and

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2 opposed to the demolition:

3 Population, meaning if you
4 have -- if the building is demolished,
5 you lose one more residential property,
6 meaning there's less people coming and
7 going and it may somewhat disturb the
8 balance of what you have become used to.

9 The counter answer to that for
10 me is, Mr. Brome owns the property; he
11 can either rent it out or keep it vacant.
12 You can't control that. Assuming he
13 decides that he doesn't want any tenants,
14 would like to see how this thing plays
15 out over the long haul, the population in
16 that property doesn't exist. I'm not
17 saying he will do that, but he could.

18 If, at my recommendation, this
19 council were to enact this legislation I
20 have to assume that Mr. Brome will then
21 take it to the next level of the
22 judiciary. It's going to take a lot of
23 time and money on both parts. Someone
24 will win that case.

25 If he wins the case, the

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2 building comes down, he puts in one of
3 the three or some other version of the
4 fence, vegetation buffer, if you will,
5 between his backyard and Waverly Way. If
6 it goes the other way, the community
7 wins, the house stays up, but it could
8 stay vacant. I don't think it would at
9 that point, but it could.

10 And the other key thing I keep
11 hearing is about aesthetics and
12 continuity. And for me, having been on
13 Waverly Way several times -- I'm personal
14 friends with Mr. Applebaum and his wife,
15 who is also the president of Washington
16 Square West Neighborhood Association --
17 I'm familiar with Waverly Walk.

18 And I went out there a month or
19 two ago just to take another look at what
20 was being proposed. And the first thing
21 that jumped out to me was the aesthetic
22 value of keeping all of the facades in
23 place, the continuity of that, and the
24 charm, and all the things that I think
25 are important to Waverly Way and to not

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2 disturb some of the balance that we try
3 to maintain to keep our neighborhoods
4 intact and have a certain characteristic
5 about it that we can identify to.

6 If the property were
7 demolished, the other issue is the
8 security. Someone could get over the
9 wall, get into the backyards of the
10 adjacent properties, which also means
11 that they could then get into Mr. Brome's
12 property as well, which obviously he does
13 not want.

14 So taking all of those things
15 into consideration -- demolition,
16 replacement of the seven-, nine-foot
17 fence what have you, getting the
18 moratorium passed for however long that
19 could be held up before you get through
20 the judicial system, I don't know how
21 long that would take.

22 I had proposed yesterday to
23 Mr. Brome, and I mentioned this, I
24 believe, on one of the visits I made a
25 couple of months ago that what if he were

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2 given the opportunity to demolish the
3 property but leave the façade intact so
4 that when you walk down Waverly Way,
5 except for the folks who live on Waverly
6 Way, no one would ever know that there's
7 nothing but a garden that exists on the
8 other side of that wall.

9 I try to find compromises in in
10 most things I do. I wasn't too
11 successful with casinos. Most other
12 issues I've dealt with I've been able to
13 find that common ground.

14 Mr. Brome indicated to me that
15 that is something -- and correct me if
16 I'm wrong -- that he would support and
17 maintain; he would maintain the façade.

18 MR. BROME: Absolutely.

19 COUNCILMAN DiCICCO: Thank you.

20 It doesn't deal with the
21 depopulation. Again, he could keep it
22 vacant forever. Not a good business
23 decision, but I think he has the
24 wherewithal to not worry about the rental
25 income. No disrespect. Because if he

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2 tears it down, it's just going to be a
3 part of his yard and he's never going to
4 get income from it anyway.

5 You're all neighbors. He moved
6 into the neighborhood. After having
7 experience at an educational institution
8 in Philadelphia, fell in love with the
9 city, fell in love with the neighborhood.

10 I don't think it's one side
11 versus the other in terms of who cares
12 more about it. He made an investment and
13 he wanted to improve his investment. I
14 think if he had to do it again, without
15 having purchased it and knowing this, he
16 may not have done it, I think. But he
17 did.

18 He owns the property. And he
19 unless makes a decision that he wants to
20 sell it as is and not expand his garden,
21 we're stuck with making that decision as
22 to whether we do either the moratorium
23 for the community and Mr. Brome either
24 sits down and comes to compromise -- and
25 I don't know if there's another

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2 compromise beside that compromise I'm
3 offering to maintain the façade.

4 If somebody has something other
5 than that, I'm all ears and am willing to
6 entertain it.

7 I'm looking over to my
8 legislative assistant. We can either
9 vote it and out hold it, or hold it and
10 not vote it out. What's your take on
11 that? I have my idea.

12 I don't want anything to happen
13 to either side. I want to keep this
14 conversation going, all right? I would
15 not like today to be, it's over, you guys
16 go fight it out in court, or they go
17 fight it out in court.

18 I'm trying to see if we have
19 some -- a little bit of breathing time
20 and see if either my recommendation works
21 or some other recommendation other than
22 what has been placed -- the three walls
23 with a full garden or the façade
24 remaining intact.

25 Excuse me.

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2 (Councilman DiCicco and aide
3 confer off the record.)

4 COUNCILMAN DiCICCO: There are
5 a lot of options, about three options I
6 have here.

7 I think what my recommendation
8 to this committee would be is that we
9 vote this bill out but we will attach a
10 sunset provision somewhere about two or
11 three months, which should be ample time
12 for everybody to kind of work this out.

13 I could ask Mr. Brome to
14 respect that moratorium -- temporary
15 moratorium for a two- or three-month
16 period to see if we can't come to a
17 reasonable accommodation for both
18 yourself and the community.

19 If at the end of that two- or
20 three-month moratorium, the sunset
21 provision, we're still not in agreement,
22 I could always amend, which would be to
23 the community's benefit, amend the sunset
24 provision out, which means the moratorium
25 could take place, and then it becomes a

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2 legal hassle that I think we would not --
3 none of us really want to see happen.

4 I just want to keep the ball
5 rolling. I want you all to continue to
6 meet on this.

7 MR. KING: Are you suggesting
8 that you're going to amend the bill and
9 put a sunset provision in the bill and
10 let it go through the City Council
11 process.

12 COUNCILMAN DiCICCO: Correct.

13 MR. KING: So it sort of ends
14 in January or December somewhere on its
15 own.

16 COUNCILMAN DICICCO: And if
17 something is agreed upon between now and
18 then, we don't -- we just hold the bill
19 or withdraw the bill; we don't need it
20 any longer.

21 MR. KING: I mean, that sounds
22 like something reasonable. I would like
23 to see the language and then.

24 COUNCILMAN DICICCO: We'll work
25 on that in the next five minutes. And I

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2 don't know how the community feels about
3 that. I see David saying yes or no. If
4 you want to say that on the record,
5 please step forward.

6 MR. APPLEBAUM: I have to come
7 up?

8 COUNCILMAN DiCICCO: Yep, yep,
9 you ned to come up.

10 (Witness comes forward.)

11 MR. APPLEBAUM: My concern is
12 as follows: The argument --

13 COUNCILMAN DiCICCO: Identify
14 yourself again.

15 MR. APPLEBAUM: My name is
16 David Applebaum. Thank you all again.

17 My concern is as follows: This
18 is not a specific and targeted effort;
19 this is an effort that dealt with the
20 entire walkway, from the historic
21 apartment building at one end to the
22 historic area at the other end, and it
23 dealt with the historic houses along
24 Camac Street as well as with the
25 properties that spread over and, in some

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2 ways, connect us to St. Peter's Claver,
3 because we have had celebrations with
4 people who belong to St. Peter Claver,
5 who were born in the houses that were
6 left behind.

7 So what we're talking about is
8 something that's richer and deeper. And
9 while the potential would be -- you know,
10 if I were to frame the legislation, it
11 would be that there would be a potential
12 for one exemption as a way to compromise
13 but not to lose the opportunity to
14 protect the walkways.

15 And I think that's crucial
16 because it's not the property; it's the
17 walkways that brought us here.

18 COUNCILMAN DiCICCO: Camac --
19 there are historic properties on Camac
20 but not on Waverly.

21 MR. APPLEBAUM: And we are not
22 historic. And that's just a quirk in
23 terms of the way things have worked out.

24 And the place that I mentioned
25 in Paris is from the 1920s. It's not --

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2 it doesn't fit historical designation,
3 but it is profoundly historical.

4 And what we have on the walkway
5 is what has been lost on Pine Street. We
6 have a brick walkway, we have planters.
7 They have macadam and they have concrete.
8 And so, we have the 19th century and they
9 don't, but they're 19th century-
10 designated houses.

11 The architect Bidler calls this
12 "the architectural uncanny." And what we
13 have is what is architecturally uncanny.
14 And to lose that -- you can't get -- you
15 can't give it historical designation, and
16 we need it.

17 Bidler, by the way, is the
18 person who's created the possibility of
19 Libeskind, who's doing the work at the
20 World -- who's doing the World Trade
21 Center. This is known architectural and
22 historical architectural theory. And we
23 have vernacular forms of that that
24 require protection.

25 COUNCILMAN DiCICCO: Yeah, I

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2 appreciate that.

3 And, again, I'm not an attorney
4 so I'm not going to try to argue the case
5 here.

6 If the concern is -- and
7 correct me if I'm wrong, is that if we
8 allow the demolition of the building but
9 keep the façade, that that will not
10 discourage other property owners who are
11 on Pine Street from asking for the same
12 relief.

13 MR. APPLEBAUM: Pine or
14 Lombard. I mean --

15 COUNCILMAN DiCICCO: Or
16 Lombard.

17 And I think -- and Mr. Kramer
18 can answer this -- that going forward,
19 the moratorium, as it relates to
20 demolition, would have more legs for
21 future property requests of demolition.

22 Is that a fair assessment,
23 Mr. Kramer, or no?

24 MR. KRAMER: Let me make sure I
25 understand.

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2 This is if -- you're saying if
3 we put it through, then it would also
4 serve to protect other streets? See,
5 because part of the problem is the
6 justification for this is a unique
7 condition to the walks, aside from the
8 architectural thing with the provision of
9 the gas main.

10 COUNCILMAN DiCICCO: Right.

11 MR. KRAMER: And then providing
12 a sunset provision places a time limit on
13 why you're going to have it, as was done
14 with both the Old City moratorium and the
15 Queen Village moratoriums were listed for
16 a specific reason -- to allow for
17 legislation to be put in place for the
18 protection.

19 So in the sense that you would
20 do it that way, yes, it would serve for
21 that purpose.

22 COUNCILMAN DiCICCO: Did you
23 get that, David?

24 MR. APPLEBAUM: I think so.

25 COUNCILMAN DiCICCO: Well,

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2 correct me if I'm wrong, okay,
3 Mr. Kramer? But it would apply to this
4 property, but all other applications for
5 demolition would not -- would be -- would
6 not be entertained because of the
7 moratorium.

8 And the reason for one is
9 because it was unique. It's the first
10 time that it's being requested.

11 Is that correct or incorrect?

12 And, David, if you don't want
13 to answer yes or no --

14 MR. APPLEBAUM: I can't -- I
15 can't -- we have to --

16 COUNCILMAN DiCICCO: Yeah, and
17 that's why we're willing to do a sunset
18 provision. It gives --

19 MR. APPLEBAUM: With the sunset
20 provision, then we can see how things
21 unfold and what kind of contractual
22 guarantees are involved in making any
23 compromise.

24 COUNCILMAN DiCICCO: Okay.

25 MR. APPLEBAUM: Because

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2 clearly, word of mouth does not stand up
3 in the court.

4 COUNCILMAN DiCICCO: Mr. Brome?

5 MR. BROME: Can I speak about
6 the gas main issue specifically?

7 COUNCILMAN DiCICCO: Sure.

8 MR. BROME: On the issue of the
9 gas main, I just want to say that I've
10 been working with PGW for the past three
11 months, holding many meetings with their
12 lawyers and their engineers.

13 And that's PGW's property and
14 infrastructure that an easement allows to
15 be there. And I've been nothing but
16 impressed with their vigilance in
17 protecting their property. I can't
18 legally do anything that PGW doesn't
19 agree to.

20 COUNCILMAN DiCICCO: You
21 wouldn't be allowed to.

22 MR. BROME: No one can. And
23 their engineers have been very vigilant
24 about making sure that anything that
25 touches their system is done correctly.

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2 And we have arrived at a plan
3 with PGW and are awaiting the actual
4 delivery of the engineering drawings for
5 a plan that meets their high standards.

6 So that's why I feel this is
7 unnecessary, as it relates to the gas
8 main.

9 MR. KING: And just on the
10 sunset clause in the amendment, I would
11 like to read it and it have a minute to
12 look over it and think about it. I don't
13 want to sit here and agree to it
14 immediately, number one.

15 And, number two, I would just
16 like to point out to the committee, if
17 you take the logic that the neighbors --
18 and they all seem like very nice
19 people -- have enunciated today, what you
20 really need is a moratorium on demolition
21 for the entire City of Philadelphia,
22 because I'm sure there are other
23 neighborhoods -- I live in Mt. Airy,
24 Councilwoman Miller is my councilperson.
25 And while we're disappointed that no

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2 one's going to suck up our leaves this
3 year -- you know, I had to get that in.

4 You know, if my neighbor across
5 the way knocked the house down, I might,
6 you know, feel some sort of way about
7 that, but I think if someone were to
8 propose a demolition moratorium for the
9 entire, using the same logic, there would
10 people jumping up and down about how
11 that's unfair, especially when you have
12 the onerous burden that's included in
13 this amendment.

14 So my -- and I also want to
15 reemphasize, all of the issues -- and,
16 Councilman DiCicco, you hit 'em all on
17 the head. Really, the façade takes care
18 of all of them, except for maybe the
19 safety and structural issues, but those
20 issues are covered by the code that
21 already exists.

22 We already have laws that say
23 you have to do it safely. We already
24 have laws that say what happens if
25 there's a problem with the structure.

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2 And so, adding another one
3 isn't helpful, so I'd be happy to take a
4 look at the amending language and confer
5 with my client a little bit.

6 COUNCILMAN DiCICCO: Thank you.
7 As soon as Mr. Abernathy returns...

8 Thank you.

9 MR. KING: Thank you.

10 COUNCIL PRESIDENT VERNA: This
11 concludes our public hearing.

12 We will now go into our public
13 meeting.

14 The Chair recognizes Councilman
15 Greenlee regarding Bill No. 080130.

16 COUNCILMAN GREENLEE: Thank
17 you, Madam President.

18 I offer the amendment that was
19 discussed a couple of hours ago now on
20 that bill and ask that it be approved.

21 (Motion duly seconded.)

22 COUNCIL PRESIDENT VERNA: All
23 those in favor will say aye.

24 Those opposed?

25 The ayes have it, and the

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2 motion carries.

3 Again, the Chair recognizes
4 Councilman Greenlee.

5 COUNCILMAN GREENLEE: Madam
6 President, I move that Bill No. 080130,
7 as amended, be reported out of this
8 committee with a favorable
9 recommendation, and further, that the
10 rules of Council be suspended to allow
11 for first reading at our next session of
12 Council.

13 (Motion duly seconded.)

14 COUNCIL PRESIDENT VERNA: It
15 has been moved and seconded that Bill No.
16 080130 be reported out of committee with
17 a favorable recommendation, as amended,
18 and further, that the rules of Council be
19 suspended so as to permit first reading
20 at our next session of Council.

21 All in favor will say aye.

22 Those opposed?

23 The ayes have it, and the
24 motion carries.

25 The Chair recognizes Councilman

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2 Jones regarding Bill No. 090071.

3 COUNCILMAN JONES: Thank you,
4 Madam President.

5 I make a recommendation to this
6 committee to approve with favorable
7 recommendation Bill No. 090071.

8 COUNCIL PRESIDENT Verna:
9 Excuse me. There's an amendment.

10 COUNCILMAN JONES: Okay. I
11 move the approval of the amendment of
12 Bill No. 090071.

13 (Motion duly seconded.)

14 COUNCIL PRESIDENT Verna: It
15 has been moved and seconded that the
16 amendment be adopted.

17 All those in favor will say
18 aye.

19 Those opposed?

20 The ayes have it, and the
21 motion carries.

22 Again, I recognize Councilman
23 Jones.

24 COUNCILMAN JONES: I make a
25 motion that Bill No. 090578 be approved.

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2 COUNCIL PRESIDENT VERNA: No,
3 no, no, dear.

4 COUNCILMAN JONES: Same one?

5 COUNCIL PRESIDENT VERNA: It's
6 090071.

7 COUNCILMAN JONES: I make a
8 recommendation that Bill No. 090071, as
9 amended, be approved with a favorable
10 recommendation and that the rules of
11 Council be suspended.

12 (Motion duly seconded.)

13 COUNCIL PRESIDENT VERNA: It
14 has been moved and seconded that Bill No.
15 090071 be reported out of committee with
16 a favorable recommendation, as amended,
17 and further, that the rules of Council be
18 suspended so as to permit first reading
19 at our next session of Council.

20 All in favor will say aye.

21 Those opposed?

22 The ayes have it and the motion
23 carries.

24 The Chair recognizes Councilman
25 Goode regarding Bill No. 090578.

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2 COUNCILMAN GOODE: Thank you,
3 Madam Chair. I move that Bill No. 090578
4 be reported out of committee with a
5 favorable recommendation and that the
6 rules of Council be suspended.

7 COUNCIL PRESIDENT VERNA: I'm
8 sorry. Excuse me. Wasn't there an
9 amendment?

10 COUNCILMAN GOODE: On 578? I
11 don't think so.

12 COUNCIL PRESIDENT VERNA: No?

13 COUNCILMAN GOODE: There's an
14 amendment to 585.

15 COUNCIL PRESIDENT VERNA: All
16 right.

17 COUNCILMAN GOODE: Thank you,
18 Madam Chair.

19 I move that Bill No. 090578 be
20 reported out of committee with a
21 favorable recommendation and that the
22 rules of Council be suspended so as to
23 permit first reading at our next Council
24 session.

25 (Motion duly seconded.)

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2 COUNCIL PRESIDENT VERNA: It's
3 been moved and seconded that Bill No.
4 090578 be reported out of committee with
5 a favorable recommendation, and further,
6 that the rules of Council be suspended so
7 as to permit first reading at our next
8 session of Council.

9 All in favor will say aye.

10 Those opposed?

11 The ayes have it and the motion
12 carries.

13 The Chair recognizes
14 Councilwoman Brown regarding Bill No.
15 090582.

16 COUNCILWOMAN BROWN: Thank you,
17 Madam President.

18 I move that Bill No. 090582 be
19 moved out of committee with a favorable
20 recommendation and further move that the
21 rules of Council be suspended so as to
22 permit first reading.

23 (Motion duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that Bill No.

1 10/29/09 RULES - PUBLIC MEETING

2 090582 be reported out of committee with
3 a favorable recommendation, and further,
4 that the rules of Council be suspended so
5 as to permit first reading at our next
6 session of Council.

7 All in favor will indicate by
8 saying aye.

9 Those opposed?

10 The ayes have it, and the
11 motion carries.

12 The Chair recognizes
13 Councilwoman Miller on a motion regarding
14 Bill No. 090584.

15 COUNCILWOMAN MILLER: Thank
16 you, Madam Chair.

17 I move that Bill No. 090584 be
18 reported out of this committee with a
19 favorable recommendation and further move
20 that the rules of Council be suspended so
21 as to permit first reading at our next
22 session.

23 (Motion duly seconded.)

24 COUNCIL PRESIDENT VERNA: It
25 has been moved and seconded that Bill No.

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2 090584 be reported out of committee with
3 a favorable recommendation, and further,
4 that the rules of Council be suspended so
5 as to permit first reading at our next
6 session of Council.

7 All in favor will say aye.

8 Those opposed?

9 The ayes have it, and the
10 motion carries.

11 The Chair recognizes Councilman
12 Clarke regarding Bill No. 090585.

13 COUNCILMAN CLARKE: Thank you,
14 Madam President.

15 I make a motion on the
16 amendment to Bill No. 090585.

17 (Motion duly seconded.)

18 COUNCIL PRESIDENT Verna: What
19 is your motion?

20 COUNCILMAN CLARKE: For the
21 amendment.

22 COUNCIL PRESIDENT Verna: To
23 approve?

24 COUNCILMAN CLARKE: To approve.
25 I'm sorry.

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2 (Motion duly seconded.)

3 COUNCIL PRESIDENT VERNA: It
4 has been moved and seconded that the
5 amendment be adopted.

6 All in favor will say aye.

7 Those opposed?

8 The ayes have it and the motion
9 carries.

10 Again, the Chair recognizes
11 Councilman Clarke regarding Bill No.
12 090585.

13 COUNCILMAN CLARKE: Thank you,
14 Madam President.

15 I move that Bill No. 090585, as
16 amended, be approved and moved out of
17 committee with a favorable recommendation
18 and request a rules suspension.

19 (Motion duly seconded.)

20 COUNCIL PRESIDENT VERNA: It
21 has been moved and seconded that Bill No.
22 090585 be reported out of committee with
23 a favorable recommendation, as amended,
24 and further, that the rules of Council be
25 suspended so as to permit first reading

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2 at our next session of Council.

3 All in favor will say aye.

4 Those opposed?

5 The ayes have it, and the
6 motion carries.

7 The Chair recognizes Councilman
8 DiCicco regarding Bill No. 090667.

9 COUNCILMAN DiCICCO: I just got
10 a signal from the bench to hold it a
11 second.

12 (Short break taken.)

13 COUNCIL PRESIDENT VERNA: Again,
14 the Chair recognizes Councilman DiCicco.

15 COUNCILMAN DiCICCO: Thank you,
16 Madam President.

17 I move that the amendment to
18 Bill No. 090667 be approved.

19 (Motion duly seconded.)

20 COUNCILMAN DiCICCO: And for
21 the record, the amendment includes a
22 three-month sunset provision, as was
23 discussed during the testimony in the
24 public hearing.

25 (Motion duly seconded.)

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2 COUNCIL PRESIDENT Verna: It
3 has been moved and seconded that the
4 amendment be approved.

5 All those in favor will say
6 aye.

7 Those opposed?

8 The ayes have it, and the
9 motion carries.

10 Again, the Chair recognizes
11 Councilman DiCicco.

12 COUNCILMAN DiCICCO: Thank you,
13 Madam President.

14 I move that Bill No. 090667, as
15 amended, be reported out of this
16 committee with a favorable recommendation
17 (Motion duly seconded.)

18 COUNCIL PRESIDENT Verna: It
19 has been moved and properly seconded that
20 Bill No. 090667 be reported out of
21 committee with a favorable recommendation
22 as amended.

23 All in favor will say aye.

24 Those opposed?

25 The ayes have it, and the

1 10/29/09 RULES - PUBLIC MEETING

2 motion carries.

3 Thank you all very much. This
4 concludes our public hearing and public
5 meeting.

6 COUNCILMAN DiCICCO: And the
7 Committee on Streets and Services will
8 convene momentarily.

9 (Proceedings end at 3:35 p.m.)

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I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Rules are contained fully
and accurately in the stenographic notes taken
by me on Thursday, October 29, 2009, and that
this is a true and correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification of
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