

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 3, 2009, 10:21 a.m.

- - -

Bill 090128 - East Passyunk Avenue BID renewal

Bill 090169 - Amend Philadelphia Zoning Maps

Bill 090170 - Central Delaware Riverfront
Overlay District

Bill 090348 - Frankford Ave. Spec. Dist.

Bill 090349 - Del. River Conservation Dist.

Bill 090380 - Withdrawn at Sponsor Request

Bill 090392 - Amend Philadelphia Zoning Maps

COMMITTEE MEMBERS PRESENT:

Anna C. Verna, Chair
James F. Kenney, Vice Chair
Blondell Reynolds Brown
Darrell L. Clarke
Frank DiCicco
W. Wilson Goode, Jr.
William K. Greenlee
Jack Kelly
Donna Reed Miller

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1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

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

6 I would ask Mr. Ericson to
7 please read the title of Bill No. 090128.

8 MR. ERICSON: Bill No. 090128,
9 an ordinance continuing the East Passyunk
10 Avenue Business Improvement District
11 ("District") beyond its termination date
12 in an area that generally includes both
13 sides of East Passyunk Avenue from the
14 south side of Federal Street to the east
15 side of South Broad Street, certain
16 blocks of streets that intersect that
17 portion of East Passyunk Avenue, both
18 sides of South Broad Street from the
19 south side of McKean Street to the north
20 side of Snyder Avenue, and the west side
21 of South Broad Street from the south side
22 of Mifflin Street to the north side of
23 McKean Street, and for which East
24 Passyunk Avenue Business Improvement
25 District, Inc., a Pennsylvania nonprofit

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 corporation, is a neighborhood
3 improvement district management
4 association; approving a final plan for
5 the report concerning the District,
6 including a list of proposed improvements
7 and their estimated costs and providing
8 for assessment fees to be levied on
9 property owners within the District;
10 authorizing the Director of Commerce, on
11 behalf of the City, to execute an
12 agreement with East Passyunk Avenue
13 Business Improvement District, Inc.,
14 relating to the District; and authorizing
15 East Passyunk Avenue Business Improvement
16 District, Inc., to assess property owners
17 within the District a special property
18 assessment fee to be used in accordance
19 with the approved final plan, all under
20 the provisions of the Community and
21 Economic Improvement Act and under
22 certain terms and conditions.

23 COUNCIL PRESIDENT Verna: Thank
24 you very much.

25 Who do we have to testify on

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 this? Anyone from the Administration?

3 I know we did have a public
4 hearing on this bill on April the 8th, at
5 which time there was a question of
6 amending the provision regarding rates.
7 I believe that was raised, and the bill
8 was subsequently rescheduled for today.

9 Do we have any witnesses that
10 would like to testify at this time on the
11 bill?

12 Please approach the witness
13 table.

14 (Witness comes forward.)

15 COUNCIL PRESIDENT VERNA: Good
16 morning. Kindly identify yourself for
17 the record and proceed with your
18 testimony.

19 MR. KIRLIN: Good morning. My
20 name is Ed Kirlin. I'm a resident of
21 South Philadelphia.

22 Thank you, Madam Chair and City
23 Council, for this opportunity to testify.
24 I am a participant in an ad hoc committee
25 on East Passyunk Avenue. The shop owners

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 there are discussing changes to the BID
3 and bylaws in a number of specific ways.
4 There was a meeting of this committee on
5 May 6th, and the following are some of
6 the recommendation that were made:

7 First, it has been requested
8 that the board be elected by the
9 membership and not appointed by the
10 existing board, except in the cases of
11 vacancies.

12 Second, it has been suggested
13 that, just as the board now reserves one
14 board position for a representative of
15 City Council, that at least one position
16 be reserved for those members whose
17 current property taxes exceed \$5,000, of
18 which there are some 17, with St. Agnes
19 Hospital and Verizon Corporation paying
20 the highest property taxes, just under
21 \$800,000 combined. With these two
22 corporations contributing nearly \$180,000
23 to the BID, they or the other BID
24 planners on the avenue should be afforded
25 a larger say in the decision-making at

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the BID.

3 Third, there is interested and
4 support on the Avenue for a change in the
5 bylaws that would allow business owners
6 who are not property owners to vote in
7 the election of the board of directors
8 and on all matters other members of the
9 EPA Corporation are allowed.

10 Fourth, it has been suggested
11 that the meetings of the general
12 membership be scheduled regularly, such
13 as the second Tuesday of each month, as
14 opposed to being called at the pleasure
15 of the board.

16 At the ad hoc -- at our ad hoc
17 committee meeting, it was revealed that
18 there is a committee now working on
19 changes to the bylaws. It was
20 represented to the ad hoc committee that
21 the new changes to the bylaws would be
22 completed before this bill was voted on.
23 This, of course, brings a question as to
24 whether the changes have had the
25 opportunity to be discussed fully and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 voted upon by the general membership and
3 whether there is adequate opportunity for
4 public comment on those changes before
5 this body.

6 With regard to the legislation
7 itself and given the interest and concern
8 by many shop owners that changes to the
9 bylaws be made, it is requested that the
10 termination date of the BID be extended
11 only one year instead of ten so as not to
12 cause a break in the BID services or the
13 operations, and that new legislation to
14 extend the life of the BID be introduced
15 again next year, thereby giving the BID
16 members a year's time to work out changes
17 to the bylaws that satisfy a majority of
18 the membership voting upon them.

19 I thank you again for this
20 opportunity to be heard on this matter,
21 and thank you very much.

22 COUNCIL PRESIDENT VERNA: Are
23 there any questions or comments from
24 members of the committee?

25 The Chair recognizes Councilman

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 DiCicco.

3 COUNCILMAN DiCICCO: Thank you,
4 Madam Chair.

5 And good morning, Mr. Kirlin.
6 I just have two very brief questions.

7 The ad hoc committee that
8 you're referring to, would you supply to
9 the Chair the names and addresses of the
10 folks who attended that meeting?

11 MR. KIRLIN: Certainly.

12 COUNCILMAN DiCICCO: And my
13 second question is: Do you own, operate,
14 or have any vested interest in the East
15 Passyunk Avenue corridor?

16 MR. KIRLIN: I am in
17 negotiations now to buy a property.

18 COUNCILMAN DiCICCO: And how
19 close are you, and what property are we
20 speaking about?

21 MR. KIRLIN: I would like to --
22 for that to remain, uh, not known at this
23 point. And I'm not very close.

24 COUNCILMAN DiCICCO: You're not
25 very close?

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. KIRLIN: No.

3 COUNCILMAN DiCICCO: But you
4 represent an ad hoc group --

5 MR. KIRLIN: I was asked by a
6 number of shop owners on the Avenue to
7 become involved, and I agreed to.

8 COUNCILMAN DiCICCO: If you can
9 supply the name of the folks again who
10 were at that meeting who requested you to
11 be their spokesperson to the Chair --

12 MR. KIRLIN: Certainly. I will
13 be glad to do that.

14 The person who I am looking to
15 buy the property from gave me
16 authorization to represent him in any
17 matters relating to the BID, and he has
18 given me that authorization.

19 COUNCILMAN DiCICCO: Again,
20 that would be helpful to us in our
21 deliberations to know who that person is
22 and what property we're speaking of.

23 MR. KIRLIN: Certainly.

24 COUNCILMAN DiCICCO: 'Cause
25 currently, you're not a property owner.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. KIRLIN: That is correct.

3 COUNCILMAN DiCICCO: Thank you.

4 MR. KIRLIN: I am serving in a

5 --

6 COUNCILMAN DiCICCO: Thank you.

7 MR. KIRLIN: -- assistant

8 capacity.

9 COUNCILMAN DiCICCO: Thank you.

10 COUNCIL PRESIDENT VERNA: Thank

11 you.

12 MR. KIRLIN: You're welcome.

13 COUNCIL PRESIDENT VERNA: Any

14 other questions or comments from members

15 of the committee?

16 (No further questions.)

17 COUNCIL PRESIDENT VERNA: Do we

18 have anyone else to testify on this bill?

19 Seeing no one, I would ask

20 Mr. Ericson to please read the title of

21 Bill No. 090348.

22 MR. ERICSON: Bill No. 090348,

23 an ordinance amending Title 14 of the

24 Philadelphia Code, entitled "Zoning and

25 Planning," by amending Section 14-1619,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 entitled "Frankford Avenue Special
3 District Controls," by changing the
4 boundaries of the area subject to the
5 controls of the District, by changing the
6 name of the District, and by adding
7 provisions with regard to signs.

8 (Witness comes forward.)

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 Good morning, Mr. Kramer.
12 Please identify yourself for the record.

13 MR. KRAMER: Good morning,
14 Council President Verna and members of
15 the Rules Committee. I am William
16 Kramer, Division Director of the
17 Development Planning Division of the
18 Philadelphia City Planning Commission.

19 I am here today to testify on
20 Bill No. 090348, which was introduced by
21 Councilmember Krajewski on April 30th of
22 2009.

23 This bill amends Section
24 14-1619 of the Philadelphia Zoning Code.
25 It expands the boundaries in the district

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 to encompass an area bounded by Frankford
3 Avenue, Harbison Avenue, Tacony Street,
4 New State Road, State Road, and Ashbourne
5 Street. The name of the district is
6 proposed to be changed to Tacony Mayfair
7 Special Controls District.

8 Section 14-1619 currently
9 consists of commercial controls along
10 Frankford Avenue from Harbison Avenue to
11 Solly Street, with some blocks of Cottman
12 Avenue. These controls will continue and
13 will not be expanded to the new
14 boundaries of the District.

15 The purpose of this legislation
16 is to allow for businesses in the area to
17 erect awning signage in order to have a
18 more unified streetscape and business
19 district. The awning signs will be
20 permitted in addition to whatever
21 existing signage is permitted on the
22 property.

23 The Planning Commission, in
24 conjunction with the sponsoring
25 Councilperson's office, is recommending

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 that amended language be added to the
3 bill in order to establish additional
4 controls for the proposed additional
5 signage. Those amendments have been
6 submitted to the Clerk prior to the.

7 The City Planning Commission,
8 at its meeting of May 19, 2009,
9 considered and approved Bill No. 090348,
10 with a recommendation that the bill be
11 approved, as amended.

12 This concludes my testimony.
13 I'd be happy to answer any questions you
14 may have.

15 COUNCIL PRESIDENT Verna: Thank
16 you very much.

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

19 (No questions or comments.)

20 COUNCIL PRESIDENT Verna: Thank
21 you.

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

24 (No response.)

25 COUNCIL PRESIDENT Verna: Do we

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 have anyone else to testify on this bill?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Seeing no one, I would ask that Bill No.

6 090349 be read.

7 MR. ERICSON: Bill No. 090349,
8 amending Title 14 of the Philadelphia
9 Code, entitled "Zoning and Planning," by
10 creating a new Section 14-1636, entitled
11 "Delaware River Conservation District,"
12 providing for special use rules for
13 development along the North Delaware
14 River, under certain terms and
15 conditions.

16 COUNCIL PRESIDENT VERNA:

17 Mr. Kramer.

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

24 I am here today to testify on
25 Bill No. 090349, which was introduced by

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Councilmember Krajewski on April 30,
3 2009.

4 Bill No. 090349 amends the
5 Philadelphia Zoning Code by creating
6 Section 14-1636, entitled "Delaware River
7 Conservation District." The purpose of
8 this legislation is to create a 50-foot
9 buffer along the Delaware River measured
10 from either the bulkhead line or, in
11 cases where the top of the bank has moved
12 from that line, from the top of bank.

13 This buffer will be required
14 from Allegheny Avenue northwardly to the
15 Bucks County line. This will allow for a
16 recreational trail and open space, with
17 allowance for outdoor furniture
18 consistent with the proposed trail.

19 The ordinance will also permit
20 in this 50-foot area dock- and port-
21 related activity, private marinas, boat
22 storage, pipelines and conveyors, in
23 addition to City-owned facilities
24 provided the Philadelphia City Planning
25 Commission approves the proposal.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 There are several technical
3 amendments to the bill which have been
4 worked out with the applicant of the
5 bill, Delaware River City Corporation,
6 the Philadelphia City Planning
7 Commission, and the City's Law
8 Department. I respectfully submit the
9 amendment for consideration by the
10 committee.

11 The Philadelphia City Planning
12 Commission, at its meeting of May 19,
13 2009, considered Bill No. 090349 and
14 recommended that it be approved.

15 That concludes my testimony,
16 and I'd be happy to answer any questions
17 you may have.

18 COUNCIL PRESIDENT VERA:

19 Mr. Kramer, what happens if Council is
20 not in session when the Commission's
21 determination is filed? I believe it
22 says in the bill that if Council fails to
23 act within 45 days of filing -- isn't
24 that it? -- the Commission's action is
25 deemed approved.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. KRAMER: Based on the way
3 that we handle current IDD regulations,
4 which have much the same code, we do not
5 consider -- when Council's not in
6 session, the 45-day clock goes on hold,
7 which is how we currently handle IDD
8 master plan amendments, and it is the
9 same 45-day clock.

10 COUNCIL PRESIDENT VERNA: Are
11 there commercial uses currently along
12 this corridor that will likely want to
13 place furniture, et cetera, within the
14 boundaries?

15 (Witness comes forward.)

16 MR. KRAMER: The way I
17 understand this proposal, this 50 foot is
18 coming from the top of bank, which is
19 essentially area of ground that you're
20 not going to usually develop, so there's
21 generally nothing much there; it's right
22 on the bank of the river.

23 My suspicion is that the
24 Delaware River Corporation -- Mr. Lonie
25 is sitting next to me, who could probably

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 address that better than I. I believe
3 that they're going to be putting in most
4 of the furniture and actually developing
5 the trail itself.

6 However, if someone wanted to
7 come in and develop the property and
8 said, Hey, we'll contribute, and, as a
9 civic benefit, wanted to add furniture,
10 we would not necessarily be opposed to
11 that. We are drafting -- and it's not
12 currently finished yet, but they are
13 developing Delaware River Trail
14 guidelines. That is scheduled for
15 consideration by my commission in our
16 July meeting.

17 And once those are established,
18 we would then ask them to file those
19 guidelines for the putting in of that
20 kind of furniture on the trail itself.

21 COUNCIL PRESIDENT Verna: Thank
22 you.

23 (Addressing Mr. Lonie.) Would
24 you like to add anything to what's been
25 said? Good morning.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. LONIE: Thank you, Madam
3 President and members of the committee
4 again. My name is Paul Lonie,
5 Consultant, serving as Capital Program
6 Director of the Delaware River City
7 Corporation, 5801 Tacony Street.

8 What we're doing with this
9 ordinance is basically putting any
10 development that's coming to the North
11 Delaware that the plan for this is
12 complete, the actual trail that will come
13 all the way from Maine to Florida. This
14 will be a part of that.

15 We don't want to interrupt any
16 commercial activities, we're trying our
17 best not to interrupt any port activities
18 or anything else. But in this, when
19 someone comes in to develop, we're saying
20 that the vision of the North Delaware is
21 to keep this space open for public use
22 and bring people back to the river.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 Any questions or comments from

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 members of the committee?

3 (No questions or comments.)

4 COUNCIL PRESIDENT VERNA: Thank
5 you very much.

6 Do we have anyone else to
7 testify on this bill?

8 (No response.)

9 COUNCIL PRESIDENT VERNA:
10 Anyone else to testify on this bill?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Thank
13 you very much, Mr. Kramer.

14 The record will reflect that
15 Bill No. 090380 is being withdrawn at the
16 request of the sponsor.

17 I would ask Mr. Ericson to
18 please read the title of Bill No. 090392.

19 MR. ERICSON: Bill No. 090392,
20 an ordinance to amend the Philadelphia
21 Zoning Maps by changing the zoning
22 designations of certain areas of land
23 located within an area bonded by Wyoming
24 Avenue, Ramona Avenue, Adams Avenue, and
25 Castor Avenue.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Mr. Kramer?

5 MR. KRAMER: Good morning,
6 Council President Verna and members of
7 the Rules Committee. I am William
8 Kramer, Division Director of the
9 Development Planning Division of the
10 Philadelphia City Planning Commission.

11 I am here today to testify on
12 Bill No. 090392, which was introduced by
13 Councilmembers Clarke and Sanchez on May
14 7, 2009.

15 This bill amends the
16 Philadelphia Zoning Maps for an area
17 bounded by Wyoming Avenue, Ramona Avenue,
18 Adams Avenue, and Castor Avenue. It will
19 rezone approximately 15.3 acres of land
20 from an existing zoning designation of
21 partly R4 residential and partly C3
22 commercial to a single designation of
23 IDD, Institutional Development District.

24 The purpose of this legislation
25 is to allow for the reuse of the old

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Parkview Hospital and grounds of the
3 Greenwood Cemetery as a Cancer Treatment
4 Center of America facility. The facility
5 will contain inpatient and outpatient
6 services, with many ancillary uses,
7 including guest housing and both
8 structured and open-air parking. The
9 will center provide a total of 1131
10 parking spaces onsite, 514 of which will
11 be in a structured garage.

12 The IDD (Institutional
13 Development District) requires the
14 adoption of a master plan of development
15 for the proposed site which will
16 establish the zoning parameters of this
17 district; that master plan is Exhibit B
18 on this bill.

19 The City Planning Commission is
20 scheduled to consider Bill No. 090392 at
21 its meeting of June 9, 2009. The bill
22 will be presented with a staff
23 recommendation of approval.

24 This concludes my testimony.
25 I'd be happy to answer any questions you

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 may have.

3 COUNCIL PRESIDENT VERNA: Thank
4 you, Mr. Kramer.

5 When is it anticipated that the
6 new facility will be in operation?

7 MR. KRAMER: In discussions
8 I've had with representatives of it, they
9 are hoping to have it done by the summer,
10 the end of the summer, but I'm not
11 absolutely certain that that's what
12 they're going to be doing.

13 They had a number of components
14 they were working out with Greenwood
15 Cemetery in terms of relocating and
16 acquiring properties and parcels in that
17 area of the planned area.

18 COUNCIL PRESIDENT VERNA: And
19 the additional 514 parking spaces will be
20 new construction; is that what I
21 understand?

22 MR. KRAMER: Yes, ma'am. I
23 believe so.

24 COUNCIL PRESIDENT VERNA: And
25 will that also be available at the time

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 of opening?

3 MR. KRAMER: It is anticipated
4 that they will be concurrent. I'm not
5 sure if the one is going to be finished
6 right at the same time, but very shortly
7 thereafter.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Any questions or comments from
11 members of the committee?

12 (No questions or comments.)

13 COUNCIL PRESIDENT VERNA: Do we
14 have anyone to testify on this bill?
15 Please approach the witness table.

16 (Witnesses come forward.)

17 MR. CUMMINGS: Good morning,
18 Council President Verna --

19 COUNCIL PRESIDENT VERNA: Good
20 morning.

21 MR. CUMMINGS: -- and members
22 of Council. My name is Chris Cummings.
23 I'm an attorney representing Cancer
24 Treatment Centers of America. With me
25 today is Andy Jarvis, the lead architect

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 on the project, with the firm of Ewing
3 Cole; and John Goodchild, an executive
4 with CTCA.

5 COUNCIL PRESIDENT VERNA: Good
6 morning.

7 PANEL MEMBERS: Good morning.

8 MR. GOODCHILD: Thank you very
9 much.

10 Cancer Treatment Centers of
11 America is a company that was founded
12 over 20 years ago by a man who lost his
13 mother to cancer. He was very
14 disappointed in the kind of care that she
15 received and the coordination of that
16 care. And after she died, he vowed to
17 open a cancer treatment center that would
18 treat people the way he would have wanted
19 his mother treated.

20 And that's really our guiding
21 principle. It's what the -- it's called
22 "The Mother Standard of Care." And it's
23 a combination of leading-edge and
24 conventional therapies, combined with
25 complementary therapies like nutrition,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 naturopathy, mind/body medicine,
3 spiritual support, all under one roof and
4 all very coordinated.

5 We came to Philadelphia in
6 December of 2005. We opened after a
7 15-month renovation on Parkview Hospital.
8 We opened with 158 employees, and we now
9 have grown over the last three-and-a-half
10 years to about 625 employees.

11 Only about 15 percent of our
12 patients actually come from the
13 Philadelphia television-viewing area; the
14 majority of them come from as far north
15 as Maine, down to Florida, and out to
16 about Cleveland, Ohio. Actually, twice
17 as many people come to us from New York
18 as come to us from Philadelphia.

19 We are landlocked at this
20 point. We have, over the last
21 three-and-a-half years, doubled the
22 clinical space inside the physical
23 hospital and filled up our parking lot.
24 We have 625 stakeholders, we have 232
25 parking spaces. And we have a constant

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 problem of parking on Wyoming Avenue,
3 both sides, from Castor all the way up to
4 Ramona. So we're really looking forward
5 to expanding our clinical services so we
6 can help more patients who are in need
7 and deliver our services to them.

8 And that concludes my
9 testimony.

10 COUNCIL PRESIDENT VERNA: It
11 sounds like a very good project.

12 I'm assuming you have
13 outpatient care too?

14 MR. GOODCHILD: We do. We
15 have -- in fact, the majority of our care
16 is outpatient because of the -- most of
17 it is chemotherapy and radiation therapy,
18 but we do have a very vigorous inpatient
19 facility as well.

20 COUNCIL PRESIDENT VERNA: How
21 many inpatient members do you have?

22 MR. GOODCHILD: We have 36
23 inpatient -- normal medical, surgical
24 bedrooms and 4 ICU rooms. So we have 40
25 inpatient rooms.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 MR. GOODCHILD: And we'll soon
5 be expanding that probably to about 60,
6 pretty close to 60 rooms.

7 COUNCIL PRESIDENT VERNA: Thank
8 you very much.

9 MR. JARVIS: I brought a
10 diagram of the expansion plan if you're
11 interested. If you're not, we don't have
12 to go through it.

13 COUNCIL PRESIDENT VERNA: I
14 don't think it's necessary. Thank you.

15 MR. JARVIS: Okay, thank you.
16 Thank you very much.

17 Oh, I'm sorry. Just a moment,
18 please.

19 COUNCILMAN CLARKE: No, that's
20 okay. I don't have questions for these
21 gentlemen.

22 COUNCIL PRESIDENT VERNA: Oh.

23 COUNCILMAN CLARKE: Madam
24 President, I'd just like, if at all
25 possible, we have a couple of community

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 representatives here.

3 COUNCIL PRESIDENT VERNA: Oh.

4 COUNCILMAN CLARKE: For the
5 record, we have had extensive community
6 participation on this process, and I just
7 wanted to make sure that everybody
8 understood that we have done our due
9 diligence in touching base with all of
10 the adjacent community organizations and
11 residents that came all the way down here
12 from the lower Northeast.

13 COUNCIL PRESIDENT VERNA:

14 Wonderful.

15 COUNCILMAN CLARKE: So I think
16 it would be appropriate if we gave them
17 an opportunity to say a couple of words.

18 (Witnesses come forward.)

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

23 MR. HOWELL: My name is Barry
24 Howell. I'm the President of the
25 Northwood Civic Association, and I

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 represent the community.

3 MS. RILES: Joan Riles, and I
4 am on the board of directors for the
5 Northwood Civic Association and also a
6 member of Concerned Citizens of
7 Northwood.

8 MR. HOWELL: What I want to say
9 is that, first of all, I want to thank
10 Darrell Clarke for months and months of
11 negotiations to pull the deal through.

12 And I'm sorry my friend and my
13 vice president can't be here, Frank
14 Sianno (sp?), who's done a lot of work
15 also for this, 'cause he's just got out
16 of the hospital and he's sick.

17 But we have a benefits
18 agreement package that we worked out with
19 the Cancer Treatment Center of America.
20 I think it's the best thing that I've
21 seen any civic in the City of
22 Philadelphia work out. We have a
23 guarantee of jobs. One of our members
24 was put on the board of directors, a
25 non-voting member, was put on the board

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 of directors. And they have done a lot
3 of work to assure the community that
4 everything will work out well.

5 I see bumps coming down the
6 road and I see things happening, but I
7 think that this is the best thing
8 happening in Northwood. We started out
9 with a dilapidated cemetery, and on the
10 cemetery property, we had a house that
11 belonged to Benjamin Rush and has been
12 totally in disarray. And my first year
13 as president, I've even went as far as
14 asked for the demolition of this home
15 because it was drawing street people,
16 prostitutes, every kind of thing, crack
17 addicts, everything you could imagine.

18 My worst fear was -- we have a
19 charter school no further than 75 yards
20 away. If someone -- and you know the
21 society we live in today -- was going to
22 drag someone in there, a child in there,
23 and hurt them.

24 But we want Northeast -- not
25 Northeast -- Cancer Treatment Center one

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 hundred percent. And this has been long
3 negotiations. This didn't happen
4 overnight. And we think they're going to
5 do great for Northwood.

6 And Northwood's had its problem
7 just like every other part of the
8 community, every other part of the City.
9 We have foreclosures, we have everything.
10 Everything possible has happened to our
11 community.

12 They got hold of their package.
13 They have the home buyer's agreement
14 where they'll give their employees
15 incentive to move into our community.
16 They'll match funds, they'll put money
17 down. That way, we could start
18 rebuilding.

19 And I'll tell you what: I've
20 lived and negotiated for the
21 longshoreman's union for years. Lucien
22 Blackwell, Alexander Talmadge, guys like
23 that. And I'll tell you what: I know a
24 good deal when I see one, and I think we
25 have a good package.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 You know, members of City
3 Council have been at our meeting. Bill
4 Greenlee's been in Northwood Civic, you
5 know, Bill Green. And I also -- I talked
6 to Maria Sanchez yesterday, and she's
7 totally happy with this.

8 So, I mean, we couldn't ask for
9 nothing better. It's going to take a
10 long time, ground hasn't been broken yet,
11 there's going to be squabbles along the
12 way, there's going to be problems along
13 the way, but we think we could pull this
14 through and make cancer treatment a
15 better place and the cemetery a better
16 place.

17 I'm a can -- I'm real
18 prejudiced. I'm a cancer survivor. I had
19 two liver transplants. So, I mean, I've
20 been there and I know what these poor
21 people are going through, I know what's
22 happening. I know the technology has to
23 be improved.

24 And these people come to town,
25 they're bringing money, they're creating

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 jobs, they're creating revenue for the
3 City. And I think -- I ask City Council
4 to approve this thing one hundred
5 percent.

6 COUNCIL PRESIDENT VERNA: Thank
7 you, and we all thank you for coming in
8 to testify.

9 MR. HOWELL: Thank you.

10 COUNCIL PRESIDENT VERNA: And
11 apparently, determination does pay.

12 MR. HOWELL: Thank you, thank
13 you.

14 COUNCIL PRESIDENT VERNA: Keep
15 up the good work.

16 Just a moment please.

17 The Chair recognizes Councilman
18 Greenlee.

19 COUNCILMAN GREENLEE: Yes, very
20 quickly. Mr. Owl mentioned that I've
21 been at their civic association meetings,
22 and I can tell you, I can guarantee they
23 did their due diligence on this issue,
24 and I'm sure they (indiscernible)
25 Councilman Clarke and Councilwoman

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Sanchez closely.

3 So I've seen Barry in action,
4 so I can guarantee this is a benefit to
5 the community.

6 Thank you.

7 MR. HOWELL: Believe me,
8 believe me, we're no nonsense. I'm in
9 the Zoning Board more than the
10 commissioners of the Zoning Board are in
11 the Zoning Board. So we don't just let
12 something slide by.

13 And, believe me, this is a good
14 deal, and I appreciate Council to approve
15 this. Darrell has done a great job.

16 COUNCIL PRESIDENT VERNA: Great.

17 The Chair recognizes Councilman
18 Clarke.

19 COUNCILMAN CLARKE: No, I'm
20 okay. No, I think Miss Riles wanted to
21 say a couple --

22 MS. RILES: I'm not going to
23 keep you guys long 'cause Barry said
24 everything that needs to be said.

25 MR. HOWELL: I'm right here,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 baby.

3 MS. RILES: I just want to say
4 that being a homeowner in the Northwood
5 community, that the Cancer Treatment
6 Center, they have a wonderful commercial;
7 I don't know if you guys seen it. And
8 when you watch commercials, you say, Oh,
9 you know, I don't believe that, but their
10 commercial is heartfelt. And also, when
11 you enter their building, it's heartfelt.
12 These people are very warm and very
13 caring.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 MR. HOWELL: This is one of the
17 biggest things that's going to happen to
18 Philadelphia, in our community. Parkview
19 Hospital was ready to be torn down and
20 ready to be made into things that we
21 wouldn't have agreed with, you know, so I
22 think Cancer Treatment Center is a God
23 blessing to the Northeast.

24 Thank you guys very much.

25 COUNCIL PRESIDENT VERNA: Just

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 a moment, please.

3 Thank you.

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

6 (No further questions or
7 comments.)

8 COUNCIL PRESIDENT Verna: Thank
9 you very much.

10 MR. HOWELL: You guys have a
11 nice day.

12 COUNCIL PRESIDENT Verna: Thank
13 you. You do the same.

14 Do we have anyone else to
15 testify on this bill?

16 (No response.)

17 COUNCIL PRESIDENT Verna:
18 Anyone else to testify on this bill?

19 (No response.)

20 COUNCIL PRESIDENT Verna:
21 Seeing no one, we can now consider Bill
22 No. 090408.

23 MR. ERICSON: Bill No. 090408,
24 an ordinance to amend the Philadelphia
25 Zoning Maps by changing the zoning

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 designations of certain areas of land
3 located within an area generally bounded
4 by a line located approximately 220 feet
5 north of Cumberland Street, the Delaware
6 River, a line located approximately 328
7 feet south of Berks Street, Beach Street,
8 Richmond Street, Schirra Drive, Beach
9 Street, and Cumberland Street.

10 COUNCIL PRESIDENT VERNA:

11 Mr. Kramer.

12 MR. KRAMER: Good morning,
13 Council President Verna and members of
14 the Rules Committee. I am William
15 Kramer, Division Director of the
16 Development Planning Division of the
17 Philadelphia City Planning Commission.

18 I am here today to testify on
19 Bill No. 090408, which was introduced by
20 Councilmember DiCicco on May 14th of
21 2009.

22 This bill amends the
23 Philadelphia Zoning Maps for an area
24 bounded by a line 220 feet north of
25 Cumberland Street, the Delaware River, a

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 line approximately 328 feet south of
3 Berks Street, Beach Street, Richmond
4 Street, Schirra Drive, Beach Street, and
5 Cumberland Street. It will rezone
6 approximately 60 acres of land from an
7 existing zoning designation of G2 general
8 industrial to a zoning designation of C3
9 commercial. The purpose of this is to
10 allow the property owner of this vacant
11 land to be able to market his property
12 for mixed-use development.

13 This site was previously
14 submitted for consideration for a casino
15 development. We believe that this is an
16 indication that the property's best
17 future use would be consistent with a
18 mixed-use development, which would be
19 indicated with a zoning designation of C3
20 commercial.

21 The Philadelphia City Planning
22 Commission is scheduled to consider Bill
23 No. 090408 at its meeting, which is June
24 9, 2009. The bill will be presented with
25 a staff recommendation of approval.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 This concludes my testimony. I
3 would be pleased to answer any questions
4 you may have.

5 COUNCIL PRESIDENT VERNA: Is
6 this the... Mr. Kramer, you state that
7 the property owner wants to market the
8 property for mixed --

9 MR. KRAMER: Mixed-use
10 development.

11 COUNCIL PRESIDENT VERNA: For
12 mixed-use development?

13 MR. KRAMER: Yes, ma'am.

14 COUNCIL PRESIDENT VERNA: Is
15 there one owner for the entire 60 acres?

16 MR. KRAMER: I do believe so.
17 His counsel is in the chambers now.
18 Mr. Chapman is here, who represents him,
19 and it's my understanding that it is,
20 indeed, one owner.

21 COUNCIL PRESIDENT VERNA: Can
22 you tell us what the current use of this
23 property is?

24 MR. KRAMER: Currently, it's
25 vacant land.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT VERNA: Do we
3 have any indication as to what type of
4 uses will be best, the best use for the
5 property?

6 MR. KRAMER: At this point, we
7 don't know exactly what that mixed use
8 would be. We would imagine it to be some
9 kind of commercial/residential mix. At
10 what ratio, I don't know. It's probably
11 an answer that's going to come out as a
12 result of the Delaware River master plan
13 that's currently --

14 COUNCIL PRESIDENT VERNA: So at
15 this point in time, there is no proposal
16 --

17 MR. KRAMER: There is no plan
18 right now, no.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Mr. Chapman?

22 (Witness comes forward.)

23 COUNCIL PRESIDENT VERNA: Good
24 morning. Nice seeing you.

25 MR. CHAPMAN: Thank you. It's

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 nice to see you.

3 COUNCIL PRESIDENT VERNA:

4 Kindly identify yourself for the record.

5 MR. CHAPMAN: Good morning,
6 Madam President and members of the Rules
7 Committee. My name is Tom Chapman. I'm
8 an attorney with Blank Rome, and I
9 represent the interested party today in
10 the matter before you, James J. Anderson,
11 of the Anderson Construction Company, and
12 his partners.

13 Mr. Kramer pretty much stated
14 our case. It's approximately 60 acres.
15 It's currently vacant land that's been
16 vacant for quite some time.

17 Much of the ground that's
18 before you today for rezoning would have
19 been part of the Pinnacle Casino
20 proposal, if that had been chosen by the
21 State Gaming Control Commission.
22 However, as you know well, that site was
23 not chosen.

24 The site remains vacant -- the
25 properties, rather, remain vacant. And

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Mr. Anderson would like to be in a better
3 position to market the properties for
4 mixed-use development.

5 We -- there is no proposal
6 before you right now as part of this
7 rezoning request. There is no -- plans
8 have not specific -- development plans
9 have not been drawn, but we believe that
10 changing the zoning sends a message to
11 the development community that the
12 Council has considered and views this as
13 a potential mixed-use site for
14 development.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 MR. CHAPMAN: Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Are there any questions or
21 comments from members of the committee?

22 (No questions or comments.)

23 COUNCIL PRESIDENT VERNA: Thank
24 you again.

25 MR. CHAPMAN: Appreciate the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 opportunity to appear before you this
3 morning.

4 COUNCIL PRESIDENT VERNA: I
5 think you've been in this room a number
6 of times.

7 MR. CHAPMAN: Just a few.

8 And if I may, I'd like to thank
9 Councilman DiCicco and Brian Abernathy
10 for their leadership on this issue.
11 We've had several discussions with both
12 the Councilman and Mr. Abernathy about
13 the future uses of this site, and they've
14 been very helpful.

15 COUNCIL PRESIDENT VERNA: Thank
16 you again.

17 MR. CHAPMAN: Thank you.

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

20 (No response.)

21 COUNCIL PRESIDENT VERNA:
22 Before we read the title of the next
23 bill, I would like the record to reflect
24 that we do indeed have a quorum.

25 To my extreme left is

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Councilman Kelly, Councilman Clarke,
3 Councilwoman Brown, and Councilman
4 Greenlee. To my extreme right is
5 Councilman DiCicco, Councilwoman Miller,
6 Councilman Goode, and Councilman Kenney.

7 We will now proceed to Bill No.
8 090169, and I think we should read both
9 bills at the same time?

10 MR. KRAMER: (Nods head.)

11 COUNCIL PRESIDENT VERNA: I
12 would also suggest that we consider
13 090170 at the same time.

14 MR. ERICSON: Bill No. 090169,
15 an ordinance to amend the Philadelphia
16 Zoning Maps by changing the zoning
17 designations of certain areas of land
18 located within an area bounded by Berks
19 Street, the Delaware River, Market
20 Street, and Interstate 95.

21 Bill No. 090170, an ordinance
22 amending Title 14 of the Philadelphia
23 Code, entitled "Zoning and Planning," by
24 adding a new Section 14-1636 entitled,
25 "Central Delaware Riverfront Overlay

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 District," and by amending Section
3 14-102, entitled "Definitions," under
4 certain terms and conditions.

5 COUNCILMAN KENNEY: Thank you
6 very much.

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

10 MR. GREENBERGER: Good morning.
11 I'm Alan Greenberger --

12 COUNCILMAN KENNEY: Good
13 morning.

14 MR. GOODCHILD: -- and I'm --
15 we're going to do a little tag team. I'm
16 going to ask Bill Kramer to talk about
17 090169, and then I'll do 170.

18 COUNCILMAN KENNEY: Mr. Kramer,
19 please.

20 MR. KRAMER: Councilman Kenney,
21 Bill No. 090169 is a bill that amends the
22 zoning maps by rezoning a large section
23 of land along the Delaware Riverfront in
24 order to update the zoning designation of
25 the property to match their current uses

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 or to guide future development in the
3 area.

4 The proposed action is
5 consistent with the guidelines of the
6 civic vision for the Central Delaware.
7 As part of this remapping, active
8 industrial uses remain with their current
9 zoning designation. Where there was
10 vacant land, the zoning was changed to a
11 designation of C3 commercial in order to
12 facilitate development while, at the same
13 time, limiting the amount of impacts that
14 would result from a higher
15 classification.

16 Additionally, Penn Treaty Park
17 was rezoned from a designation of G2
18 general industrial to a designation of
19 recreational.

20 I would add that this bill,
21 since we've drafted this testimony, has
22 been amended. There were changes made
23 that -- originally, we were changing the
24 C4 and C5 designations to a consistent
25 designation of C3 commercial. The

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 amendment is being requested to revert it
3 back to the existing designations on the
4 current maps.

5 The City Planning Commission,
6 at its meeting of May 19th, considered
7 this bill and recommended that it be
8 approved.

9 I will now turn over to
10 Mr. Greenberger for testimony on Bill No.
11 090170.

12 MR. GREENBERGER: Good morning,
13 Councilmembers. Nice to be here. I'm
14 Alan Greenberger, the Executive Director
15 of the Philadelphia Planning Commission,
16 and I'm here to testify on Bill 090170,
17 which was introduced by Councilmember
18 DiCicco on March 5, 2009.

19 Bill 090170 amends the
20 Philadelphia Zoning Code by creating
21 Section 14-1636, entitled "Central
22 Delaware Riverfront Overlay District."
23 This overlay is an interim measure to
24 protect the City's waterfront while a
25 central waterfront master plan is created

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 and its tenets adopted.

3 The district will apply in an
4 area bounded by Allegheny Avenue in the
5 north, Delaware River, Oregon Avenue on
6 the south, and I-95 Expressway.

7 It will require, among other
8 things, a waterfront setback, active uses
9 to be located on the ground floor, with
10 75 percent transparency or glass required
11 for such properties. There will also be
12 a waterfront access requirement that
13 would place limits on the amount of
14 front-yard setbacks.

15 The bill also establishes
16 prohibited uses in the district,
17 including such things as non-accessory
18 signs, buildings over 40,000 square feet
19 intended to be used as a single retail
20 store as principal use, newly-constructed
21 parking garages, parking lots as a main
22 use, and self-storage facilities.

23 The bill will also require an
24 approval of a plan of development by the
25 Planning Commission for all commercially-

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 zoned properties as well as properties
3 adjacent to the Delaware River. This
4 plan, the plan of development, must be
5 approved prior to the issuance of any
6 zoning permits.

7 The Commission will have 60
8 days in which to approve completed plans.
9 In addition, the bill requires the
10 Planning Commission to adopt regulations
11 providing objective standards for the
12 required plan of development review.

13 This legislation has been the
14 subject of much discussion between the
15 District Councilman's office, the
16 residential representatives,
17 representatives for the development
18 community, as well as the Planning
19 Commission staff, and the City Law
20 Department. These discussions have
21 generated an amended version of the
22 original bill, and I respectfully submit
23 the amendment for consideration by this
24 committee.

25 I'd also like to note that

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 there's been considerable debate about
3 the value of passing this legislation
4 now, in advance of completion of a
5 waterfront master plan for which the
6 Planning Commission is currently
7 reviewing consultant qualification
8 statements.

9 We anticipate that the master
10 plan will require 12 to 16 months to
11 complete. During that period, we feel
12 that it is essential to codify the City's
13 intentions for the kind of development
14 and public amenities we would like to see
15 on the waterfront. This overlay is the
16 vehicle to accomplish that end.

17 We view it, as it has been
18 presented repeatedly by Councilman
19 DiCicco, an interim measure that we fully
20 expect to amend once the master plan is
21 complete. In the meantime, it is
22 essential that we have regulations in
23 place that create appropriate
24 expectations for the waterfront
25 development.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 The City Planning Commission,
3 at its meeting of May 19, 2009,
4 considered Bill 090170 and recommended
5 that it be approved.

6 This concludes my testimony. I
7 do appreciate the opportunity to appear
8 before you and am ready to answer any
9 questions you might have.

10 COUNCIL PRESIDENT VERNA: Thank
11 you very much.

12 I believe you state that it
13 will take 12 to 16 months to complete the
14 waterfront master plan and that you are
15 now reviewing consultant qualification
16 statements.

17 MR. GREENBERGER: That's right.
18 They are actually -- to be specific, the
19 RFP was posted, and responses are due, I
20 believe, on June 19th. And we expect to
21 see a pretty substantial number of
22 responses.

23 COUNCIL PRESIDENT VERNA: How
24 long has the City been considering the
25 development of a waterfront master plan?

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. GREENBERGER: Oh, that's a
3 trick question. How many decades back
4 would you like to go?

5 I think it's fair to say that
6 in the current iteration, this really
7 began at the instigation of Councilman
8 DiCicco, along with then-Mayor Street, to
9 create a current plan, a 21st century
10 plan, for the waterfront that, I think at
11 this point, must go back several years to
12 start, that it started, creating a civic
13 vision and action plan the adoption by
14 the Planning Commission of the principles
15 of that plan.

16 So, at least in its current
17 version, I would say that this is several
18 years in the making.

19 COUNCIL PRESIDENT VERNA: Great.
20 Can you tell us if this plan
21 would have to be coordinated with the
22 work of the Zoning Commission?

23 MR. GREENBERGER: Yes. In
24 fact, it falls at a perfect time to be
25 coordinated with the Zoning Commission.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 We will, in the next year, be rewriting
3 the code; and then following that, we'll
4 be remapping the code.

5 So the master plan, as any
6 master plan in the City, is a way to
7 guide the remapping, which would then be
8 happening at about this -- starting at
9 about this time next year. So the timing
10 actually works quite well.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 The Chair recognizes Councilman
14 Clarke.

15 COUNCILMAN CLARKE: Thank you,
16 Madam President.

17 Just a real quick question:
18 How deep into the residential community
19 does this overlay go, if at all?

20 MR. GREENBERGER: Very little.
21 The only residential community that the
22 overlay encompasses is a small segment
23 between I-95 and Delaware Avenue, I would
24 say, from about, uh, goes from Callowhill
25 up through --

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 (Addressing Mr. Kramer.) Can
3 you help me with this, Bill? Do you
4 recall? Do you want me to repeat the
5 question?

6 MR. KRAMER: You're asking
7 about the boundaries of the overlay
8 district --

9 MR. GREENBERGER: That
10 encompasses residential area.

11 MR. KRAMER: That would be
12 residential?

13 The entire district runs from
14 Oregon Avenue to Allegheny Avenue. The
15 residential component is probably --
16 because it goes only as far west as I-95,
17 I would say probably north of Spring
18 Garden. Parts of it north of Spring
19 Garden, maybe parts of it up to Allegheny
20 Avenue, depending. I would have to look
21 to be certain.

22 MR. GREENBERGER: There are a
23 number of streets -- picture this.
24 There's a number of streets, yeah, from
25 north of Spring Garden. It's a small

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 sliver of streets. Runs up right near
3 the proposed SugarHouse Casino --

4 COUNCILMAN CLARKE: Right.

5 MR. GREENBERGER: -- towards
6 the Anderson property, and the I-95 --

7 COUNCILMAN CLARKE: 95 is a
8 buffer?

9 MR. GREENBERGER: I think I-95
10 cuts it off at Girard Avenue, in fact, at
11 the Girard Avenue interchange.

12 COUNCILMAN CLARKE: Okay.

13 MR. GREENBERGER: So between
14 Girard and about Spring Garden or
15 Callowhill.

16 COUNCILMAN CLARKE: Okay, thank
17 you.

18 COUNCIL PRESIDENT VERNA: Any
19 other questions from members of the
20 committee?

21 (No further questions.)

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 MR. GREENBERGER: You're
25 welcome. Thank you.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Okay. Our next witnesses will
3 be...

4 MR. ERICSON: The first panel:
5 Harris Steinberg, Steve Weixler, Timothy
6 Kerner.

7 (Witnesses come forward.)

8 COUNCIL PRESIDENT VERNA: Good
9 morning. Kindly identify yourself for
10 the record and proceed with your
11 testimony.

12 MR. STEINBERG: Good morning.

13 COUNCIL PRESIDENT VERNA: Good
14 morning.

15 MR. STEINBERG: My name is
16 Harris Steinberg. Thank you, Council
17 President Verna and members of Council,
18 and particularly Councilman DiCicco, for
19 initiating the Central Delaware planning
20 process and bringing us to this important
21 next step.

22 I am Harris Steinberg,
23 Executive Director of Penn Praxis, the
24 clinical arm of the School of Design at
25 the University of Pennsylvania.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 In 2006, Councilman DiCicco and
3 his aide, Brian Abernathy, asked my
4 office to lead a public planning process
5 for the Central Delaware. The work was
6 performed under executive order of Mayor
7 Street with the help of a 46-member
8 advisory group, with the input of
9 thousands of Philadelphians in public and
10 stakeholders meetings.

11 In November of 2007, Penn
12 Praxis and the Central Delaware Advisory
13 Group issued the civic vision for the
14 Central Delaware. In 2008, Penn Praxis
15 worked with the Central Delaware civic
16 associations organized as, they're
17 called, the Central Delaware Advocacy
18 Group, to issue a follow-up action plan
19 which identified short-term steps for
20 implementation of the vision over the
21 next ten years.

22 One of the early actions
23 identified in both the vision and the
24 action plan was a zoning overlay to guide
25 riverfront development while a more

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 detailed master plan is completed.

3 The master plan process will
4 commence this summer and will take
5 approximately 12 to 18 months, as
6 Executive Director Greenberger just said.
7 So this legislation is an important
8 guidepost for development in the interim.

9 It will serve as a do-no-harm
10 defense from decisions which might
11 preclude reaching the vision in the long
12 term and provide the first step toward
13 achieving the dense, urban, walkable
14 riverfront depicted in the civic vision.

15 Because the language of the
16 bill has not been finalized, I encourage
17 Council that the future of our city,
18 indeed all cities, is tied to our
19 competitiveness in both the national and
20 global economies.

21 Cities around the world are
22 investing in infrastructure that can
23 support a high quality of life for the
24 people who live and work there. This
25 means investing in the types of transit

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 and streetscaping which will invite
3 high-quality, sustainable development.
4 It also means investing in open spaces,
5 parks and trails, which will make
6 residents and employees of the area
7 healthier and contribute to the
8 environmental health of the region.

9 Providing a framework for
10 creating urban space along the river is
11 particularly relevant today. Through
12 this legislation, Council is determining
13 the dimensions of a riverfront greenway
14 on the Central Delaware.

15 The greenway and trail system
16 to be developed at the river's edge is in
17 many ways what will define the riverfront
18 for the future of Philadelphians. As we
19 know from Fairmount Park and the trails
20 on Kelly and Martin Luther King Drives,
21 generous public space can be a tremendous
22 legacy for future generations. A
23 greenway also provides valuable
24 environmental, public-health, and
25 economic benefits, as you will hear from

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 others testifying today.

3 The civic vision and action
4 plan recommend the greenway have a
5 100-foot minimum standard width where it
6 is achievable. This is an important
7 standard because in some areas of the
8 Central Delaware, a 100-foot setback is
9 already impossible to reach. Indeed, for
10 much of the Central Delaware, Columbus
11 Boulevard is within only a few feet of
12 the river, and no such setback will be
13 possible.

14 This legislation is our
15 opportunity to set a high bar for future
16 development so that we may enjoy all of
17 the economic, environmental, social, and
18 health benefits that generous access to
19 the river will yield.

20 Because the 100-foot is not
21 achievable everywhere, on parcels where
22 100-foot is not the physically possible
23 without creating economic hardship for
24 the owner, the vision and action plan
25 recommend that no more than 20 percent of

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 those parcels be used for the setback.

3 In the very few cases where it
4 is impossible to reach even 20 percent
5 without hardship, we recommend a minimum
6 of 50 feet to be instituted to ensure
7 continuous connected greenway.

8 In any case, we recommend that
9 Council institute strong standards which
10 emphasize the importance of the greenway
11 and resist caveats which weaken those
12 standards.

13 It is important to remember
14 that the greenway is intended to be
15 generous because it will support the
16 dense development recommended in the
17 vision, creating an extension of existing
18 neighborhoods to the water's edge and in
19 a manner which is intensely Philadelphian
20 in its pedestrian-friendly and human
21 scale.

22 A generous public greenway will
23 be the signature of the revitalizing
24 riverfront and distinguish Philadelphia
25 from other cities which lack proximity to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 one of the nation's great rivers, the
3 Delaware. It's also the dramatic
4 backdrop that Philadelphia's future
5 should be directed.

6 It's important to keep in mind
7 that this bill is still limited and
8 focused on the fundamentals. There is
9 only so much that can, and should be,
10 legislated in the absence of a master
11 plan. For instance, the legislation does
12 not provide guidelines for density and
13 height of buildings. This is intentional
14 because those details will be determined
15 in a thoughtful and public master
16 planning process.

17 Despite this, many guidelines
18 from the vision have been included such
19 as requiring active ground-floor uses,
20 developing buildings to the street edge,
21 and managing parking discretely, all of
22 which will help to create the vibrant
23 public realm seen in the vision.

24 These first steps are important
25 ones. The legislation is the first

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 official step to leave a legacy for
3 Philadelphia's future. Although interim
4 to the master plan, these standards and
5 body in the legislation represent the
6 long-term framework for Philadelphia's
7 growth over the next century.

8 Philadelphia has a rich
9 tradition of bold planning, from Penn's
10 original plan, William Penn's original
11 plan, with its signature street grid,
12 development parcels and open spaces, to
13 Fairmount Park and the Benjamin Franklin
14 Parkway and, most recently, with the
15 creation of the commuter tunnel. We have
16 the opportunity now to define
17 Philadelphia's (indiscernible)
18 environment legacy for future
19 generations.

20 I applaud Council for
21 considering this forward-thinking
22 legislation and believe that it will
23 yield great dividends for Philadelphian
24 for generations to come.

25 Thank you.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT VERNA: Thank
3 you. Are you gentlemen going to testify?

4 MR. WEIXLER: Good morning,
5 Madam President and members of Council.
6 My name is Steven Weixler, and I am
7 Chairman of the Central Delaware Advocacy
8 Group, a coalition of 20 civic
9 associations and organizations dedicated
10 to the implementation of the principles
11 embodied in the civic vision for the
12 Central Delaware endorsed by the Mayor
13 and supported by more than 60,000
14 Philadelphians who live within half mile
15 of the Delaware Riverfront.

16 I'm here this morning in strong
17 support of the bill, as amended, offered
18 by Councilman DiCicco for interim zoning
19 overlay in the area of the Delaware
20 River. This area represents a
21 long-neglected but invaluable resource to
22 the City of Philadelphia and to its
23 neighborhoods.

24 Under the direction of an
25 executive order by Mayor Street and,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 afterward, under the initiative of the
3 advocacy group, we have spent nearly
4 two-and-a-half years with the advice and
5 inspiration of some of the finest minds
6 in urban planning examining the
7 potentials and problems of our unique
8 riverfront.

9 Last given serious attention in
10 planning more than 50 years ago, the
11 riverfront was intended as a
12 modernization of the industrial might of
13 post-war Philadelphia.

14 Edmond Bacon saw a network of
15 shipyards, ports, and industry lining the
16 Delaware and supporting the families who
17 lived a short distance inland, all
18 supported by the new miracle of the
19 interstate highway to speed goods and
20 people to and from.

21 We now know this 1950s version
22 of the future hasn't worked for our city.
23 The lack of intelligent planning and
24 guidance has resulted in the patchwork of
25 bad development, poor infrastructure, and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 missed opportunity we see today.

3 Industrial brownfields and neglected
4 sites line most of our riverfront, and
5 all of this has been supported by the
6 lack of clear direction from the City
7 through its zoning codes and through its
8 urban planning functions. We know a new
9 approach is not only possible but
10 essential.

11 Councilman DiCicco and Mayor
12 Street recognized the need to benefit
13 Philadelphia and to maximize the
14 potential of this area of the City under
15 your consideration today when they
16 created the advisory group composed of 30
17 entities of state and local government
18 and 15 riverfront civic associations in
19 November of 2006.

20 In many ways, the bill offered
21 for your approval is the first step in
22 the realization of that group's work.
23 Although an interim step in a decades'
24 long process, it is a necessary action by
25 City government to advance Philadelphia's

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 future.

3 While the Central Delaware
4 Advocacy Group certainly does not
5 consider this bill and its amendments the
6 ideal realization of the principle of the
7 civic vision of thousands of working
8 Philadelphians, we can recommend it for
9 your consideration on three basic points.

10 First, it maintains and adopts
11 crucial land use tenets found in other
12 successful waterfronts to be essential.

13 A continuous public waterfront
14 trail open and accessible to all for a
15 variety of uses, encouraging neighbors to
16 enjoy the river bank. We believe the
17 100-foot or 20-foot setback requirement
18 to be sufficient for good urban planning.

19 Perpendicular access from
20 Delaware Avenue and Columbus Boulevard to
21 the waterfront as an easement at regular
22 intervals, encouraging pedestrians,
23 bicyclists, and others to come to the
24 river's edge needs more precise
25 definition.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 It also mandates open, green
3 space along the river, allowing for a
4 variety of public use while being
5 ecologically sustainable.

6 The character, stewardship, and
7 maintenance of these spaces is a matter
8 for the City of Philadelphia and
9 individual property owners to arrive at
10 an equitable solution.

11 Second, the bill provides a
12 coherent set of guidelines to the
13 Philadelphia City Planning Commission in
14 its consideration of new plans of
15 development for the riverfront area until
16 the Zoning Code Commission can complete
17 its work and a new master plan can be
18 drawn by the Planning Commission.

19 The Central Delaware Advocacy
20 Group is aware of the rights of
21 landowners and of the underlying zoning
22 code and has no wish to infringe upon
23 those conditions. Rather, we realize the
24 necessity of a partnership between the
25 advocacy group and development capital in

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the eventual realization of this plan.

3 This bill will allow the
4 Planning Commission the stability in
5 development proposals to both implement
6 the civic vision in an achievable way and
7 also present the development community
8 with a framework to realize exponentially
9 greater return on investment.

10 I need not remind Council that
11 the riverfront area has experienced a
12 dismal rate of development during the
13 recent decade of real estate expansion.
14 While other areas of Philadelphia have
15 grown, the riverfront has not. While
16 other cities have developed exciting
17 waterfronts, Philadelphia has not.

18 Third, the bill is an important
19 step in new economic growth in
20 Philadelphia. Shortly after the Trump
21 organization announced the cancelation of
22 its high-rise condominium project in
23 Northern Liberties last fall, a prominent
24 Realtor was quoted in the Philadelphia
25 Business Journal as saying, "Those

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 high-end buyers are never going to move
3 to a neighborhood without amenities like
4 Rittenhouse or Old City. Until then,
5 it's just a building."

6 This bill would encourage the
7 kind of renaissance we are seeing in
8 Northern Liberties and other places:
9 Neighborhoods seen by the civic vision
10 with small businesses, restaurants,
11 families, varied housing, and life on the
12 streets. As Councilmembers, you can
13 certainly imagine the economic benefit to
14 Philadelphia.

15 I'll close my remarks by saying
16 Council has the chance to enact an
17 interim ordinance which would not bring
18 development in the area to a dead stop
19 but would allow a progressive
20 administration to thoughtfully consider
21 the future of a great asset to
22 Philadelphia.

23 Thank you for your
24 consideration.

25 COUNCIL PRESIDENT VERNA: Good

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 morning.

3 MR. KERNER: Good morning,

4 Madam President and members of Council.

5 My name is Tim Kerner and I'm a member of

6 the steering committee of the Design

7 Advocacy Group (DAG). DAG is a

8 thousand-member volunteer organization,

9 and we are dedicated to the promotion of

10 quality urban design in our city.

11 I have a statement to read

12 today which was prepared by the steering

13 committee of our organization.

14 The Design Advocacy Group

15 supports the civic vision for the Central

16 Delaware, and we are pleased that the

17 Philadelphia City Planning Commission

18 recently adopted this vision, which is

19 the product of a comprehensive,

20 citizen-driven process.

21 The civic vision's action plan

22 calls for an interim overlay for the

23 waterfront. DAG feels this is a prudent

24 step to ensure that nothing occurs along

25 the river that will preclude the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 realization of a vision before the actual
3 rezoning of the waterfront is completed.

4 It must be understood, however,
5 that this is a temporary measure and that
6 long-term growth along the waterfront
7 needs to be guided by the Central
8 Delaware Riverfront master plan soon to
9 be undertaken by the Planning Commission.
10 The master plan must be based on the same
11 open and comprehensive process that
12 created the firm foundation of the civic
13 vision and the action plan.

14 While DAG supports the creation
15 of an interim overlay, we are concerned
16 that the proposed legislation, or perhaps
17 the previously proposed legislation,
18 which has some current updates, does not
19 directly address the density recommended
20 in the vision plan.

21 We, therefore, recommend that
22 the Planning Commission use its powers to
23 permit well-designed, higher-intensity
24 development along the waterfront, as
25 depicted in the vision plan.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 While the real estate market is
3 now weak, it is essential that
4 development be guided by the patterns of
5 height, density, and intensity of use
6 that participants agreed upon for the
7 vision plan.

8 The overlay seeks to ensure
9 access to the waterfront and the creation
10 of public right-of-way at the water's
11 edge. These are crucial to the civic
12 vision.

13 Although this is a sensitive
14 issue because of its effect on private
15 property, a generous public waterfront
16 trail at the water's edge will greatly
17 improve the public realm and increase the
18 beauty and value of adjacent development
19 parcels. Therefore, we urge the City to
20 seek a generous public right-of-way to
21 adequately, while ensuring a structure to
22 adequately address the concerns of
23 property owners.

24 The fact that an interim
25 overlay is required to protect the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 long-term future of the civic vision
3 highlights the urgent need to proceed
4 with the development of a comprehensive,
5 thorough, and well-crafted master plan as
6 quickly as possible. We applaud the City
7 for moving forward on the concepts
8 established in the vision plan under the
9 oversight of the City Planning Commission
10 and look forward to the completion of the
11 riverfront master plan.

12 I appreciate the opportunity to
13 appear before you today.

14 COUNCIL PRESIDENT VERNA: Thank
15 you very much.

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

18 The Chair recognizes Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam Chair, and good morning.

22 Mr. Kerner?

23 MR. KERNER: Yes.

24 COUNCILMAN DiCICCO: Unless I
25 missed it in your testimony, has your

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 organization come to any conclusion or
3 have an opinion on the appropriate
4 setback requirement?

5 MR. KERNER: Well, that's a
6 complex question, and I would hesitate to
7 speak for the entire organization or I --
8 and even the steering committee.

9 There is support for the
10 proposed setback as it was originally
11 framed, with a hundred feet and with
12 provisions provided to address the needs
13 of smaller parcels where that is
14 difficult.

15 But what I would hesitate to
16 state is whether the steering committee
17 would endorse what is currently written,
18 but I would say that we do support the
19 intent of the 100-foot setback.

20 COUNCILMAN DiCICCO: Thank you.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Any further questions or
24 comments from members of the committee?

25 (No further questions.)

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT Verna:

3 Gentlemen, thank you very much.

4 PANEL MEMBERS: Thank you.

5 COUNCIL PRESIDENT Verna: Our
6 next witnesses?

7 MR. ERICSON: Michael Sklaroff,
8 Craig Schelter.

9 (Witnesses come forward.)

10 MR. SKLAROFF: Good morning.

11 COUNCIL PRESIDENT Verna: Good
12 morning.

13 MR. SKLAROFF: Madam Chairwoman
14 and members of the Rules Committee.
15 Thank you for the opportunity to appear.

16 To begin with -- and I'll
17 explain something about the Development
18 Workshop in a moment -- we would like to
19 thank Councilman DiCicco and Brian
20 Abernathy for including us in the process
21 of reviewing the bill. They were
22 transparent, very open, and we appreciate
23 it very much.

24 The Development Workshop, who
25 are we? And I'm here as chair, and to my

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 left is Craig Schelter, who the Executive
3 Director, and to my right is a member,
4 Richard Lombardo; I think you know both
5 gentlemen in their previous lives in the
6 public sector, among other things.

7 The Development Workshop is a
8 nonprofit organization dedicated to
9 supporting development in the City of
10 Philadelphia to bring in new families,
11 create jobs, and strengthen the tax base
12 of the City of Philadelphia.

13 Included in the workshop are
14 people that this Council has trusted in
15 the past for advice and support in
16 economic development, planning, and
17 zoning issues.

18 We have four former
19 Philadelphia planning directors, two
20 former commerce directors, several
21 economic development leaders. We include
22 engineers and planners and lawyers,
23 obviously, including this one, but also
24 developers who have helped shape the
25 skyline of the City of Philadelphia and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 who have helped really enliven the
3 streetscape of the City of Philadelphia.

4 Unlike the Design Advocacy
5 Group or the Central Delaware Advocacy
6 Group, included in our membership are
7 people who have actually built at the
8 riverfront, people who have provided
9 waterfront access, people who have
10 created jobs for the City, brought
11 services to the City, and strengthened
12 the tax base.

13 I would like also to say that
14 among the Central Design Advocacy Group,
15 to my knowledge, there was not one
16 landowner who had actually developed at
17 the riverfront. And we had offered to
18 Harris Steinberg and Penn Praxis to sit
19 down with us, and we would share some of
20 the things that we learned about actually
21 developing in the City, and Mr. Steinberg
22 refused to sit down with us.

23 What do we support? We support
24 comprehensive planning, including looking
25 at assets of the City such as the Central

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Delaware Riverfront, in a citywide
3 context. We support good design, and
4 we've done good design, and some of our
5 people are leaders in supportable green
6 development and LEED development. We
7 support public access to the river, and
8 we support fiscally responsible planning
9 of the City's infrastructure.

10 Now, the urban design exercise
11 of the civic vision is not a
12 comprehensive plan; I think everyone
13 knows that at this point. We have been
14 urging for several years for the Planning
15 Commission to be supported in an effort
16 to begin a comprehensive plan, and for
17 two years, nothing has been done. And
18 it's just started and, as Mr. Greenberger
19 has said, there will not even be a
20 response to the requests for proposals
21 until June 19th of this year.

22 The bill is proposed as a
23 stopgap, a no-harm; the only harm, of
24 course, would be to landowners who can't
25 do anything in the next year or two.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 There's no such thing as a stopgap.

3 And I shared with members of
4 this committee a letter that we sent last
5 Friday to the Law Department stating in
6 particular why this bill is unlawful.

7 It's unlawful because it puts into the
8 Planning Commission powers to zone that
9 are not authorized by the City Charter.

10 The Charter envisions that the
11 standards for zoning will be decided by
12 City Council -- that is you folks -- and
13 it will be administered by the Department
14 of Licenses and Inspections. And if a
15 certificate or a variance is required, it
16 goes to the Zoning Board.

17 This creates an entire zone
18 where it will not be this Council but it
19 will be the Planning Commission that
20 makes the stop or go decision on a
21 parcel-by-parcel basis as to whether a
22 landowner can build in the overlay
23 district in commercial districts. That
24 is a radical change, and it is
25 unsupported by the Charter. It also is

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 unsupported by comprehensive planning,
3 and it violates the United States
4 Constitution.

5 And in addition, this overlay,
6 this recreational trail, represents a
7 taking of private property without just
8 compensation, and we'll talk a little bit
9 before -- about that in a -- shortly.

10 But there is a plan out there
11 that was approved by the Planning
12 Commission in 1982, and that plan
13 provides for many of the things that are
14 being discussed today. The plan is
15 available. And you will note that you
16 can look at all of the Penn Praxis
17 materials, but there's not one reference
18 to that plan, and the plan is very, very
19 important.

20 The plan was designed for four
21 things that were all important in 1982
22 and have been important since:

23 First, to increase population
24 of a city that needs it by welcoming
25 people into our city.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 The second is to create jobs,
3 construction and permanent jobs.

4 The third is to strengthen the
5 tax base.

6 And the fourth is to open up
7 miles of the river for public access.

8 Now, there are two major
9 examples of how that plan was brought
10 into fruition. The first was the
11 construction of the Great Plaza at Penn's
12 Landing, but that Great Plaza is used for
13 at least 20 ethnic festivals during the
14 year. That brings real people to the
15 City of Philadelphia.

16 And the second thing was, it
17 mapped a river walk, and I'll talk about
18 that in a moment.

19 Now, if you go down to Piers 3
20 and 5, the residences or La Veranda or
21 Dave & Buster's, you will notice that
22 there's a river walk. In fact, the river
23 walk is two-and-a-half miles long, and it
24 supports public access. It supports
25 joggers, it supports bicyclists, and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 people walking their dogs and just
3 walking along the river.

4 At 6:15 this morning, I left
5 the confines of the 15th Ward, the 5th
6 Councilmatic District, and I drove down
7 to the full extent of the overlay, and I
8 would say -- and I started at Oregon
9 Avenue and I ended up just about to
10 Allegheny.

11 And you know what? There is
12 public access, there's a river walk,
13 there are people jogging, there are
14 bicyclists. It's already there on public
15 property.

16 We just -- you folks just
17 considered the North Delaware plan.
18 Mr. Lonie presented and Bill Kramer. And
19 there, 80 percent of that is done on
20 public property, and they negotiated with
21 landowners. And they're funded for that;
22 they had \$23 million of federal
23 transportation money, in stark contrast
24 to what is being done here. And there
25 were just two private landowners whose

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 land was required.

3 This river walk basically can
4 be not done entirely on the public
5 walkway but largely -- and I invite
6 everyone to take that ride along the
7 river.

8 COUNCILMAN KENNEY:

9 Mr. Sklaroff, just to interrupt you, and
10 Council President will be back. I've
11 lived in the neighborhood for 50 years.
12 What walk are you talking about?

13 MR. SKLAROFF: I'm talking
14 about Dave & Buster's and La Veranda.

15 COUNCILMAN KENNEY: From Oregon
16 Avenue north to Washington Avenue --

17 MR. SKLAROFF: When you start
18 there, there is sidewalk there, which is
19 available for conversion to a river walk.

20 COUNCILMAN KENNEY: Okay.

21 MR. SKLAROFF: As you know, we
22 still have, thank goodness, some
23 industrial base in the City of
24 Philadelphia. We have shipping north of
25 Oregon Avenue, okay? You wouldn't want

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 it closer to the river, where stevedores
3 and longshoreman are unloaded ships.

4 COUNCILMAN KENNEY: I just
5 wanted to orientate myself to what you
6 were talking about from Oregon Avenue to
7 Washington Avenue. I recognize the
8 sidewalk in Penn's Landing Area --

9 MR. SKLAROFF: Yes.

10 COUNCILMAN KENNEY: -- to Dave
11 & Buster's.

12 MR. SKLAROFF: Right.

13 COUNCILMAN KENNEY: And you can
14 argue that that's available for jogging
15 and recreation, but the area from Oregon
16 Avenue to Washington Avenue, I don't know
17 if I would want to necessarily jog there.

18 MR. SKLAROFF: Well, there were
19 people there who were jogging this
20 morning at 6:15.

21 COUNCILMAN KENNEY: Okay.

22 MR. SKLAROFF: And it can be
23 made a lot better.

24 COUNCILMAN KENNEY: Okay.

25 MR. SKLAROFF: All I'm saying

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 is, you don't have to now encroach on
3 development --

4 COUNCILMAN KENNEY: I didn't
5 mean to interrupt you, but I wanted to
6 orientate myself to what you were talking
7 about 'cause I grew up in that
8 neighborhood.

9 MR. SKLAROFF: Right. And it's
10 not perfect.

11 COUNCILMAN KENNEY: Okay.

12 MR. SKLAROFF: But I'm saying
13 there is a basis for it already.

14 COUNCILMAN KENNEY: Okay, all
15 right.

16 MR. SKLAROFF: But if you look
17 at the Penn Praxis material, it's as if
18 they arrived from Philadelphia and
19 thought they were William Penn.

20 COUNCILMAN KENNEY: Okay, I
21 understand?

22 MR. SKLAROFF: Okay?

23 COUNCILMAN KENNEY: I just
24 wanted to make sure I understood the
25 area. Thank you.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. SKLAROFF: Now --

3 COUNCILMAN DiCICCO: And it
4 doesn't look much different when William
5 Penn, from the time when he arrived --

6 MR. SKLAROFF: No, actually --

7 COUNCILMAN DiCICCO: -- in
8 terms of development, Mr. Sklaroff, let's
9 be honest.

10 MR. SKLAROFF: Well, actually,
11 I don't think that's a fair statement.

12 COUNCILMAN DiCICCO: I do
13 because I hear you.

14 And I hate to interrupt you,
15 but you talk about developers and all of
16 these folks who have done all of this
17 development. What development are you
18 talking about?

19 MR. SKLAROFF: Development
20 that's there?

21 COUNCILMAN DiCICCO: Along the
22 river, yeah.

23 MR. SKLAROFF: Oh, well --

24 COUNCILMAN DiCICCO: Penn's
25 Landing was a government development; it

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 was not private.

3 What private development other
4 than the DePaul Group building the
5 Dockside has occurred?

6 MR. SKLAROFF: Well, Councilman
7 DiCicco, I hesitate to engage in dialogue
8 with you on this; this is your district.
9 But I will tell you -- I'll talk about
10 the projects that we were involved in.

11 COUNCILMAN KENNEY: Are you
12 going to complete your testimony? And
13 then this way, we'll get back to --

14 MR. SKLAROFF: I would be happy
15 to.

16 COUNCILMAN KENNEY: I'm sorry
17 'cause I started it.

18 MR. SKLAROFF: I mean, you guys
19 decide.

20 COUNCILMAN KENNEY: No. Please
21 proceed.

22 MR. SKLAROFF: Okay. You will
23 see in the Penn Praxis materials that
24 there are many good ideas for urban
25 design taken from places all over the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 country, and some of them may be very
3 relevant here and some of them not.

4 But when you look at the basic
5 assumptions of the Penn Praxis
6 materials -- and I invite everyone to
7 look at them -- there's some -- kind of,
8 I would say, impractical -- some might
9 say "elitist"; let me say "impractical"
10 ideas.

11 First of all, Penn Praxis
12 proposes that we remove two vehicular
13 lanes from Columbus Boulevard. That's
14 one of the ideas.

15 The second idea is that they
16 proposed the demolition of the
17 independent Seaport Museum. That's
18 another idea.

19 The third is, their design
20 is -- when you look at the materials, the
21 design is to build a concrete deck over
22 I-95 and put six high-rise condominiums.

23 Essentially what they --

24 COUNCILMAN KENNEY: I'm sorry,
25 and I don't mean to interrupt you, but

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 since Councilman DiCicco and
3 Mr. Abernathy have worked much more
4 closely on this than us, they --
5 Councilman DiCicco would like to talk to
6 you a little bit about some of the things
7 you're talking about now that he doesn't
8 believe is actually in the overlay, like
9 the demolition of the Seaport Museum.

10 MR. SKLAROFF: No, no, no. I'm
11 talking about there's reference --

12 COUNCILMAN KENNEY: But what
13 I'd like to do is, in order -- and we're
14 going to have a dialogue, obviously,
15 about this once your testimony is
16 complete, but if you can confine your
17 testimony to what's actually in the
18 overlay, and then we can go far afield on
19 other issues when you're done.

20 But I don't the record to be
21 confused that somehow the overlay is
22 recommending the demolition of the
23 Seaport Museum.

24 MR. SKLAROFF: The -- the --

25 COUNCILMAN KENNEY: The

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 overlay.

3 MR. SKLAROFF: The overlay
4 refers to the Penn Praxis civic vision.

5 COUNCILMAN KENNEY: I
6 understand.

7 MR. SKLAROFF: All right?

8 COUNCILMAN KENNEY: And their
9 testimony was that this is kind of a
10 first shot at a framework of dealing with
11 the overall vision. But the overlay, I
12 don't believe, includes the demolition of
13 the Seaport Museum.

14 MR. SKLAROFF: No, but it does
15 include the civic vision, and the civic
16 vision, as best we read, has these
17 elements.

18 COUNCILMAN KENNEY: But
19 that's -- what we're dealing with now are
20 the specifics of the overlay.

21 MR. SKLAROFF: Well --

22 COUNCILMAN KENNEY: And then
23 when you're done your testimony, we can
24 have this discussion.

25 MR. SKLAROFF: I'm just saying

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the civic vision is embodied in the law
3 in this proposal. If you strike the
4 references to the civic vision, we won't
5 get to that, but I think it's based in
6 part on the civic vision.

7 COUNCILMAN KENNEY: Okay, all
8 right. Please proceed.

9 MR. SKLAROFF: Well, I think
10 that the civic vision encompassed, among
11 other things, the whole idea of this
12 stopgap overlay. The civic vision had
13 all these design things. It is not
14 legislation, but it's incorporated.

15 But there's a whole sense of
16 this that many of the things that have
17 been done on the river have not been good
18 for the City of Philadelphia, and I think
19 that's unexamined.

20 I think that the Dockside and
21 Waterfront Square have brought new people
22 to the City. They don't like the design.
23 Dave & Buster's has been deprecated by
24 some of their advocates. It's one of the
25 few places in the City where people from

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 every neighborhood from every group come
3 and have fun together.

4 There's a hotel on the river,
5 all right? There's a Wal-Mart and Home
6 Depot, which they've demonized. But I
7 will tell you, on a weekend at the Home
8 Depot and Wal-Mart, there are more people
9 who shop there and work there than ever
10 attended any one of the Penn Praxis's
11 public meetings. That is where real
12 Philadelphians shop, have jobs, and have
13 services.

14 And that was done in 1993 on a
15 site that was environmentally troubled,
16 and it was done to keep jobs in the City
17 of Philadelphia, to keep tax ratables in
18 the City of Philadelphia, and provide
19 services to real Philadelphians.

20 Now, we ask that the bill be
21 held and not be voted out of committee.
22 The bill has fatal defects, which we've
23 articulated, and I'm sure the Law
24 Department will advise this committee,
25 but we believe those defects are

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 apparent, and we've set them forth in
3 some detail.

4 The bill is not supported by
5 planning by the Council; it's a stopgap.
6 There is no basis. The only effective
7 plan today is the plan in 1982, and it's
8 a plan that this Council has used in all
9 zoning since 1982, which has provided, we
10 would submit, some pretty good
11 development at the river.

12 And the problem with
13 development at the river has not been the
14 plan; the problem has been the market
15 hasn't reached the point where people
16 want to come and build in the City of
17 Philadelphia in a way we would like, in
18 the amount we would like.

19 The bill itself has amendments.
20 We now have a blank on how wide the
21 setback is, all right? So the City
22 Planning Commission has never -- as a
23 commission, has never reviewed this bill.

24 Very much to the point, there
25 are major planning defects here.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 The recreational trail has not
3 been plotted. We don't know where it is.
4 It could actually go on -- largely on
5 public lands, even next to those
6 industrial sites, which the Councilman is
7 familiar with.

8 And so, there's so much doubt
9 in this that it's very hard for
10 developers to figure out what's going to
11 happen.

12 The setback is not defined or
13 mapped. This is the first time I heard a
14 recognition by Penn Praxis that if you
15 actually mapped a hundred-foot setback in
16 many areas, it would be a hundred feet of
17 Columbus Boulevard.

18 So there's a lot of rhetoric
19 here, and neither the Planning
20 Commission, nor City Council really knows
21 where this stuff is going.

22 And it's different from the
23 North Delaware plan that Paul Lonie
24 talked about. That was mapped, that was
25 presented. This is unmapped, uncharted.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 The costs have not been
3 determined. Paul Lonie told me that
4 \$23 million of federal transportation
5 money was made available for the North
6 Delaware plan. There's not a dollar here
7 for the public infrastructure for the
8 public costs.

9 So there's no costing of the
10 engineering, there's no costing of the
11 environmental assessments, there's no
12 costing of the site improvements, the
13 maintenance costs.

14 Remember, under the bill, as it
15 now stands, a landowner has a choice.
16 The landowner can either keep this open
17 or devote it to the City. But if he
18 devotes it or she devotes it to the City,
19 the City is going to have to build that
20 trail. And that's unfunded. We don't
21 know how much that would cost. It's like
22 a street but it's not mapped and it's not
23 following the process. And there's no
24 assessment of the damages to the land or
25 the lost tax revenues.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 I've said before at the
3 Planning Commission, once this overlay
4 goes on, the value of City -- of
5 properties in the City of Philadelphia
6 all along this seven-mile stretch, 1146
7 acres, will be diminished by the
8 uncertainty and by the certain costs --
9 the certain damage that you're going to
10 lose portions of your land, up to a
11 hundred feet, or you're going to have to
12 build your own riverfront recreational
13 trail.

14 As I think is known, this bill
15 has not been reviewed by the Zoning Code
16 Commission. So essentially, what this
17 creates is a an area of -- I don't know
18 if members of the committee saw the story
19 today about the Schuylkill trail, which
20 is on the front page of the local
21 section, which is terrific. And the
22 Schuylkill is a great resource; it's our
23 scenic river. The Delaware is wonderful;
24 it's not a scenic river. But the
25 Schuylkill is a wonderful resource. It

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 costs money.

3 And I will just share with you
4 an e-mail I got from one of our members
5 of the Development Workshop, who has
6 actually developed at the river. His
7 company actually brought jobs and tax
8 ratables and services to the river. And
9 he wrote to me, and he said -- refer to
10 the Schuylkill trail article, which is
11 funded, which does cost money. And he
12 says:

13 If you want to create a public
14 way along a riverfront, you follow the
15 successful examples of the past and
16 present. Specifically, you engage a high
17 highly qualified road or streets
18 professional, somebody like Paul Lonie or
19 Joe Cernik (sp?), and charge them with
20 responsibility to plan, budget, instruct,
21 raise monies, and negotiate with private
22 landowners to achieve an acceptable
23 outcome. In the event that additional
24 assistance is needed, the City provides
25 the additional tool of condemnation.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 There are no examples of
3 successful outcomes achieved by drawing
4 pictures, which become cartoons for --
5 and this is his words -- unlawful efforts
6 to rezone.

7 All in all, there's a way to do
8 this, a right way to do it. And to try
9 to do it on the cheap by requiring
10 private landowners to give -- not only to
11 give up their land but to build a
12 recreational trail themselves is not the
13 way to do it.

14 Craig do you want to add
15 anything?

16 MR. SCHELTER: Yes. Craig
17 Schelter, Executive Director of the
18 Development Workshop. Just a couple of
19 points.

20 I think what I want to do is,
21 specifically using this article that was
22 in the paper this morning, to contrast
23 what's been recommended versus what, in
24 fact, can be achieved. And I speak,
25 having been involved on the Schuylkill

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 trail back seven years ago, when I was at
3 PIDC, and the idea of moving the trail
4 further south first began to be
5 implemented.

6 What's being asked here is to
7 create a setback the width of Broad
8 Street over the entire length of this
9 seven miles of waterfront. And when you
10 go into the details of this article --
11 and since Joe Cernik made the comments,
12 I'll assume they're factually correct --
13 they talk about a portion of the
14 riverfront about 2,000 feet -- it's a
15 little less than half a mile -- where
16 they're actually going to have to build a
17 15- to 17-foot river walk in the bed of
18 the river because of the conditions that
19 are there and that they couldn't reach an
20 agreement with the landowner.

21 Another area where they're
22 talking about \$3 million, where the
23 Marshall Labs are, which was a project
24 that the City engaged in to try and keep
25 Marshall Labs in the City, agreed to take

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 on some of the remediation of property
3 there. Again, this has been a long-term
4 proposition.

5 So the importance of coming up
6 with an estimate, not even detailed cost,
7 but an estimate of the cost is critical,
8 I would think, for this council to
9 consider, given the current budget
10 situation.

11 In a comparable situation in
12 New York, on the East River plan, where
13 they were doing the same thing for two
14 miles of improvements, it was
15 \$150 million.

16 Assuming that you had a -- that
17 developers knew what they could get
18 approval on in a site, and the real
19 estate cycle turns around, they could
20 begin responding to that.

21 But right now, as the bill is
22 drafted, there is 180 days where no one
23 knows what criteria the Planning
24 Commission will come up with or what
25 standards. After that, if there is a

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 specific proposal, there's 75 days which
3 a developer must wait.

4 So in the meantime, the
5 question is: What kind of message do you
6 send out to the investment world, to
7 people who would come and potentially
8 make decisions in Philadelphia? And I
9 think that's something else that's
10 important to be considered beyond the
11 urban design aspects of the vision plan.

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

14 I just have a couple questions
15 so I can frame who it is you represent
16 and their situations. How many private
17 property owners are involved in your
18 group?

19 MR. SKLAROFF: I would say 20,
20 with about at least a half dozen who have
21 properties at the river.

22 COUNCILMAN KENNEY: Well, let
23 me further refine it. How many property
24 owners are on the river side where this
25 trail or this overlay is proposed will

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 affect?

3 MR. SKLAROFF: I would say a
4 half dozen.

5 MR. SCHELTER: Six.

6 COUNCILMAN KENNEY: Of that
7 half dozen, if you know, the average
8 length of time that those owners have
9 owned the property, on average.

10 MR. SKLAROFF: I'd say about 12
11 years.

12 COUNCILMAN KENNEY: So on
13 average, they've owned the parcels for 12
14 years.

15 MR. SKLAROFF: Yes.

16 COUNCILMAN KENNEY: Some of
17 them are developed and some of them are
18 not, correct?

19 MR. SKLAROFF: I'm sorry?

20 COUNCILMAN KENNEY: Of the 12
21 -- I'm sorry. Of the property owners
22 that own the properties, and the average
23 is 12 years' ownership, how many are
24 actually developed?

25 MR. SKLAROFF: Have developed?

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 At the river?

3 COUNCILMAN KENNEY: Yeah. I
4 mean, I'm sure Dave & Buster's owners,
5 they've developed. I mean, how many
6 private property owners have developed --

7 MR. SKLAROFF: I'd say four to
8 six.

9 COUNCILMAN KENNEY: And the
10 other parcels that are undeveloped,
11 they've been owned on an average of 12
12 years?

13 MR. SKLAROFF: You know, I --

14 COUNCILMAN KENNEY: Okay.
15 Here's the --

16 MR. SKLAROFF: There are some
17 people who have owned them for 20 years.

18 COUNCILMAN KENNEY: Right.

19 MR. SKLAROFF: And some who
20 bought them in the early to mid-year
21 2000.

22 COUNCILMAN KENNEY: Was that
23 anything to do with gaming speculation or
24 --

25 MR. SKLAROFF: Absolutely not.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN KENNEY: Okay.

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

5 MR. SKLAROFF: This was when
6 the market for residential development
7 blossomed in the City of Philadelphia.

8 COUNCILMAN KENNEY: One of the
9 many issues relevant to -- and this has
10 got nothing to do with what we're talking
11 about today or about anything you're --
12 the government's done here -- is that the
13 specter of gaming has always delayed,
14 because of option after option after
15 option, that was purchased by casino
16 companies, has really retarded the
17 development along the waterfront in many
18 large parcels.

19 My question is more kind of
20 generic. If a lot of these properties
21 have been owned for a long period of time
22 and they've not been developed, would not
23 something different or a different
24 approach, despite all of the legal
25 concerns and monetary issues, just

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 overall approach, wouldn't something
3 different perhaps spur development that's
4 not happened in 12 to 20 years?

5 MR. SKLAROFF: The development
6 is driven by the cost of money and the
7 demand for use.

8 COUNCILMAN KENNEY: But
9 apparently --

10 MR. SKLAROFF: That's what it
11 is. I will tell you --

12 COUNCILMAN KENNEY: But between
13 12 and 20 years, there's been no driving
14 of anything.

15 MR. SKLAROFF: Well, some of
16 them have developed. I mean --

17 COUNCILMAN KENNEY: No, I'm
18 saying the ones that have not been
19 developed, the ones that are owned
20 between 12 and 20 years, who have not
21 developed, at some point in time, does
22 that ability to sit on that property and
23 not develop it go on forever? Is that
24 something that's in the public interest,
25 that for the next 10, 12, 20 years, I

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 just don't have a project I really like
3 and the money's not been right, and I
4 just think don't think I want to -- I
5 mean, I'm going to sit and keep it fallow
6 forever.

7 MR. SKLAROFF: Well, you might
8 own a house that you don't sell, that you
9 own. I mean, this is fundamental, the
10 right to own property.

11 COUNCILMAN KENNEY: But do you
12 believe that the location of the property
13 has a public benefit or detriment
14 overall? It's not a house on Mifflin
15 Street, where, if I can't sell it, the
16 other properties around me on Mifflin
17 Street are not going to necessarily
18 suffer.

19 The issue is, if you're sitting
20 on 40 -- 20 acres, 30 acres, 40 acres of
21 land for 12 to 20 years that's not been
22 developed, is that in the best public
23 interest, even though you have private
24 property rights? It is -- it does have
25 an effect on the overall development and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 progress of a city.

3 MR. SKLAROFF: People who own
4 land, okay, because of the dynamics of
5 the world, want to develop it, and if
6 there were a market -- a stronger market
7 in Philadelphia, and if there were more
8 transparency and predictability,
9 more-this land would all be developed.

10 And I will tell you, let's not
11 pit the good ideas that are in the
12 Planning Commission's mind against the
13 developers because many of these
14 developers --

15 For example, let me talk about
16 Trump Tower, which became very
17 controversial, which wasn't built because
18 of the market. And in that Trump Tower,
19 there was negotiations with the
20 community. It was a green building, it
21 was going to bring people to the City,
22 there was waterfront access, there was a
23 tot lot at the end of it, there were four
24 spaces for Car Share. That developer
25 wanted to do a development that was a

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 terrific development. And it was because
3 of the delay in the process, the market
4 shifted, and we don't have that
5 development. That developer wanted to go
6 ahead.

7 COUNCILMAN KENNEY: And I agree
8 with you and I'm going to go to
9 Councilman DiCicco in a second.

10 But I agree with you: The
11 market has changed everything.

12 MR. SKLAROFF: Yes.

13 COUNCILMAN KENNEY: Now, prior
14 to the market changing so drastically,
15 there wasn't any movement then, either.

16 MR. SKLAROFF: Well --

17 COUNCILMAN KENNEY: And my only
18 point is, while I recognize the
19 importance of landownership and private
20 ownership, when that land is in a
21 location that can detrimentally affect
22 the development of the City, it's in a
23 different category for me.

24 MR. SKLAROFF: The land isn't
25 detrimentally affecting anything.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN KENNEY: It's doing
3 nothing for anyone.

4 MR. SKLAROFF: Yes, because it
5 can't be developed.

6 Some of these people, by the
7 way -- and I don't want to say that
8 there's a lot of land that's been fallow.
9 This Pier 3 and 5 is developed for
10 condominiums, okay?

11 COUNCILMAN KENNEY: Right.

12 MR. SKLAROFF: Pier 25, they
13 want to develop, some of the same people,
14 okay? Dockside has one development, and
15 they would like to develop another.
16 There are other piers they would like to
17 develop.

18 These people are looking to
19 develop, and they're looking to the
20 develop in sensitive, sustainable ways.

21 COUNCILMAN KENNEY: Okay.
22 Councilman DiCicco.

23 COUNCILMAN DiCICCO: Thank you.
24 You mentioned transparency and
25 predictability as one of the reasons why

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development may not have occurred; did
3 you not say that in response to
4 Councilman Kenney's question?

5 MR. SKLAROFF: Yes.

6 COUNCILMAN DiCICCO: Doesn't a
7 plan, a vision, an understanding of what
8 the City would like to see its waterfront
9 look like remove some of that
10 uncertainty?

11 Because you mentioned the Trump
12 Tower. And then the negotiations between
13 the community in getting what they
14 thought was important delayed the process
15 to the point where the market changed and
16 the project was not built.

17 If it were done on the front
18 end, if the answers to all of those
19 questions and concerns of the community
20 had been recognized when the project was
21 first being proposed, wouldn't that --
22 could not that have shortened the time
23 period to get the approval, and possibly
24 it would have been constructed?

25 MR. SKLAROFF: That particular

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 case is a little different because there
3 was a waterfront property --

4 COUNCILMAN DiCICCO: Well, you
5 raised it; that's why I'm --

6 MR. SKLAROFF: No, no, no.
7 It's a little, but let me tell what you
8 should happen, all right?

9 COUNCILMAN DiCICCO: All right.

10 MR. SKLAROFF: If there are
11 standards that should guide it and a
12 plan, when we get a plan that should
13 guide development, here's how it happens
14 under the Charter, all right? You have a
15 plan and you have all of the good idea
16 and the good minds that you can get, and
17 you can get a plan, all right?

18 And then the Planning
19 Commission presents an ordinance to City
20 Council, and all those values are put in
21 an ordinance which is clear, all right?
22 And where the standards are in the
23 ordinance.

24 And then a developer comes in.
25 And a lender knows that it doesn't depend

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 on the whim of the committee; it depends
3 on what City Council has put in the
4 ordinance. And let me give you the best
5 example.

6 The best ordinance we have in
7 the City of Philadelphia today is the
8 Center City Zoning Ordinance, which, some
9 of you will remember, that was passed on
10 October 31, 1991. It created all of this
11 civic vision at the time, civic values
12 for dense development, which gave you the
13 ground rules. So that under that, you
14 could -- without negotiating with the
15 Zoning Board, you could go and build a
16 terrific development as of right.

17 Now what developments were
18 built under that? Comcast Tower, with
19 all kinds of public benefits. The Cira
20 Center. To a certain extent, the
21 Residence at the Ritz, although it did
22 need a variance for a couple of more
23 floors. That's the way it should go.

24 But when you send this for
25 subjective review, not based upon

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Council's rules, but the Planning
3 Commission's subjective review -- and
4 I've been on the Historic Commission;
5 I'll tell what you subjective review is.
6 It's not fun for anybody. But if Council
7 sets the rules, and it's clear, we can
8 bring development and investment and
9 people in the City who are willing to
10 risk their money.

11 The biggest problem the
12 Development Workshop has with this
13 ordinance is that it depends on the
14 subjective review of the Planning
15 Commission. Put aside that there's no
16 authority under the City Charter. It is
17 so confusing, people don't know the rules
18 until they spend hundreds of thousands of
19 dollars on design plans so that the
20 Planning Commission can make the
21 decision.

22 The Planning Commission is not
23 equipped to make that decision, it's not
24 authorized under the Charter, and that
25 sends fear into the hearts of the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development community. We need to be
3 welcoming to capital and to development
4 in the City of Philadelphia. That's one
5 of the major problems with this bill.

6 MR. SCHELTER: Can I expand a
7 little bit on what Michael said?

8 I think one of the questions --
9 or answers to your question, Councilman
10 DiCicco, deals with the notion that if
11 the plan were done now, I don't think the
12 three of us would be sitting here,
13 because we'd have some sense of
14 standards.

15 You questioned whether or not
16 having a vision was a good thing to have.
17 Well, having a vision may be a fine thing
18 from an urban design point of view, but a
19 plan is something that would look at:

20 How do you fund it?

21 Does the City have the capacity
22 to do it?

23 If the City was going to take
24 property and then they were going to
25 create a walkway trail, when would they

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 do it?

3 All those questions would deal
4 the way we used to deal in urban renewal,
5 where you knew you either had city money
6 or federal money, state money for site
7 improvements, things like that.

8 We don't know any of that
9 today. So as such, as you and Councilman
10 Kenney went through on the Penn's Landing
11 project was a set of controls. We stated
12 what we wanted, and we also knew that we
13 were going to come up short, and we had
14 to come up with major public subsidies in
15 order to make the vision work.

16 And I don't think we have any
17 sense today of what it would take except
18 to know, by example, looking at other
19 cities -- New York, Boston, Providence --
20 where they've done this, the kinds of
21 costs that are involved. So we just
22 think they got the cart before the horse.

23 And if you were to take the 15
24 months that Alan Greenberger mentioned to
25 do the plan and then let that then be the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 basis, I think you have both a design
3 vision and a sense of reality in terms of
4 how you would actually make it happen.

5 When I came to Philadelphia in
6 1968 to work for the City Planning
7 Commission, the first assignment I was
8 given was to figure out the funding in
9 the Capital Budget for Schuylkill River
10 Park. It took over 35 years to get all
11 of the pieces together, Councilwoman
12 Verna remembers, to get that piece done.

13 And all we're saying is,
14 let's -- we have to look at these
15 developments in terms of the strength of
16 the market as they come on and what a
17 developer can do at a given point in
18 time.

19 The project of Waterfront
20 Square is one which is a good example.
21 Only two of the five towers have been
22 built on that --

23 COUNCILMAN DiCICCO: Three.

24 MR. SCHELTER: Well, the third
25 one, I guess, is under --

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN DiCICCO: Three.

3 MR. SCHELTER: Three towers are
4 done. There are still two more. And at
5 that point, there will be sufficient
6 magnitude of residents there to build the
7 retail along Penn Street.

8 Now, if you were to go with
9 a -- with the way the controls are
10 suggested in this ordinance, you would
11 have to do the retail upfront, when
12 there's not the market to do it.

13 And I think these are the kinds
14 of things that we've been involved with
15 on various projects where that
16 development reality hasn't been brought
17 to bear.

18 And, you know, I'd also state,
19 I'm a steering committee member of the
20 Design Advocacy Group, along with Jim
21 Kerner, who testified, and we had big
22 debates within the steering committee,
23 you know, in terms of what we did and
24 didn't support. And I would say while,
25 conceptually we all agreed that it would

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 be great to have this recreational trail
3 along the river, the sense of what the
4 scale of that varied dramatically because
5 we know situations where it's worked
6 extremely well at 12 feet, where it's
7 worked at 25 feet. I personally think at
8 a hundred feet, at the width of Broad
9 Street, is extremely excessive.

10 So that this debate has been
11 going on. And yet, when you codify this
12 as law, the notion that this is a
13 temporary agreement, if the Planning
14 Commission finds that they can't come up
15 with a plan in 18 months, if they find
16 that the sources of funding aren't there,
17 this stays as the effect of law in an
18 ongoing manner.

19 So this could go a year-and-
20 a-half, it could go five years, it could
21 go seven years if the economy doesn't
22 turn around. And in the meantime, when
23 we're trying to bring investment capital
24 in from outside the City, how do you do
25 that? because we can't proffer to outside

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 investment that there's a clear way you
3 can go.

4 COUNCILMAN DiCICCO: I'll try
5 to remember some of the things I wanted
6 to ask you based on your statement.

7 But at the tail-end, if the
8 economy doesn't turn around, would you
9 agree that there's not going to be any
10 investment anyway, for the most part? I
11 mean, Mr. Sklaroff talks about projects
12 that people want to build. I have dozens
13 of them in my district, but none of them
14 have begun because of the state of the
15 economy. The lending institutions aren't
16 there.

17 So are you suggesting that we
18 just leave everything as is for the next
19 year, two years, or whatever, and try to
20 figure out what that plan would be?

21 But if something does change
22 between now and the time we have the
23 plan, things will be built in a manner in
24 which they have been built, although only
25 a few of them have been built, and don't

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 we miss this opportunity to create an
3 environment which would make it more
4 attractive? Now, I see you're shaking
5 your head.

6 MR. SKLAROFF: (Indiscernible.)

7 COUNCILMAN DiCICCO: But, you
8 know, you may be right and I may be wrong
9 --

10 MR. SCHELTER: (Indiscernible.)

11 COUNCILMAN DiCICCO: -- I'm
12 just curious that does not the
13 environment -- if the environment were to
14 change and we allow the status quo to be
15 in place, don't we lose that opportunity?

16 Because in the time of a
17 crisis, when there is no development, I
18 think that's kind of like the blackboard
19 is clear, let's try to figure out what
20 we'd like to see going forward, because
21 we have an opportunity, unfortunately,
22 because the development community isn't
23 developing because it's not -- they can't
24 get the financing. And shouldn't this be
25 the time we should be working on those

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 future plans?

3 MR. SCHELTER: Let me give you
4 an example. Currently I'm involved with
5 a development team that's trying to move
6 a project at 2116 Chestnut Street. It's
7 an outside developer from Chicago,
8 probably one of a handful of developers
9 that you'd want to bring into this city
10 at this time. They -- on this particular
11 site, they do happen to have the
12 financing.

13 And they have been extensively
14 involved with the community, with the
15 City Planning Commission. They started
16 out their process with the Planning
17 Commission, and they're going to have to
18 go the Zoning Board. And these things
19 are all happening in a methodical kind of
20 way.

21 I think the thing that's
22 different now is, when Mayor Nutter came
23 in, he said all these things are going to
24 start with the Planning Commission. So
25 there's been a planning input. You're

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 staying with the process of going to the
3 Zoning Board, where the Zoning Board is
4 giving serious consideration to that, and
5 the process can continue.

6 As opposed to, if someone were
7 to come in today from outside -- New
8 York, Boston, whoever -- you couldn't
9 guide them through what, in fact, they
10 can get approved. And if, for some
11 reason, someone didn't like what they
12 were proposing, you would have to wait 6
13 months plus 75 days before could you get
14 an answer.

15 Now, maybe the Planning
16 Commission would speed up the process,
17 but you don't know that, and it sends an
18 uncertain message.

19 So here's a case where a
20 developer's coming in, spending a lot of
21 money to move a project go forward
22 because they believe they can go forward
23 even in this economy. And that's the
24 kind of thing that we want to be --

25 COUNCILMAN DiCICCO: Well,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 hasn't it been a problem for us with

3 developers who want to come into a

4 community, have a project proposed.

5 Community groups -- and I'm not

6 discounting their importance, 'cause

7 without them, I don't think we'd have a

8 city.

9 But community groups engage in

10 a process that ultimately slows that

11 process down in 90 percent of the cases

12 that I have, causing the developer

13 excessive amounts of dollars because the

14 project is not moving along as quickly as

15 he or she would like it to.

16 I'm not trying to get community

17 groups out of this process. I'm trying

18 to give a sense for developers coming in

19 to have an idea as to what would be

20 expected of them and the type of

21 development that would be acceptable to

22 both the communities, 'cause their part

23 of this plan, this public process that

24 we've gone through for a couple of years.

25 Doesn't it save you time, which

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 ultimately translates into saving money
3 for the developer, knowing on the front
4 end as opposed to the back end?

5 And adjustments could always be
6 made. I mean, even in those areas where
7 I have height restrictions in Old City,
8 two developers came after we put the
9 limitation, and they proposed buildings
10 that were in excess of 65-foot height and
11 were approved.

12 So it's -- as much as we want
13 it to be in stone, it's not. But I think
14 it's a plan, it's a model of what we'd
15 like to see it built. And I think -- and
16 I could be wrong, and I said this from
17 Day One, as early as that 8 o'clock
18 meeting at Penn's Landing three years
19 ago, when I called all the developers and
20 all you guys in, doesn't it make sense
21 for people to know ahead of time what
22 some of the expectations are and not to
23 come up with a plan, having spent a lot
24 of money, and then, boom, a community
25 group says, You know? What we don't like

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the color of the bricks.

3 MR. SKLAROFF: Yeah.

4 COUNCILMAN DICICCO: Or this

5 doesn't have what we like, too much

6 glass, not enough glass. And we engage

7 in that dialogue for many months.

8 MR. SKLAROFF: Absolutely. And

9 there's a way to do that. And the model

10 is the 1991 plan for Center City, which

11 has civic values in the standards, and

12 you know what's expected.

13 COUNCILMAN DiCICCO: Is this

14 that far away from that?

15 MR. SKLAROFF: Yes, because

16 what you've done is, instead of

17 putting -- instead of City Council

18 controlling the rules, it goes to the

19 Planning Commission to make it up as they

20 go along on standards that they haven't

21 promulgated on value judgments.

22 And if you've ever been before

23 the Art Commission, God bless them, or

24 even the Historic Commission, when we get

25 beyond our historic roles -- I should say

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 "their," no longer "our." When you get
3 into esthetics and when you get into
4 scope and being harmonious and so forth,
5 that's the wrong way.

6 The best way is the way the
7 Charter has it. Be clear. Don't put a
8 of 65-foot height limitation unless you
9 need it, okay?

10 And I think it is really the
11 domain of the City Council to set the
12 rules. And when you delegate it to the
13 Planning Commission, it not only violates
14 the Charter, but it makes it opaque and
15 difficult for outside investment.

16 COUNCILMAN DiCICCO: I just
17 want to finish up.

18 Based on your comments and your
19 letter -- and I could be reading it
20 wrong -- it almost sounds like you're
21 gearing up for a lawsuit, which I would
22 be disappointed in, if that's where
23 you're going, and we don't know what a
24 judge would do, obviously.

25 But wouldn't that almost act

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 like a moratorium?

3 MR. SKLAROFF: Councilman, let
4 me say this: We're not gearing up for
5 anything.

6 COUNCILMAN DiCICCO: Okay.

7 MR. SKLAROFF: We're asking
8 Council and the Law Department to take a
9 serious look at these issues; that's what
10 we're doing. It will be to individual
11 landowners what their response is.

12 But it is to point out
13 important issues that we hope the Law
14 Department is taking seriously.

15 Mr. Lombardo wants to say a
16 word.

17 COUNCILMAN DiCICCO: Yeah, but
18 just for the record, there are a number
19 of developers who have looked at this
20 and, in the last 48 hours, have said that
21 they agree and think that this is
22 actually a good plan. So it's not one
23 hundred percent opposition.

24 MR. SKLAROFF: We never said it
25 was --

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN DiCICCO: No, no,
3 I'm not saying you are, but I want the
4 record to reflect that there are
5 developers who have looked at it, had
6 their input, and I may ask Mr. Abernathy
7 to come up and say a few words, if he'd
8 like, to address some of the issues that
9 have been raised, because he's done all
10 of the heavy lifting on the legislation.

11 MR. SKLAROFF: So he has. But,
12 again, the purpose of the letter was to
13 point out issues that we sincerely
14 believe, having thought it out, are five
15 major defects in the law.

16 MR. LOMBARDO: Excuse me. I
17 suppose you're wondering why I'm here,
18 and I'll tell you very brief.

19 Rich Lombardo.

20 COUNCILMAN DiCICCO: You have a
21 new job.

22 MR. LOMBARDO: I have a new
23 job. I'm still a planner.

24 And, first of all, I do want to
25 say (indiscernible) I really appreciate

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the difficulty in trying to do an
3 ordinance where you have so many moving
4 parts and the moving parts go right up to
5 the day of the hearing.

6 But I just wanted to address
7 the reason why I feel that this ordinance
8 is not ready for prime time, and it's the
9 unforeseen consequences. In paragraph
10 12, all commercially zoned properties
11 have to go to the Planning Commission.

12 That means if, tomorrow, you
13 own 25-by-90 feet, three blocks, one
14 block east of Christopher Columbus
15 Boulevard, you're zoned commercial, you
16 can't do anything with that property
17 without going to the Planning Commission
18 to get a plan approved.

19 And that means this whole
20 waiting period of time: The six months
21 for the Planning Commission to develop
22 guidelines, the 75 days to review your
23 plan.

24 COUNCILMAN DiCICCO: Not to
25 interrupt, but that has been changed.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. LOMBARDO: Well, I have
3 what's purported to be the latest copy --

4 COUNCILMAN DICICCO: Maybe the
5 --

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

8 MR. LOMBARDO: Again, that's
9 the moving parts I'm talking about, the
10 moving parts keep on being moving parts.

11 COUNCILMAN DICICCO: Well, that
12 happens. I mean, you know.

13 (Indiscernible; parties talking
14 over each other.)

15 MR. LOMBARDO: And I'm not
16 criticizing. I'm just saying that's the
17 problem with --

18 COUNCILMAN DICICCO: Right.

19 MR. LOMBARDO: It's always
20 moving parts. And I just wanted to
21 address that one little un -- what I
22 think is an unforeseen consequence.
23 We're all looking at the big sites along
24 the riverfront and the trail and all that
25 type of thing but we're forgetting about

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 this area that covers something bigger
3 than Center City. It covers I-95 over to
4 the river, Oregon Avenue to Allegheny
5 Avenue, and there could be -- and there
6 seem to be unforeseen consequences the
7 way it was moving. That's all I wanted
8 to say.

9 COUNCILMAN DiCICCO: I just
10 would like to go back to one thing I was
11 just thinking about.

12 Earlier, Mr. Sklaroff, you
13 talked about development that has
14 occurred, we talked about Dockside, we
15 talked about the hotel, I think Dave &
16 Buster's and Wal-Mart and Home Depot.

17 I agree that many people who go
18 to Home Depot and Wal-Mart added jobs to
19 the community and all, but if we had to
20 do it again, and Wal-Mart and Home Depot
21 were not there, would you not agree that
22 they would not be in a master plan? They
23 are not the highest and best use for that
24 location.

25 MR. SKLAROFF: Let's --

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN DICICCO: Don't you
3 think we could have maybe placed it
4 further south, down by Ikea or --

5 MR. SKLAROFF: No, absolutely
6 no. And let me tell you why.

7 COUNCILMAN DICICCO: Well,
8 you're the only person that I've talked
9 to who thinks that.

10 MR. SKLAROFF: Well, let me
11 tell you why. It was the (indiscernible)
12 site, okay? It was the only thing that
13 could be put there.

14 COUNCILMAN DICICCO: But what
15 happened to the master plan of 1982; was
16 that a part of that plan? Would that
17 have been permitted?

18 Because the environment in
19 1982, along the waterfront, was totally
20 different, the landscape then, than what
21 it is today.

22 (Indiscernible; parties talking
23 over each other.)

24 COUNCILMAN DICICCO: We were
25 still (indiscernible) industry there.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. SKLAROFF: Remember, this
3 is the way it happened. It was to create
4 jobs, okay? To keep taxes in the City
5 and to provide -- to provide convenient
6 shopping.

7 COUNCILMAN DiCICCO: To keep
8 Philadelphians from shopping in
9 Washington Township, to stay in
10 Philadelphia.

11 MR. SKLAROFF: Right, it was
12 the same thing that we did -- and Council
13 President will remember -- at the
14 Quartermaster site, all right? There was
15 a site, the former Quartermaster site was
16 terribly polluted, it was being
17 remediated, and it's a -- a Home Depot.

18 COUNCILMAN DiCICCO: Isn't that
19 apples to oranges?

20 COUNCILMAN KENNEY: It's not on
21 the waterfront.

22 COUNCILMAN DiCICCO: You've got
23 an industrial site sitting out close to
24 some residential communities, close to
25 major highways. We're talking about the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 waterfront, whose purpose is not what it
3 was 20 years ago.

4 And maybe at the time -- and I
5 said this during the casino hearings --
6 15, 20 years ago, I probably, if I was
7 here, I might have thought Wal-Mart and
8 Home Depot was a good idea because there
9 was nothing else there. And, yes, for
10 the purpose of creating jobs and keeping
11 tax revenues here.

12 But if I had the opportunity
13 today, I would not be supportive of a
14 Wal-mart or a Home Depot at that
15 location.

16 MR. SKLAROFF: That may be so.
17 But remember, 1993, this came to City
18 Council. I was at the hearing.

19 COUNCILMAN DiCICCO: I wasn't
20 here yet.

21 MR. SKLAROFF: Okay, all right.

22 COUNCILMAN KENNEY: I was.

23 MR. SKLAROFF: But I -- we came
24 to City Council, and it was controversial
25 because Wendell Young III was not happy

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 with this, all right?

3 It came to Council and Council
4 did the right thing. You rezoned it to
5 commercial, which was certainly
6 consistent with the sense at the time.

7 It's hypothetical whether you
8 would do it today, but it does -- real
9 people shop there.

10 COUNCILMAN DiCICCO: And I just
11 want to -- if I may finish.

12 For the record, you mentioned
13 earlier that you thought that -- and
14 paraphrasing some legal problems with
15 this as it relates to the Charter, it may
16 not be legal what we're trying to do?

17 MR. SKLAROFF: I sent a letter
18 with a copy to you, Councilman.

19 COUNCILMAN DiCICCO: Right.
20 The Law Department disagrees. They think
21 it's legal. So I just want that to be
22 for the record. I'm not saying you're
23 right and they're wrong or vice-versa.
24 But I just want that as part of the
25 record that we have talked to them, and

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 they believe that it has legal standing.

3 MR. SKLAROFF: Well,

4 Councilman, you will be guided by the Law

5 Department. I would hope that the

6 Council would ask for a written analysis

7 because these are important issues.

8 COUNCILMAN DICICCO: So be it.

9 Thank you.

10 COUNCIL PRESIDENT VERNA: Thank

11 you.

12 COUNCILMAN DiCICCO: And Madam

13 Chair, if there are any questions,

14 Mr. Lombardo brought up some things that

15 could be answered, would be able to be

16 answered by Mr. Abernathy; he's available

17 to respond to those questions.

18 COUNCIL PRESIDENT VERNA:

19 Mr. Lombardo, did you want Mr. Abanathy

20 to --

21 COUNCILMAN KENNEY: While he --

22 I just want to say one thing before he

23 comes up, 'cause I'll be done after this.

24 First of all, on the issue of

25 Wal-Mart, Home Depot, there was another

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 element to that discussion, and that was
3 the ability to swap land for industrial
4 port use. It was a paper operation that
5 was getting land, and it was kind of a
6 land swap. In addition to saving or
7 keeping the jobs and tax ratables in the
8 City, there was a port industrial use
9 that was a component of that whole
10 discussion.

11 MR. SKLAROFF: It may well have
12 been. I don't remember, Councilman.

13 COUNCILMAN KENNEY: The only
14 thing I could say to you -- I mean, I've
15 been in politics for more than 30 years,
16 I've sat on Penn's Landing Corporation in
17 one form or another for over 25, and the
18 only thing I could tell you I know: With
19 the exception of two or three, maybe four
20 accident developments, it's very
21 disappointing what's happened or not
22 happened in the last quarter century, and
23 I'm willing and ready to make somewhat of
24 a leap of faith --

25 (Applause.)

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCILMAN KENNEY: Willing to
3 make somewhat of a leap of faith. And I
4 grant it, it's a leap of faith, 'cause
5 there are moving parts, and there are
6 potential bad results.

7 But there's also so much upside
8 potential that I think we got to go in
9 some direction that's going to get a
10 waterfront that we're going to be proud
11 of and is usable and attractive and a
12 national kind of icon for development.

13 And I know you have the same
14 goal.

15 MR. SKLAROFF: Absolutely.

16 COUNCILMAN KENNEY: But I can
17 tell from you experience, over the last
18 25 or 30 years, we haven't gotten there
19 under the current system and set of
20 rules.

21 So I think at this point, it
22 may be time to take that leap of faith
23 and go in another direction.

24 MR. SKLAROFF: And if you
25 believe that, I would just add one other

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 thing: Plan it, plot it, and price it.

3 COUNCILMAN KENNEY: Okay.

4 MR. SKLAROFF: Because it would
5 be unfair to everybody, everybody
6 involved, if we're going to -- if the
7 plans are pie in the sky. And the heavy
8 lifting is normally done by the Planning
9 Commission and it hasn't been done here
10 yet.

11 COUNCILMAN KENNEY: But under
12 our current rules, every iteration of
13 waterfront development that I've
14 experienced was pie in the sky too, from
15 the Crystal Pavilion to the -- thank God
16 we didn't do the Simon project. Thank
17 God every day that didn't happen.

18 And every other iteration
19 between the Crystal Pavilion and then was
20 all generated and conducted under the
21 current rules, and none of that happened
22 either.

23 So I know there are other
24 elements as to why it didn't happen, but
25 we need to go, I believe, in a different

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 direction because the other stuff has not
3 worked.

4 MR. SCHELTER: Councilman --

5 COUNCILMAN KENNEY: And I was
6 there.

7 MR. SCHELTER: -- I guess the
8 question is, if you were advising a
9 landowner, what would you say to the fact
10 that there are still blanks in this
11 legislation? I mean, if someone said to
12 me, Well what is my waterfront setback?
13 what percentage of my land? I couldn't
14 begin to tell him.

15 They can't price it, they can't
16 look at the soil conditions, they can't
17 --

18 COUNCILMAN DiCICCO: It will be
19 filled in by the end of this year.

20 MR. SCHELTER: Thank you.

21 COUNCIL PRESIDENT VERNA:

22 Mr. Lombardo, did you want Mr. Abernathy
23 to address your concerns?

24 MR. LOMBARDO: No. I was just
25 going with the copy I got at 4:30 on

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Monday. If it was changed again, I
3 wasn't aware of those changes. So I was
4 testifying from the copy I was provided
5 at 4:30 Monday.

6 COUNCIL PRESIDENT VERNA:

7 Mr. Abernathy, has that been changed
8 since Friday?

9 MR. SKLAROFF: We received it
10 Monday, June 1, at 5:20 p.m.

11 (Mr. Abernathy confers with
12 panel members off the record.)

13 MR. SKLAROFF: Well, I think
14 there ought to be -- it ought to be
15 stated on the record. I think this may
16 be an important point.

17 COUNCILMAN DiCICCO: Brian?

18 MR. ABERNATHY: Sure. All
19 right.

20 From my understanding of the
21 question, it was that -- and this was an
22 issue in previous drafts, is that because
23 of the requirement for the Planning
24 Commission to develop regulations for
25 plan of development, that prior to the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development of those regulations, you
3 have an ad hoc moratorium for development
4 along the waterfront.

5 We adjusted that by clearly
6 stating -- by actually changing one word,
7 which was prior to implementing the
8 provisions of this section, which related
9 to the entire waterfront overlay, to this
10 Subsection 12, by relating it to the
11 specific paragraph, no longer will a POD
12 be needed -- a POD will not be required
13 until those regulations are adopted.
14 Therefore, the moratorium issue has been
15 resolved.

16 Did I understand the concern
17 correctly, Rich?

18 MR. LOMBARDO: (Nods head.)

19 MR. SKLAROFF: It would be
20 helpful to see this in writing.

21 MR. ABERNATHY: It's actually
22 in your draft too, Michael.

23 MR. SKLAROFF: Where?

24 MR. ABERNATHY: It's right here
25 (indicating).

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. SKLAROFF: So

3 Mr. Abernathy, what you're saying is that
4 understanding is that now we don't have a
5 six-month moratorium, that during the
6 six-month period, a landowner will be
7 able to proceed under the existing
8 zoning, which is under the 1982 plan; is
9 that correct?

10 MR. ABERNATHY: That's not
11 wholly accurate.

12 The property owner will not be
13 required to submit a plan of development.
14 However, they will be required to adhere
15 to the -- the property owner will not be
16 required to submit a plan of development
17 in order to pull zoning permits.

18 However, they will be required to adhere
19 to the other provisions of the bill; for
20 example, a waterfront setback.

21 MR. SKLAROFF: And also, they
22 would have to agree to the trail, without
23 design guidelines, under a POD?

24 MR. ABERNATHY: They have an
25 opportunity to dedicate the recreational

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 trail to the City, or they must build the
3 recreational trail and accept that
4 liability to the guidelines that are
5 actually contained within the legislation
6 as a condition of their zoning permit.

7 MR. SKLAROFF: Well, it's worth
8 thinking about, but I think the confusion
9 is going to put us way back into the
10 original moratorium, but -- well, we
11 haven't understood it the way Brian is
12 explaining it, and we'll take a look at
13 it.

14 COUNCIL PRESIDENT VERNA: Thank
15 you very much. Gentlemen, thank you.

16 Our next witnesses?

17 MR. SKLAROFF: Thank you very
18 much, Madam President.

19 MR. ERICSON: Dr. James Plumb,
20 Patrick Star, Larry Silver.

21 (Witnesses come forward.)

22 MR. STARR: Council President
23 Verna, I have been informed by others
24 that Mr. Plumb is not in the room.

25 COUNCIL PRESIDENT VERNA: Good

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 afternoon. Please identify yourself for
3 the record and proceed with your
4 testimony.

5 MR. STARR: Good afternoon. My
6 name is Patrick Starr, and I'm Senior
7 Vice President of the Pennsylvania
8 Environmental Council, which is a
9 statewide environmental organization, and
10 I lead the regional office. And my
11 greetings to all of you this afternoon,
12 after this long and lengthy hearing, and
13 thank you for hosting this discussing.

14 I'm here this morning because
15 I'm personally and professionally
16 involved with the redevelopment of the
17 Delaware Riverfront for more than a
18 decade, beginning with the focus on the
19 transformation of the Delaware River
20 north of Allegheny Avenue, which has been
21 referenced here, and I'm going to comment
22 on that today.

23 From Day One, my organization's
24 interest included the entirety of
25 Philadelphia's riverfront, and I thought

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 I would mention that in addition to
3 working on implementing the North
4 Delaware greenway, which is both a major
5 city park and the alignment for the East
6 Coast Greenway Trail through
7 Philadelphia, we're also involved with
8 promoting recreational use of the river.
9 You might be surprised to learn that
10 we're promoting fishing and kayaking and
11 sailing and other types of activities on
12 the river.

13 We're also involved in
14 restoring habitat and natural function of
15 the river, and through our strategic
16 partnership with the Water Department,
17 working to improve water quality.

18 So I support the zoning overlay
19 because it reflects the civic vision
20 developed by the citizens of this great
21 city, and I commend Councilman DiCicco
22 for bringing it forth today.

23 I believe it is critically
24 important to express our expectations for
25 a generous and attractive riverfront

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 greenway in explicit public policy; i.e.,
3 zoning. And our objective today, I
4 think, is modest: Do no harm.

5 I urge that the setback be 100
6 feet, I think, recognizing that no more
7 than 20 percent of a particular parcel
8 should be impacted. If takings is a
9 concern, any property owner should be
10 able to seek relief from economic
11 hardship.

12 And, in fact, I invited my
13 colleague here, Larry Silver, to comment
14 on this, in part because of a discussion
15 with my friend Craig Schelter about
16 concerns about this very topic of
17 economic hardship.

18 I would also like to introduce
19 this afternoon the concept of givings.
20 We've heard a lot about takings. There's
21 a less well development concept called
22 givings, which has to do with public
23 investment in infrastructure raising
24 property values. It's a very traditional
25 use of zoning that we protect property

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 owners' interests, and I think that this
3 bill is a fine example of doing exactly
4 that.

5 I want to share just a couple
6 of observations from the North Delaware
7 greenway project that I think are very
8 important here. We too had a vision. We
9 developed a greenway master plan. It was
10 accepted by the Planning Commission. And
11 with Councilman Joan Krajewski's
12 unwavering support, our project has moved
13 forward.

14 But our master plan called for
15 a continuous greenway, a vision that was
16 not reflected in zoning, which has
17 impeded our effort; hence, this committee
18 today considered a bill to advance a
19 50-foot setback on the North Delaware.
20 We needed it three years ago.

21 An optional zoning district was
22 created, called the Waterfront
23 Redevelopment Zone, prepared by staff at
24 the Planning Commission and introduced by
25 Councilwoman Krajewski. It was helpful

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 but imperfect. It was optional. It
3 applied only to parcels that met certain
4 conditions.

5 As a planned urban development-
6 type zoning, it allowed latitude for the
7 planning commissioner and developer.

8 However, a review that I commissioned by
9 the Design Advocacy Group, you heard from
10 Tim Kerner earlier, indicated that those
11 plans, as approved, were very deficient.

12 They did not create connecting
13 streets for public access, as this bill
14 would mandate. They did not -- the plans
15 did not clearly indicate public
16 improvements that were promised. And the
17 upshot was, developers were greatly
18 enriched by the approval of entitlement
19 on development sites without any real
20 public development clearly ever
21 resulting. Those developers are now busy
22 flipping the sites, or attempting to, and
23 will be greatly enriched by the approval
24 they were given.

25 This zoning overlay also

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 regulates use in building relationship to
3 the street. I endorse that. It is
4 important to rebuild Philadelphia
5 neighborhoods back to the river. The
6 quality of that neighborhood should be a
7 contemporary extension of the urban
8 fabric that we celebrate in neighborhoods
9 like South Philadelphia, Pennsport, and
10 Northern Liberties.

11 The big-box retail and speeding
12 traffic that currently characterize the
13 area we must get away from if we're to
14 regain the river.

15 In closing, thank you,
16 Councilman DiCicco -- he knows I also am
17 a resident of his district -- for
18 bringing forth this bill today.

19 The greenway shouldn't be
20 stingy. A minimum of 100 feet reflecting
21 both the majesty of the Delaware and the
22 inherent economic development that will
23 accrue to the property owners should be
24 held to the same high standard.

25 So, again, I think we need to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 think of this as a giving to property
3 owners, not just a taking.

4 And, lastly, I would just say I
5 wish that we would not be establishing
6 setbacks on the Delaware River by
7 Councilmatic District. I am concerned
8 about a 50-foot set back north of
9 Allegheny; I'll just leave that for you
10 to consider.

11 Thank you for to opportunity to
12 address you this morning -- or afternoon.

13 COUNCIL PRESIDENT VERNA: Thank
14 you very much.

15 Please identify yourself for
16 the record.

17 MR. SILVER: Thank you, Your
18 Honor. My name is Larry Silver. Good
19 afternoon. I'm an environmental zoning
20 and land-use attorney with Langston,
21 Stevens & Silver, in Center City.

22 I was asked by the Pennsylvania
23 Environmental Council, by Patrick, to
24 review the bill under consideration and
25 to provide my thoughts on zoning and land

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development issues.

3 I've also read the well
4 considered comments of Mike Sklaroff for
5 the Development Workshop in his May 28th
6 letter to City Solicitor Shelley Smith.

7 Just so you know, I commute to
8 work by bike most days, year round,
9 almost 20 miles roundtrip. I try to stay
10 off roads where possible such as on the
11 Schuylkill (indiscernible) trail. I am a
12 supporter of the East Coast Drainway
13 Trail and have helped to promote its
14 extension through Philadelphia.

15 When I'm riding on the streets
16 of Philadelphia, I do not have the word
17 "lawyer" stitched on the back of my
18 spandex -- safety first. And safety
19 first is my theme today. I want to talk
20 about the bill and make sure it gets
21 passed. And I have some concerns.

22 It seems apparent that the bill
23 may be challenged in court following
24 passage. I strongly suggest two changes
25 to the bill to make a legal challenge to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the bill less likely.

3 First, Section 6 of the bill
4 provides for the waterfront setback of a
5 a certain number of feet hopefully, a
6 hundred, or a minimum percentage,
7 hopefully 20, setback from the Delaware
8 River for placement of the recreational
9 trail.

10 The section provides for the
11 Commission -- that is, the PCPC, the City
12 Planning Commission, which shall consider
13 exceptions for a particular property.
14 The setback is determined by it to be
15 infeasible based upon objective standards
16 to be adopted by Commission regulations.

17 I think it's a mistake for the
18 bill to give the City Planning Commission
19 the power to grant such exceptions. I'll
20 be interested in seeing how the Law
21 Department has analyzed this issue.

22 My concern here is that the
23 contemplated exception is the equivalent
24 of a zoning variance. Anyone who gets an
25 exception to the setback, the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 hundred-foot setback, would be getting a
3 zoning variance.

4 Philadelphia's Home Rule

5 Charter provides that the Zoning Board of
6 Adjustment, the ZBA, shall herein decide
7 appeals and zoning matters and authorizes
8 variances if not contrary to the public
9 interest. This is a well-known standards
10 for hardship, and the case law is well
11 developed on this point.

12 The ZBA is the board empowered
13 by the Home Rule Charter to consider
14 variances and has the experience to
15 conduct contested hearings on hardship
16 with appropriate procedure, including
17 cross examination, rulings on evidence,
18 and et cetera.

19 So I ask you to protect the
20 bill by making it consistent with the
21 Home Rule Charter and provide that the
22 exceptions to the setback go to the ZBA
23 for consideration. I think that will
24 help insulate it from legal challenge.

25 And, again, I would be

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 interested in hearing what the Law
3 Department says about that issue. If
4 they've approved the bill as it's
5 written, they should have analysis that
6 indicates that the Planning Commission,
7 under the Charter, has that power.

8 I see no problem with the bill
9 in transferring that review authority to
10 the ZBA. I think the ZBA can do a good
11 job and protect the intent of the bill.

12 My second concern is a concern
13 raised by Mr. Sklaroff in Section 12 of
14 the bill. That provides the City
15 Planning Commission to consider plans of
16 development for most properties within
17 the Overlay District and approves such
18 plans only in its discretion if the plan
19 provides for development appropriate in
20 scale, density, character, and use in the
21 surrounding community.

22 Under the bill, the City
23 Planning Commission's decision is final
24 and appealable directly to Common Pleas
25 Court. Now, this is a process that's

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 been used in the City at (indiscernible)
3 Square and at the American Commerce
4 Center. There hasn't been a challenge
5 there; the developers agreed to the
6 process.

7 There is a concern about
8 whether that power can be delegated to
9 the Planning Commission. Certainly, the
10 Development Workshop has raised that
11 issue.

12 I think there's an easy fix for
13 that one, too. My suggestion is that the
14 Planning Commission still consider and
15 hold hearings on proposed plans of
16 development (indiscernible) after the
17 regulations are in place, but the
18 Commission should be tasked with making a
19 recommendation rather than a final
20 decision, and the recommendation would go
21 to City Council for ultimate approval or
22 disapproval. I ask you to consider that
23 fix as well.

24 Again, my intent here is to be
25 supportive of the bill but to try to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 insulate it from legal challenge. And,
3 again, if the Law Department has a
4 different view, I'd like to hear it.

5 Finally, the last comment I
6 have addresses the regulated access
7 provision of the bill. This is not a fix
8 in terms of legal challenge, but I think
9 it's an improvement. That's Section 8.

10 Section 8 provides that two or
11 more adjacent property owners may share
12 access via an easement agreement between
13 the parties. My concern here is that
14 this language is too open-ended and
15 subject to abuse. It is possible, if
16 this is awarded, for example, for ten
17 adjacent property owners to agree that
18 one access route on one of the properties
19 will be provided to satisfy the
20 requirement. There could be 20 or even
21 30 in theory.

22 The civic vision contemplates a
23 model access point to the recreational
24 trail on the river. Again, the fix here
25 is easy. The sentence should read "two

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 or more adjacent property owners may
3 share access via an easement agreement
4 between the parties so long as the
5 easement is along the boundary lines
6 between their adjacent properties." That
7 will limit the number of sharing to
8 common boundaries and increase the number
9 of access points to the river.

10 Thank you very much.

11 COUNCIL PRESIDENT VERNA: Thank
12 you very much.

13 MR. RUBIN: Good afternoon. My
14 name is Matt Rubin. I am the President
15 of the Northern Liberties Neighbors
16 Association, which is a proud member of
17 the Central Delaware Advocacy Group, and
18 I'm speaking on behalf of the NLNA today.

19 Thank you for the opportunity
20 to testify and thank you again to
21 Councilman DiCicco and Brian Abernathy
22 for working, I can tell you all, very
23 hard on this process and coming up with a
24 slate of amendments that I think is a
25 marked improvement over where we started,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 and so, thank you very much for that.

3 The NLNA supports Bill No.
4 090170 with the proposed amendments that
5 Councilman DiCicco and the Planning
6 Commission have been offering. We think
7 those amendments are absolutely crucial
8 to the success of the overlay.

9 I want to first address
10 something that I feel compelled to
11 clarify. The community I represent,
12 which is a member of CDAG, is perhaps the
13 fastest-growing community in
14 Philadelphia. We've added something like
15 2,000 residents in less than a decade.

16 We have 150 businesses. Those
17 business owners, many of them live in the
18 neighborhood, and every business is also
19 a member of our association. They create
20 jobs, they have helped redevelop the
21 City, they create wage taxes, they create
22 commercial and residential property
23 taxes.

24 I am available most any day at
25 this time of the year to take

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Mr. Sklaroff through my community so that
3 he can introduce himself to these
4 developing, tax base-creating,
5 revenue-creating members of my
6 association and community and can
7 apologize to each one of them for calling
8 them "elitists."

9 Secondly, I would like to say
10 that this bill is important to be passed
11 out and recommended out of committee now
12 for two related reasons. One is, it
13 provides safeguards and clear rules of
14 the road for future development, allowing
15 time for a proper master plan to be
16 created. And by laying down these
17 safeguards, ensuring that there will
18 still be parcels left to apply this
19 overlay to when -- and these rules too
20 when the master plan ultimately gets
21 related.

22 We don't want a rush to pull
23 zoning permits to try to beat the
24 implementation of land use regulation.
25 So by setting down an overlay now, we

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 help protect the riverfront from a for
3 rush permits while we are developing the
4 master plan. And I think that's really
5 what's at stake here today, and that's
6 why we're so much in favor of this
7 overlay.

8 The NLNA also advocates in the
9 strongest terms that the waterfront
10 setback in the bill be set with a formula
11 of 100 feet or no more than 20 percent of
12 the lot. Our own calculation, as part of
13 CDAG, has shown us that almost every
14 parcel in the overlay area accommodate a
15 hundred-foot setback, and the few that
16 cannot could easily accommodate a lower
17 20 percent setback alternative.

18 We feel this setback is
19 supplemented in the bill, with numerous
20 reasonable safeguards to protect property
21 rights and development prerogatives in
22 terms of how you count the size of a lot,
23 exclusion of riparian lands, exclusions
24 for existing piers, using the bulkhead
25 line, a number of safeguards that make

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 this a reasonable provision.

3 I am aware of no concrete
4 evidence that has been offered anywhere
5 that shows why another different formula
6 would be superior to this one. We feel
7 this setback formula is the distilled
8 essence of the civic vision and that
9 adopting it will validate the public
10 process that created the vision, and,
11 more importantly, will help create the
12 future waterfront that we all want to
13 see.

14 I won't address every objection
15 you've heard about what this bill might
16 or might not do.

17 I would just briefly say that
18 you've heard an objection that this bill
19 would institute spot-zoning. I think by
20 mandating objective guidelines, creating
21 a large seven-mile district, and paving
22 the way for a master plan, this bill is
23 the opposite of spot-zoning.

24 From a civic perspective, I can
25 say we are taking a risk but are,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 nevertheless, thrilled to be out of the
3 parcel-by-parcel zoning business and
4 giving months and months of volunteer
5 time to craft these things over and over
6 again.

7 So I think it's important to
8 note that communities are giving up a lot
9 of their prerogative and are doing so
10 willingly, precisely because this marks
11 an end to spot-zoning. And I would even
12 propose that this overlay is the
13 strongest tool we've ever had yet against
14 spot-zoning on the waterfront.

15 There's also been objections
16 that this bill would eliminate underlying
17 zoning on the parcels, and that is simply
18 not true; it would not eliminate or
19 vitiate the underlying zoning.

20 You also heard objections that
21 this bill could affect takings of private
22 property, and I think that it's important
23 to note that many of the underlying
24 zoning categories have open-space
25 requirements, and this setback would

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 contribute to that. So, in many cases,
3 it's simply saying if you're going to
4 conform to the underlying zoning for
5 opening area or open space, part of that
6 needs to be at the waterfront, which is a
7 principle that has really guided
8 successful waterfront redevelopment in
9 probably every city in American that's
10 done it successfully.

11 Finally, I would like to
12 conclude with an overarching principle
13 that I think has guided everyone in this
14 process who's been here in good faith,
15 which is: We cannot create the
16 waterfront we deserve if we fail to act
17 or if we act through half measures.

18 This bill should not contain
19 language or omit language because any
20 particular group or entity wants it that
21 way; rather, this bill should contain the
22 language necessary to produce the desired
23 result, no more and no less.

24 And that desired result is to
25 make the civic vision a reality through

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 functional, enjoyable, sustainable
3 waterfront, with meaningful public access
4 and a vibrant, well-planned mix-use area
5 that allows recreational, residential,
6 industrial, and commercial uses to
7 survive, thrive, and peacefully coexist.

8 Thank you very much.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 Are there any questions or
12 comments from members of the committee?

13 (No questions or comments.)

14 COUNCIL PRESIDENT VERNA: Thank
15 you, gentlemen.

16 MR. RUBIN: Thank you.

17 COUNCIL PRESIDENT VERNA: Our
18 next witnesses?

19 MR. ERICSON: Maya Van Rossum,
20 Brian Glass, Rachael Vassar.

21 (Witnesses come forward.)

22 COUNCIL PRESIDENT VERNA: Good
23 afternoon, welcome. Please identify
24 yourself for the record.

25 MS. VAN ROSSUM: Good morning.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 My name is Maya Van Rossum. I'm the
3 Delaware River Keeper, and my
4 organization is the Delaware River Keeper
5 Network.

6 The Delaware River Keeper
7 Network works throughout the entire
8 Delaware River watershed to defend the
9 Delaware River against present threats
10 and to secure its protection and its
11 restoration into the future.

12 And, of course, I would like to
13 thank all of you for the opportunity to
14 speak today in defense of this proposal.
15 And I would like to thank Councilman
16 DiCicco, of course, for leading the
17 charge to bring this forth. It's really
18 wonderful.

19 As you can imagine, based on my
20 title, the reason that I'm here is
21 because the Delaware River needs 100-foot
22 vegetative buffers in the City of
23 Philadelphia. When we let people build
24 too close to the water, not only do we
25 put them in the path of harm, but we

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 deprive the community of all of the
3 benefits that a vegetated buffer can
4 provide, and I'm not going to go through
5 all of those benefits because I know
6 you're well aware of them and have heard
7 them many times over through this
8 process.

9 But suffice it to say that a
10 naturally vegetative riverside is a
11 tremendous asset to everybody in the
12 community, and we all deserve one.

13 There are many reaches of the
14 Delaware River that have already been
15 damaged by development that, already
16 suffer from hardened banks. And so, it's
17 really crucial that we take action now to
18 protect the natural banks we have left
19 and to ensure the opportunity for
20 restoration when there are redevelopment
21 opportunities.

22 As has been pointed out, I
23 think, by a number of you, it is much
24 more effective, it's more cost-effective,
25 and it is truly more equitable and more

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 fair to put in place a buffer requirement
3 before development takes place rather
4 than to try to institute it after the
5 fact and come in and enforce it upon
6 people down the road and in the future.
7 And so, we do need this zoning overlay
8 district today.

9 With regards to some of the
10 specifics, to deliver all of the benefits
11 that a buffer can provide, it can't
12 simply be a setback from the water; it
13 has to be a vegetative buffer. And it
14 needs to be vegetated not with turf grass
15 but, to the greatest extent possible,
16 with native trees, shrubs, and
17 ground-covering plants.

18 Regarding the size, the science
19 increasingly demonstrates, and community
20 experience documents, that to receive the
21 benefits of a vegetative buffer at a
22 meaningful level, we need that 100 feet;
23 that needs to be the minimum that we
24 shoot for.

25 A hundred-foot buffer

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 requirement with an appropriate variance
3 program to address special needs or
4 unique community goals can well protect
5 the requirement from any valid takings
6 claims.

7 And I think that there's been a
8 lot of effort to do that here, and
9 successfully so. But it's crucial to set
10 that minimum standard as the rule and
11 then to allow exceptions when needed.

12 So I am urging you to put back
13 into the text -- the version I have sort
14 of took out the number. I am urging you
15 to put back a 100-foot minimum vegetative
16 buffer requirement in Bill No. 090170,
17 and I would like to ask that you increase
18 the setback in Bill No. 090349 discussed
19 earlier, from 50 feet to 100 feet.

20 There are a couple of specifics
21 in the language that I wanted to raise
22 that are important. In provision
23 number -- well, it's numbered as 13 in my
24 version, but I think it's supposed to be
25 number 12. It talks about providing

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 automatic approval if the Commission
3 fails to act within 60 days. I think
4 that an automatic approval, if there's a
5 failure to act within 60 days by the
6 Planning Commission, unduly burdens the
7 public.

8 I think if we're going to have
9 a presumption of a decision because of
10 failure to act, the presumption has to be
11 for a denial. And if you're going to
12 have a presumption for approval, then
13 you've got to give a longer timeframe
14 than merely 60 days. And you also have
15 to put in place a mechanism that the
16 public can take advantage of to make sure
17 there is not that lapse of time without
18 any action. And so, that kind of
19 mechanism, I think, would have to be
20 crafted.

21 To the extent that the buffer
22 area includes public paths, these -- I
23 think that there needs to be -- it needs
24 to be clear that these paths need to be
25 set back a distance from the water in

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 order to ensure that vegetative greenway
3 along the water's edge to provide the
4 critical benefit of plants along the
5 water's edge.

6 So we would suggest that this
7 language require that any paths within
8 the buffer area be set back a distance
9 that's equal to the width of the buffer,
10 'cause you're talking about a hundred-
11 foot buffer or 20 percent of the parcel.
12 So if you have a smaller buffer, if you
13 take 50 percent of that and that's how
14 far back the path should go, ensuring
15 that that natural vegetation is along the
16 water's edge, I think, would be a very
17 helpful and protective decision with
18 regard to the river.

19 The language should make clear
20 that this buffer should be vegetative
21 with native trees, shrubs, and
22 ground-covering plant, and that turf
23 grass should be some sort of a special
24 exception or should be minimized to the
25 greatest extent possible.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 I would like to say -- I do
3 feel that I have to speak just a moment
4 to some of the assertions that were made
5 before. I mean, it has been said in no
6 uncertain times that a hundred-foot
7 buffer requirement is going to result in
8 a takings claim, is going to reduce
9 property values, is going to result in
10 lost tax revenues.

11 And I think that not only are
12 these unsubstantiated claims, but when we
13 look at experiences in other communities,
14 we find that they are altogether not
15 accurate and not truthful. In fact,
16 communities that have taken advantage of
17 a hundred-foot buffer requirement have
18 experienced tremendous benefits --
19 economic, job, quality of life,
20 recreation, overall community
21 enhancement.

22 We've also heard that there's
23 plenty of access to the Delaware River in
24 the City of Philadelphia and it's just a
25 wonderful access and we don't really need

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 more access and we don't need more
3 buffers and we don't need more land along
4 the river that's dedicated to improving
5 the quality of life of our community.

6 And I think that that is absolutely not
7 true, and I was pleased to hear so many
8 others agreeing with that observation.

9 One of the things I do as the
10 river keeper is, I do tour the
11 riverfront, I do tour the river waters,
12 looking for pollution, looking for
13 threats to the Delaware River. And as I
14 do these tours along the Philadelphia
15 waterfront, one of the most wonderful
16 things I see -- and in some ways, the sad
17 thing that I see -- is so many people,
18 young and old, battling to get to the
19 natural part of the waterfront. There's
20 natural portions that are left within the
21 area, you know, this area of the Delaware
22 that we're talking about.

23 They will climb over anything,
24 they will climb under anything to get to
25 those natural areas in order to fish, in

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 order to swim, in order to just relax in
3 the beautiful, lush green that is a
4 naturally vegetated river bank. We need
5 to provide more of those opportunities
6 easily and legally for members of the
7 community.

8 And I think that it is unfair
9 to suggest that these hardened banks that
10 we have and these cement pathways we have
11 way above the water that makes darn sure
12 that you can't touch the water and makes
13 it really difficult for particularly a
14 young child to put a fishing rod in the
15 water. To suggest that that's quality
16 access that the community is looking for
17 is disingenuous and dishonest.

18 That's not really quality
19 access, that's not the quite a few
20 quality access that the community is
21 seeking or that could be provided for in
22 this overlay district and in the future
23 planning that you are to be carrying out.

24 The kind of access the
25 community wants, the kind of access the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 community needs, the kind of riverfront
3 that the river needs in order to benefit
4 all of us is in a naturally vegetative
5 riverfront, with a minimum of a
6 hundred-foot buffer as our goal.

7 So I thank you for putting
8 forth this bill. I urge you to put the
9 100-foot language back in.

10 And thank you for the
11 opportunity.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 Our next witness?

15 MS. VASSAR: Good afternoon.

16 My name is Rachael Vassar, and I'm the
17 Philadelphia Outreach Coordinator for
18 Penn Future.

19 Penn future works to create a
20 just future, where nature, communities,
21 and the economy can thrive. We enforce
22 environmental laws and advocate for the
23 transformation of public policy, public
24 opinion, and the market to restore and
25 protect the environment and safeguard

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 public health.

3 And in line with Penn Future's
4 mission, we are the lead organization
5 behind the Next Great City Initiative,
6 which is dedicated to creating a positive
7 future for Philadelphia by advocating for
8 commonsense, cost-effective policies that
9 enhance environmental quality, strengthen
10 neighborhoods, and improve economic
11 competitiveness.

12 Next Great City has identified
13 ten affordable actions that the City must
14 undertake to revitalize Philadelphia's
15 neighborhoods. Among the ten agenda
16 items is a recommendation to create
17 public riverfronts. We seek the
18 establishment of high-quality, urban,
19 continuous, connected, publicly
20 accessible greenways along both the
21 Schuylkill and the Delaware Rivers.

22 The Philadelphia City Planning
23 Commission recently took the first step
24 towards creating such greenways by
25 accepting the civic vision for the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Central Delaware as the framework for
3 future planning and approving an overlay
4 as a way to ensure that the principles of
5 the civic vision are met in the future.
6 I applaud them for their foresight and
7 their support.

8 The greenway that the vision
9 imagines, with a hundred-foot setback
10 along the bank of the river, will create
11 a network of green public spaces that
12 will connect neighborhoods and bring
13 residents and tourists alike to the
14 riverfront. It will be an esthetic,
15 cultural, and ecological resource
16 contributing to the health, vibrancy, and
17 economic development of our city. These
18 benefits should not be limited to one
19 portion of the river alone.

20 We should aim for consistency
21 and apply the same standards to all of
22 our riverfronts. If the City is going to
23 provide a desirable amenity, it is only
24 equitable to do so for every segment of
25 our rivers.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 With that in mind, I encourage
3 you to consider revising the 50-foot
4 setback called for in the Delaware River
5 Conservation District being considered
6 also today and extending it to 100 feet.

7 But for now, I will focus on
8 the matter at hand and urge you to take
9 the next steps in implementing the civic
10 vision by giving your full support to the
11 interim zoning along the Central Delaware
12 Riverfront.

13 An interim zoning overlay is
14 the way to ensure that the principles of
15 the civic vision are met in the future.
16 We need interim zoning to make sure that
17 a riverfront greenway and trail can
18 eventually be developed and that
19 intervening development will not impede
20 or obstruct access to and along the
21 Delaware River before a complete
22 riverfront master plan and permanent
23 zoning is put into place.

24 Others will tell you that there
25 is no need for zoning and that you should

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 wait until a master plan for the area is
3 complete, but there is no time to wait.

4 A full expression of the civic vision
5 will enable the Delaware Riverfront to
6 finally live up to its enormous cultural,
7 economic, and ecological potential. But
8 between now and when the master plan is
9 complete, the wrong type of development
10 could seriously undermine the
11 possibilities of complete implementation.

12 The City's support for
13 SugarHouse Casino development makes
14 adjacent parcels more susceptible for
15 change, reinforcing the need to enact
16 interim zoning now. I urge you to take
17 this immediate action to support well
18 thought out development on the Central
19 Delaware Riverfront and beyond and to
20 allow the momentum of civic vision to
21 continue.

22 I look forward to hearing your
23 position on this proposal. Thank you for
24 your consideration.

25 COUNCIL PRESIDENT VERNA: Thank

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 you very much.

3 MR. GLASS: Good afternoon.

4 COUNCIL PRESIDENT VERNA: Good
5 afternoon.

6 MR. GLASS: Good afternoon. My
7 name is Brian Glass and I'm a staff
8 attorney at Penn Future. I'd like to
9 focus my testimony today on the takings
10 concerns that have been raised in
11 connection with the zoning bill before
12 you.

13 Government can regulate the
14 permissible uses of private property
15 without compensating the owner of that
16 property when the regulation advances
17 legitimate state interests and does not
18 deny the owner of all economically viable
19 uses of his or her land.

20 To determine whether a
21 government regulation has denied an owner
22 of all economically viable uses such that
23 a taking has occurred, courts focus on
24 the parcel as a whole, meaning that
25 courts consider not only the geographical

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 dimension -- that is, how much of the
3 land is unavailable for all uses -- but
4 also a temporal aspect; that is, for how
5 long the property will be unavailable for
6 all uses.

7 The bad news: The analysis
8 involves a complex of factors, often
9 referred to as the Penn Central analysis,
10 after the United States Supreme Court
11 case in which it was first adopted.

12 The good news: The United
13 States Supreme Court has already found
14 that a taking did not occur when
15 considering an ordinance that was far
16 more restrictive than the Central
17 Delaware Riverfront Zoning Overlay
18 District that you are considering today.

19 In Tahoe, Sierra Preservation
20 Council versus Tahoe Regional Planning
21 Agency, the Tahoe Regional Planning
22 Agency enacted two moratoria lasting for
23 a total of 32 months on all development
24 in the Lake Tahoe Basin to maintain the
25 status quo while studying the impact of

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development on Lake Tahoe and formulating
3 a comprehensive land-use plan for the
4 area.

5 Analyzing the case within the
6 Penn Central framework, the Supreme Court
7 upheld a decision by the court below that
8 no categorical taking had occurred with
9 respect to the enactment of the two
10 moratoria.

11 Given that the United States
12 Supreme Court determined that a 32-month
13 complete prohibition on development does
14 not constitute a taking, it is indeed a
15 stretch to argue that the less
16 restrictive Central Delaware Riverfront
17 Zoning Overlay District, a far cry from a
18 complete prohibition on development, is
19 vulnerable to a takings attack.

20 Because the proposed zoning
21 overlay appears to survive constitutional
22 scrutiny and given the overwhelming
23 public support for the civic vision, Penn
24 Future respectfully requests that the
25 Rules Committee approve the Central

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Delaware Riverfront Overlay District.

3 Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you all very much.

6 Our next witnesses?

7 MR. ERICSON: The next witness
8 is Marilyn Jordan Taylor.

9 (Witness comes forward.)

10 COUNCIL PRESIDENT VERNA: Good
11 afternoon. Please identify yourself for
12 the record.

13 MS. TAYLOR: Good afternoon,
14 Madam President and Councilmembers. I am
15 Marilyn Jordan Taylor. I am the Dean of
16 the School of Design at the University of
17 Pennsylvania, and I am here representing
18 the Delaware River Waterfront
19 Corporation. I'm a board member of that
20 corporation and also the chairman of the
21 planning committee.

22 We are here today and we have
23 submitted in writing our comments to you.
24 There are just two comments that I would
25 like to reinforce verbally for your

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 consideration and in contribution to the
3 discussion you're having here.

4 First of all, the Delaware
5 River Waterfront Group is strongly in
6 support of this overlay. Its purpose is
7 clear, and that is to protect the
8 characteristics of the natural
9 environment until the time when the
10 master plan and zoning can be put in
11 place. We endorse that both as property
12 owners and as a corporation charged with
13 the -- with ensuring the implementation
14 of the vision for the Central Delaware
15 Riverfront.

16 The particular item I would
17 like to comment on, as everyone else, is
18 the waterfront setback. The intent of
19 the working guidelines to be derived from
20 the civic vision for the overlay district
21 is that no new encumbrances should be
22 created in the waterfront setback zone
23 that would make the implementation of
24 continuous waterfront access more
25 difficult to accomplish than it is today.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 This continuous set back -- this is very
3 important -- must be applied to all
4 properties in the district, in all zoning
5 districts within the overlay district,
6 not just to the commercial properties.

7 The intent is not to preclude
8 ongoing and allowed industrial activities
9 but to avoid further encumbrances to that
10 future continued connection.

11 Ultimately, whatever the
12 dimension is, the point of measurement
13 should be from the bulkhead line, with
14 the Planning Commission determining from
15 existing information or survey where that
16 bulkhead line is physically located.

17 In our opinion, the continuous
18 open space need not be of continuous
19 width. In fact, there are urban and less
20 urban areas that may dictate different
21 widths ultimately being realized. We
22 assert, though, that there must be a
23 minimum of approximately 50 feet in order
24 to accommodate emergency access, safe
25 pedestrian circulation, a separated

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 bikeway, and seating and natural areas,
3 as well as the ability to protect the
4 river edge.

5 Greater dimension may be
6 required in some areas of irregular
7 edges. Less dimension may be needed in
8 select areas of special existing
9 conditions, which should be identified,
10 as the regulations direct, by the
11 Planning Commission, within 180 days of
12 the effective date.

13 Just to summarize quickly. It
14 must be continuous across all properties
15 from north to south. It needs to be of a
16 character that feels consistently public
17 and similar. And, finally, it needs to
18 have a minimum of 50 feet for function in
19 addition to whatever else is required to
20 meet the natural edge of the river.

21 Thank you very much for the
22 opportunity to testify.

23 COUNCIL PRESIDENT VERNA: Thank
24 you so much for coming in to testify.

25 Our next witnesses?

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 MR. ERICSON: Caryn Hunt and
3 Rene Goodwin.

4 (Witnesses come forward.)

5 COUNCIL PRESIDENT VERNA: Good
6 afternoon. Please identify yourself for
7 the record and proceed with your
8 testimony.

9 MS. GOODWIN: My name is Rene
10 Goodwin, and I'm here representing -- as
11 Pennsport representative to the Central
12 Delaware Advocacy Group.

13 I want to thank you, Madam
14 President and members of Council for
15 allowing me to speak, and I want to
16 particularly thank Councilman DiCicco and
17 Brian Abernathy for the laborious work
18 that they have done to bring this
19 legislation forward.

20 I want to just also mention
21 that I shop at Wal-Mart, I'm a real
22 person, and I support the overlay.

23 (Laughter.)

24 MS. GOODWIN: Location,
25 location, location. It's the real estate

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 agent's mantra and is repeated three
3 times for emphasis. It is the phrase
4 that sums up the most important
5 principles of successful real estate
6 marketing and development. It means that
7 an identical house can increase or
8 decrease in value due to its location.

9 It means different things to
10 different people. To the first-time
11 homebuyer, it may mean a good school
12 system, proximity to jobs and shopping.
13 To empty nesters, it may mean distance to
14 cultural events and dining. And to
15 developers, it may mean access to major
16 highways and other means of
17 transportation, and it may also mean a
18 location where the developers can have
19 access to a workforce and the supplies
20 they need to build.

21 But you may wonder, how does
22 this relate to today's hearing regarding
23 overlay legislation? It relates because
24 although there are many items on a
25 homebuyer's or developer's list to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 determine value and desirability of a
3 property, one of the top items on that
4 list throughout the world is proximity to
5 water.

6 People who buy first or second
7 homes on the water know that. They know
8 that they pay more. Developers know
9 that. Why, some developers know it so
10 well that they have even land-banked
11 property along the Delaware River for
12 years, knowing that its value would
13 continue to increase due to the proximity
14 to the river.

15 In Pennsport, we all know the
16 river has value, for it has given us life
17 in the form of an active port, which is
18 about to expand and create yet more
19 family-supporting jobs.

20 Harris Steinberg, Penn Praxis,
21 and thousands of people who worked to
22 mold the civic vision know the value of
23 the riverfront land. So does the Central
24 Delaware Advocacy Group and the
25 residents, the taxpayers and voters of

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the waterfront wards who are situated in
3 and on the edge of the seven-mile stretch
4 that comprises the civic vision.

5 There is nothing wrong with
6 seeking profit. Seeking profit is an
7 integral part of the system that keeps
8 our country going, but there is also
9 nothing wrong with giving to citizens
10 their right, their access to the river.

11 This overlay does not
12 discourage development, as some would
13 have you believe. On the contrary, many
14 believe that development based on good,
15 sound principals, the guiding principles
16 of the civic vision, as included in this
17 overlay legislation, will result in
18 better development, more marketability,
19 increased profit margins, and the true
20 prize: Philadelphia and its waterfront
21 will finally take its place as a
22 first-class city.

23 So, members of Council, I'm not
24 going to ask you to support this
25 legislation; rather, I'm simply going to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 thank you, for I have complete confidence
3 that you will support it and support it
4 now. I can't imagine you wouldn't want
5 to generate increased revenue, make
6 Philadelphia a world-class city, protect
7 the interests of the citizens you
8 represent, and leave a legacy far beyond
9 your wildest dreams. Location, location,
10 location.

11 Thank you, thank you, thank
12 you.

13 COUNCIL PRESIDENT VERNA: Thank
14 you very much.

15 Please identify yourself for
16 the record.

17 MS. HUNT: Hi. I'm Caryn Hunt.
18 I'm representing Neighbors Allied for the
19 Best Riverfront, also known as NABR.
20 We're a member organization in the
21 Central Delaware Advocacy Group. We're a
22 grassroots organization dedicated to
23 sensible planning and development that's
24 inclusive of the public.

25 Thank you for this opportunity

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 to speak. And thank you, Councilman
3 DiCicco and Brian Abernathy, for all of
4 your efforts.

5 We submitted a letter last
6 week, which is -- we would like that
7 added to the public record, which you
8 have and also my testimony.

9 Councilman DiCicco and
10 then-Mayor Street got the ball rolling on
11 the civic vision process. They
12 recognized the need for a uniform,
13 sensible plan for development along the
14 waterfront, one that lets potential
15 developers know what the City's
16 expectations are for the future and that
17 has -- we -- you've already heard about
18 the financial, esthetic, health, and
19 social benefits of creating a public
20 realm along the water that will draw all
21 of us to it and one that protects public
22 access to the river by right, because the
23 river does belong to the public.

24 NABR members, like residents of
25 all of the neighborhoods in Philadelphia,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 worked hard and good faith to do our part
3 in this most community-inclusive planning
4 project that was ever undertaken in our
5 city. The result of this process, the
6 civic vision for the Central Delaware, is
7 both bold and reasonable. Passing this
8 overlay recommended by the civic vision
9 will put us on a hopeful course for an
10 orderly and open future.

11 The economy will not always be
12 bad, and that's why now is the time to
13 plan. Now is the time for the citizen-
14 driven plan to start to take shape.

15 NABR advocates for a
16 hundred-foot setback without an
17 alternative percentage provision. If a
18 landowner believes this requirement is a
19 hardship, they can seek a variance at the
20 Zoning Board of Adjustment. But if this
21 bill must include an alternative
22 percentage, we advocate for the civic
23 vision's recommendation of 20 percent.

24 We cannot overstate how
25 important it is for the City Council to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 accept the civic vision's recommendation.

3 Unless the percentage is 20 percent,

4 which would be consistent with public

5 area requirements in normal commercially-

6 zoned properties, we will end up without

7 a hundred-foot setback. In almost every

8 case, if the percentage is 10 percent,

9 the setback will be significantly less

10 than a hundred feet.

11 A hundred feet will provide for

12 the recreational trail as well as a

13 greenway along the river to buffer

14 flooding, to help manage storm water and

15 pollution, to encourage river habitat,

16 which helps preserve the river's health,

17 and to protect water quality.

18 Many -- creating this amenity

19 for the City will draw people to the

20 river, which is what we all want. Many

21 studies have shown that a greenway raises

22 the surrounding property values between

23 10 and 20 percent.

24 Also, with respect to the

25 hundred-foot setback, we continue to urge

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 greater clarity on the point from which
3 the distance is measured. As explained
4 in our letter, we believe that the only
5 appropriate and dependable line is the
6 physical edge of the water as opposed to
7 the bulkhead line; we would appreciate
8 your consideration on that.

9 In general, we want to
10 encourage a diverse waterfront with
11 active uses, one that is busy both day
12 and night. To that end, we advocate for
13 24/7 access to the river and trail.

14 In addition, NABR would like to
15 see a requirement for regular public to
16 the river at intervals of not more than
17 500 feet. So the idea is to make it easy
18 for folks to connect to the river.

19 Ease of access is important to
20 the success of this waterfront district.
21 Why create a destination without ensuring
22 that it's easy for people to access from
23 many points along its expanse.

24 NABR saw an opportunity in this
25 bill to add gaming facilities to the list

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 of prohibited uses so that we never again
3 find Harrisburg dictating land uses on
4 our river. You know, that's our
5 recommendation. We do acknowledge the
6 Councilman's promise to take this up at a
7 different time, and we look forward to
8 working with him on this issue.

9 As NABR has stated, we would
10 like to see history preserved along the
11 waterfront. If there are other sites
12 like the west shipyard along the
13 waterfront, we should know about it.

14 Our history is also the
15 nation's history and the primary driver
16 for our tourism. The minimum we should
17 require is a Phase I survey of properties
18 within the overlay district. Preserving
19 Philadelphia's history is in
20 Philadelphia's best interest, and there's
21 no reason that this bill can't be amended
22 to protect that history.

23 The Delaware needs to be
24 developed with the goal of providing an
25 unparalleled amenity for the City, which

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 will be worth many times the investment.

3 Access, diversity of uses, honoring our

4 history, the ecological needs of the

5 river, and the recreational needs of

6 Philadelphia; in short, creating a

7 riverfront that people want to visit is

8 the best use of the Central Delaware

9 Waterfront. This overlay and the master

10 plan is how we'll get it done.

11 Thank you for this opportunity.

12 COUNCIL PRESIDENT VERNA: Thank

13 you.

14 Does the stenographer have a

15 copy of Ms. Hunt's letter?

16 STENOGRAPHER: Yes, I do.

17 COUNCIL PRESIDENT VERNA: Our

18 next witnesses will be...?

19 MR. ERICSON: Alicia Footes,

20 Dave Hammond, John Gallery, Tim Kerner.

21 COUNCILMAN DiCICCO: Madam

22 Chair, if I may, I would ask these

23 witnesses and the other witnesses who may

24 follow, assuming they're all here, there

25 are at least eight witnesses. Come

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 forward, please.

3 If they can summarize, it would
4 be helpful. I will have a Streets and
5 Services Committee hearing shortly after
6 this committee, of which I have over 30
7 bills, so we'd like to get that in as
8 well.

9 And I appreciate your coming
10 here and your interest in this, but if
11 you can summarize, that would be helpful.
12 Thank you.

13 Thank you, Madam Chair.

14 (Witness comes forward.)

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Good afternoon kindly identify
18 yourself for the record and proceed with
19 your testimony.

20 MS. FOOTES: Okay. Good
21 afternoon. Hello. My name is Alicia
22 Footes, and I was born and raised in
23 Philadelphia. I'm also 17 years old and
24 I'm a senior at the (indiscernible) day
25 school of the Sacred Heart, which is

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 located in Bryn Mawr, Pennsylvania.

3 I'm also a five-year
4 participant of the mentoring program,
5 Students (indiscernible). This program
6 trains adolescents like myself to run in
7 different Philadelphia races such as the
8 Broad Street Run, the Philadelphia
9 Distance Run, and the Philadelphia
10 Marathon in November.

11 As a participant of this
12 program, I'm always outdoors in different
13 areas around the City. As I run, I have
14 noticed the developments going on in
15 these areas. Students from Philly Style
16 have done a wonderful job of training
17 many of their students to participate in
18 these activities. And with the
19 developments in the City, you have
20 allowed them to complete their goals
21 productively.

22 In my opinion, the development
23 is a great addition to Philadelphia for
24 two reasons.

25 First is safety. The new

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 projects allow young people like myself
3 to feel safe when going out to do
4 positive recreational activities outside
5 after school. In my case, when running
6 three or even fifteen miles during
7 practice, I like to feel relaxed by not
8 having to worry about my safety.

9 Another reason is more
10 opportunities for the youth in the area.
11 New projects open doors for young people.
12 It allows us to do more recreational
13 activities around the City, without
14 disrupting our fellow residents in the
15 City.

16 In conclusion, I do believe the
17 projects are not a problem for the City.
18 Instead, it is an aide to put our city
19 back on the map for something positive
20 and can help the young people in our city
21 to stay out of trouble.

22 Thank you for listening to me
23 today, and I hope my opinion helps future
24 with decisions about what is going on in
25 our city.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT VERNA: Thank
3 you very much.

4 MR. HAMMOND: My name is David
5 Hammond. I'm the Executive Director of
6 the South Street Headhouse District and
7 was also an appointee to the original
8 CDAG.

9 I am here today to testify in
10 favor of Bill No. 090170, the Central
11 Delaware Riverfront Overlay District.

12 As the Executive Director of
13 the South Street Headhouse District, I am
14 quite familiar with zoning overlays, as
15 the District has had one since its
16 inception in 1993. I feel strongly, as
17 does our board of directors, that the
18 zoning overlay has helped the District to
19 control its own destiny.

20 Without an overlay, there is no
21 leverage available to encourage the
22 desired development and/or discourage
23 uses that would be detrimental to the
24 district. Zoning overlays have been
25 proven to be quite successful in urban

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 planning, as evidenced by the number
3 enacted, including Center City District,
4 Manayunk Development Corporation,
5 Rittenhouse Row, City Avenue, and
6 numerous others throughout Philadelphia.

7 In my six years as executive
8 director, we have only had a few
9 challenges to our overlay. In my
10 experience, a very large majority of
11 developers and prospective tenants prefer
12 to know the rules going into a project
13 prior to spending any money on project
14 development that may be turned down by
15 the Planning Commission or the Zoning
16 Board of Adjustment.

17 As a member of CDAG, I, along
18 with numerous others, worked for over a
19 year to shape the civic vision for the
20 Central Delaware. Almost all of us were
21 unpaid volunteers on our own time. We
22 all spent many early mornings, late
23 evenings, and the occasion weekend
24 working to develop that vision based on
25 the input of over 4,000 citizens of the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Philadelphia.

3 We are proud to have received
4 Mayor Street's, Mayor Nutter's, and the
5 Planning Commission's support for the
6 civic vision and are anxiously awaiting
7 the master plan for the seven-mile
8 stretch of the river.

9 But therein lies the problem.
10 Until the master plan is completed in 12
11 to 18 months, do we want to go back to
12 the old way of developing the Delaware?
13 If we do not have this zoning overlay in
14 place, the efforts of all of those
15 citizens of Philadelphia would be wasted
16 if developers could pull permits to do
17 projects under the current zoning.

18 I too shop at the Wal-Mart and
19 the Home Depot, as I'm a resident of
20 Queen Village. And despite the fact that
21 I see that they are often busy on a
22 Saturday afternoon, I find it difficult
23 to believe that the people would say that
24 that's the best use of that parcel of
25 land.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 And the people have already
3 spoken, telling you what they wanted. It
4 is imperative that the Council adopts
5 this bill to protect the efforts of the
6 people to shape their waterfront as they
7 choose and not have a developer do it for
8 them.

9 The people are aware that most
10 of us will not be around when this vision
11 is realized, but you have to start
12 somewhere, you have to start sometime.
13 You cannot keep putting things off for
14 the next generations.

15 The Central Delaware is rare
16 and the time is now. I ask your support
17 for Bill No. 090170. And thank you for
18 the opportunity to testify.

19 COUNCIL PRESIDENT VERNA: Thank
20 you very much. Thank you very much.

21 Our next witnesses?

22 MR. ERICSON: Pete Hoskins.
23 Todd Baylson, Tatiana Granados, Eric
24 Cheung.

25 (Witness comes forward.)

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT Verna: Good
3 afternoon. Welcome.

4 MR. Hoskins: Thank you. Am I
5 all alone?

6 COUNCIL PRESIDENT Verna:
7 Apparently you are.

8 MR. Hoskins: Well, I want to
9 thank you very much for the opportunity,
10 and I will paraphrase in the interest of
11 time.

12 I'm Pete Hoskins, and I'm here
13 as President of the Board of the
14 Philadelphia Parks Alliance. And on
15 behalf of the Parks Alliance, I'm here to
16 testify in support of an interim zoning
17 overlay to the Central Delaware that will
18 ensure that a continuous riverfront
19 greenway and trail can be ultimately
20 created.

21 This much needed zoning will
22 protect the civic vision that will enable
23 the riverfront to reach its extraordinary
24 economic, environmental, and cultural
25 potential.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 In my full testimony, I do
3 allude to the groundbreaking Trust for
4 Public Land Study sponsored by the
5 Lendfest Foundation that clearly
6 documents very strong economic benefits
7 from parks in many, many ways, health,
8 environmental, and certainly real estate.
9 And I would encourage Councilmembers to
10 use that study as you look at this
11 investment as well as other investments
12 in our parks.

13 I'll leave my summary behind,
14 but I would like to say a special thanks
15 to Councilman DiCicco and to Councilman
16 Kenney for their insightful comments this
17 morning. I think that, as Councilmembers
18 representing this area, you really do
19 understand the vision and are looking at
20 this in a much longer perspective, and I
21 give you great credit for doing that

22 So thank you very much

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 Do we have anyone else to

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 testify on this bill?

3 Kindly approach the witness
4 table.

5 (Witnesses come forward.)

6 COUNCIL PRESIDENT VERNA: I
7 would ask you to try to be as brief as
8 possible. Thank you.

9 Please identify yourself for
10 the record.

11 MS. STEWART: Thank you. My
12 name is Sarah Clarke Stewart and I'm here
13 to speak on behalf of the Bicycle
14 Coalition of Greater Philadelphia and the
15 Schuylkill River Park Alliance, a
16 nonprofit advocacy organization that
17 advocates for public access and
18 stewardship of the Schuylkill River Trail
19 below the Art Museum dam.

20 We support this bill. We urge
21 that there are four areas where the bill
22 would be greatly strengthened. I'll just
23 talk about those for one minute.

24 We strongly recommend that the
25 ordinance specify a hundred-foot setback

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 to provide sufficient room for riverfront
3 greenway. If a hundred feet is not
4 possible, 20 percent of the parcel is
5 recommended.

6 Secondly, we recommend that the
7 right-of-way dedicated for pedestrian and
8 bicycle traffic be specifically cited as
9 being a minimum width of 14 feet.

10 Thirdly, not all open streets
11 are wide enough to accommodate a bicycle
12 lane. So if the bill, is going to
13 provide that legally open streets be used
14 instead of a path, that a five-foot wide
15 bike path be provided in addition to the
16 legally open street

17 And lastly, we recommend that
18 reasonable intervals for perpendicular
19 access be provided, preferably every 500
20 feet, as recommended by the civic vision,
21 but no longer than a half a mile.

22 Thank you very much.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 MR. SCHERMER: Good afternoon,

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Madam Chairwoman. My name is Hal
3 Schermer. I am also with Schuylkill
4 River Park. I've been before the City
5 Council before, years ago, first talking
6 about Manayunk and then talking about the
7 Schuylkill River.

8 One thing which I think is
9 important to remember briefly is we are
10 taking about the public riverfront. So
11 when we hear that there are only so many
12 owners of the riverfront; no, there are
13 not. That is a public riverfront; it
14 belongs to the citizens of Philadelphia,
15 the citizens of the State of
16 Pennsylvania. There are thousands of
17 owners that are not represented by some
18 of the factions who are calling for a
19 lack of access.

20 Several years ago, we were here
21 talking about access to the Schuylkill
22 River Park. We have the same situation
23 where a small number of property
24 interests are vehemently against public
25 access. We feel that that's -- I feel

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 that that's essentially irrational
3 overreaction simply because this is the
4 way that it has always been.

5 Many years ago, I actually dug
6 up the case where we found out that the
7 City of Philadelphia had won the suit
8 against CSX's predecessor 110 years ago.
9 The same situation applies here. It's a
10 public riverfront; public access is
11 appropriate.

12 One of the things which is odd
13 is, we're not talking about taking
14 private property for public access; we're
15 talking about a public riverfront that
16 currently has private interests occupying
17 portions of it.

18 Where the bill speaks to the
19 bulkhead lines, one of the concerns is
20 that that's actually the wrong line. The
21 bulkheads lines were removed years ago.
22 The ownership of the property is
23 determined by high and low watermark,
24 which you have to go back years and years
25 to find.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 One of the things to look at
3 is, picture in your mind the sidewalk and
4 the, quote, riverfront trail that you
5 have along the Delaware, the sidewalk
6 outside of Dockside. Then contrast that
7 with the mental picture of the Schuylkill
8 River Trail. It's about a hundred feet
9 wide, green, trail down the center.

10 That shows you clearly why it
11 is important to have at least 100 feet
12 for most of the Delaware River Trail, in
13 the same way that the Schuylkill River
14 Trail occasionally gets narrowed down
15 because of ridges and requirements that
16 creates several flowing outdoor rooms.

17 But overall, you need that
18 hundred feet simply because if you
19 picture the Schuylkill River Trail shrunk
20 down to 50 feet, 25 feet, 10 feet, you
21 have no trail, you have no draw.

22 The draw for this property is
23 to make it like Rittenhouse Square. It
24 becomes an outdoor square. It becomes un
25 unraveled square that follows the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 boundaries of the river.

3 Finally, a couple of specific
4 points.

5 One of the concerns is, the way
6 that this -- since this is an interim
7 ordinance, I would request that the City
8 Council consider making the change that
9 any variances to this ordinance become
10 temporary-use variances under 14-1801 so
11 that you do not have permanent variances
12 locking in a use of property based on
13 this short-term ordinance.

14 Also to note that the language
15 in the ordinance, I believe, talked about
16 an economic hardship. It should be the
17 stronger term, the zoning term of
18 "unnecessary hardship."

19 Finally, I just wanted to note
20 there was a mention about the Venice
21 Island overlay. The Venice Island
22 overlay is a bit of a Jacob Marley
23 showing you what not to do. The Venice
24 Island overlay includes a requirement for
25 a riverfront trail. The very first

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 development after that put in a
3 chained-link private parking lot on the
4 first property that was to be the
5 riverfront trail. There is no riverfront
6 under the Venice island overlay.

7 The problem is that Venice
8 island overlay sets out an open area, and
9 everybody nibbles into it because the
10 Zoning Board grants variances to that.
11 There were multiple projects before the
12 Venice Island overlay, where the Planning
13 Commission went through and did the
14 measurements and figured out, This is the
15 floor area ratio that we need to have a
16 good project. And then every single
17 project that has been permitted has been
18 double that floor area ratio.

19 So it is important that
20 variances and the ability to change this
21 ordinance be restricted, that they be
22 simply short-term since we are looking at
23 putting through a longer-term vision.

24 I wanted a quick follow-up. We
25 have two visions of the Delaware. One is

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 the vision with Northern Liberties, a
3 vibrant community done on small,
4 block-by-block bases. We have the
5 (indiscernible) division of large, big
6 parcels separated by wide swaths of
7 river. We should follow what we know
8 works, which is to take the Delaware
9 River zoning and make it look like the
10 Northern Liberties zoning. Follow what
11 works.

12 Finally, for many years, City
13 Council -- well, for many years,
14 Philadelphia was controlled by an
15 informal height ordinance that nobody
16 built any taller than William Penn's
17 statue. Only partially tongue-in-cheek,
18 I would suggest that City Council look at
19 a similar idea that when it comes to
20 public rights to access the public river,
21 the public should have the same amount of
22 access that you have on the north side of
23 City Hall, about a hundred feet. You
24 should not have less access to public
25 lands than you have sidewalk around

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 public buildings.

3 Given that just basic standard,
4 when it comes to the public access to
5 their on property, they are entitled to
6 have the largest amount of their property
7 available to them.

8 Thank you.

9 COUNCIL PRESIDENT VERNA: Thank
10 you very much.

11 Are there any other witnesses
12 to testify on this bill?

13 (No response.)

14 COUNCIL PRESIDENT VERNA:
15 Seeing none, this will conclude our
16 public hearing.

17 We will now go into our public
18 meeting, and the Chair recognizes
19 Councilman Kenney for a motion on Bill
20 No. 090128.

21 COUNCILMAN KENNEY: Thank you,
22 Madam President.

23 I move that Bill No. 090128 be
24 reported out of this committee favorably
25 and a request made for a rules suspension

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 to allow for first reading at our next
3 Council session.

4 (Motion duly seconded.)

5 COUNCIL PRESIDENT Verna: It
6 has been moved and seconded that Bill No.
7 090128 be reported out of committee with
8 a favorable recommendation and, further,
9 that the rules of Council be suspended so
10 as to permit first reading at our next
11 session of Council.

12 All in favor will indicate by
13 saying aye.

14 Those opposed?

15 The ayes have it, and the
16 motion carries.

17 The Chair recognizes Councilman
18 Kenney regarding Bill No. 090348.

19 COUNCILMAN KENNEY: Thank you,
20 Madam President.

21 I move to adopt the amendments
22 to Bill No. 090348, as circulated.

23 (Motion duly seconded.)

24 COUNCIL PRESIDENT Verna: It
25 has been moved and seconded that the

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 amendment, as circulated, be adopted.

3 All in favor will say aye.

4 Those opposed?

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

7 And the Chair recognizes
8 Councilman Kenney.

9 COUNCILMAN KENNEY: Thank you,
10 Madam President.

11 I move that Bill No. 090348, as
12 amended, be reported out of this
13 committee with a favorable recommendation
14 and a request made for a rules suspension
15 to allow for first reading at our next
16 Council session.

17 (Motion duly seconded.)

18 COUNCIL PRESIDENT Verna: It
19 has been moved and seconded that Bill No.
20 090348 be reported out of committee with
21 a favorable recommendation, as amended,
22 and further that the rules of Council be
23 suspended so as to permit first reading
24 at our next session of Council.

25 All in favor will say aye.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Those opposed?

3 The ayes have it, and the
4 motion carries.

5 We will now consider Bill No.
6 090349.

7 COUNCILMAN KENNEY: Thank you,
8 Madam President. I move that amendments
9 to Bill No. 090349 be approved.

10 (Motion duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that the
13 amendments, as submitted earlier on Bill
14 No. 090349, be approved.

15 All in favor will say aye.

16 Those opposed?

17 The ayes have it and the motion
18 carries.

19 And the Chair again recognizes
20 Councilman Kenney.

21 COUNCILMAN KENNEY: Thank you,
22 Madam President.

23 I move that Bill No. 090349, as
24 amended, be reported out of this
25 committee with a favorable recommendation

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 and a request made for a rules suspension
3 to allow for first reading at our next
4 Council session.

5 (Motion duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 090349 be reported out of committee with
9 a favorable recommendation, as amended,
10 and further, that the rules of Council be
11 suspended so as to permit first reading
12 at our next session of Council.

13 All those in favor will say
14 aye.

15 Those opposed?

16 The ayes have it, and the
17 motion carries.

18 Again, the record will reflect
19 that Bill No. 090380 has been withdrawn
20 at the request of the sponsor.

21 The Chair again recognizes
22 Councilman Kenney regarding Bill No.
23 090392.

24 COUNCILMAN KENNEY: Thank you,
25 Madam President.

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 I move that Bill No. 090392 be
3 reported out of this committee with a
4 favorable recommendation and a request
5 made for a rules suspension to allow for
6 first reading at our next Council
7 session.

8 (Motion duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that Bill No.
11 090392 be reported out of committee with
12 a favorable recommendation and, further,
13 that the rules of Council be suspended so
14 as to permit first reading at our next
15 Council session.

16 All those in favor will say
17 aye.

18 Those opposed?

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

21 Again the Chair recognizes
22 Councilman Kenney regarding --

23 COUNCILMAN KENNEY: Thank you,
24 Madam President.

25 I move that 090408 be reported

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 out of this committee with a favorable
3 recommendation and a request made for a
4 rules suspension to allow for first
5 reading at our next Council session.

6 (Motion duly seconded.)

7 COUNCIL PRESIDENT VERNA: It
8 has been moved and seconded that Bill No.
9 090408 be reported out of committee with
10 a favorable recommendation and, further,
11 that the rules of Council be suspended so
12 as to permit first reading at our next
13 session of City Council.

14 All those in favor will say
15 aye.

16 Those opposed?

17 The ayes have it and the motion
18 carries.

19 COUNCILMAN KENNEY: Thank you,
20 Madam President.

21 The next bill is Bill No.
22 090169. I move that the amendments
23 offered by Councilman DiCicco be
24 approved.

25 (Motion duly seconded.)

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 COUNCIL PRESIDENT Verna:

3 Councilman, did you want to --

4 COUNCILMAN DiCICCO: Next one.

5 COUNCIL PRESIDENT Verna: Oh.

6 All in favor that we adopt the amendment
7 will say aye.

8 Those opposed?

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

11 COUNCILMAN KENNEY: Thank you,
12 Madam President.

13 I move that Bill No. 090169, as
14 amended, be reported out of this
15 committee with a favorable recommendation
16 and a request made for a rules suspension
17 to allow for first reading at our next
18 Council session.

19 (Motion duly seconded.)

20 COUNCIL PRESIDENT Verna: It
21 has been moved and seconded that Bill No.
22 090160 be reported out of committee with
23 a favorable recommendation, as amended.
24 And, further, that the rules of Council
25 be suspended so as to permit first

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 reading at our next session of City
3 Council.

4 All in favor will say aye.

5 Those opposed?

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

8 We will now consider Bill No.
9 090170.

10 COUNCILMAN KENNEY: Thank you,
11 Madam President. I move that the
12 amendments to Bill No. 090170 be
13 approved.

14 COUNCILMAN DiCICCO: I have
15 point of order, Madam President.

16 COUNCIL PRESIDENT VERNA: Yes.
17 The Chair recognizes Councilman DiCicco.

18 COUNCILMAN DiCICCO: So that
19 the record reflects, as the earlier
20 amendment was submitted, reference had
21 been made to a couple of areas where the
22 amendment had remained blank.

23 Section 6, subsection B, as it
24 relate to the setbacks, a new amendment
25 has been passed out to this committee

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 within the last ten minutes or so. The
3 blanks have been filled in.

4 So the record will understand
5 that except where not feasible, as
6 determined by the Commission, such
7 setbacks shall not be less than 100 feet,
8 or 10 percent of the lot.

9 (Applause.)

10 COUNCILMAN DiCICCO: So the
11 blanks are 100 and 10.

12 COUNCILMAN KENNEY: I move
13 their adoption.

14 (Motion duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that the
17 amendments be adopted.

18 All those in favor will say
19 aye.

20 Those opposed?

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

23 COUNCILMAN KENNEY: Thank you,
24 Madam President.

25 I move that Bill No. 090170, as

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 amended, be reported out of this
3 committee with a favorable recommendation
4 and a request made for a rules suspension
5 to allow for first reading at our next
6 Council session.

7 (Motion duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and seconded that Bill No.
10 090170 be reported out of committee with
11 a favorable recommendation, as amended.
12 And, further, that the rules of Council
13 be suspended so as to permit first
14 reading at our next session of City
15 Council.

16 All those in favor will say
17 aye.

18 Those opposed?

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

21 And that concludes our public
22 meeting. And thank you all very much.

23 COUNCILMAN DICICCO: Madam
24 Chair, I just would like to make an
25 announcement that the Committee on

1 6/3/09 RULES - 090128, 169, 170, 348, 349, 392

2 Streets and Services will commence at 2
3 o'clock. I would ask members of the
4 committee to come to the chambers so that
5 we can begin that hearing.

6 (Proceedings end at 1:32 p.m.)

7 * * *

C E R T I F I C A T E

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 Wednesday, June 3, 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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