

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 13, 2009
10:25 a.m.

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN JACK KELLY
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 090127, 090190, 090246, 090295 and
090296

- - -

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

5 I would ask Mr. Erickson to
6 please read the title of Bill No. 090127.

7 THE CLERK: An ordinance
8 amending Titles 4 and 14 of The
9 Philadelphia Code, respectively, "The
10 Philadelphia Building Construction and
11 Occupancy Code" and "Zoning and
12 Planning," by authorizing the Department
13 of Licenses and Inspections to extend the
14 expiration date of certain zoning and/or
15 use registration permits, under certain
16 terms and conditions.

17 COUNCIL PRESIDENT Verna: Thank
18 you.

19 Mr. Kramer, good morning.

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

1 5/13/09 - RULES - BILL 090127, etc.
2 today to testify on Bill No. 090127,
3 which was introduced into City Council
4 February 27th of this year.

5 Bill No. 090127 will amend the
6 Philadelphia Zoning Code by allowing the
7 Department of Licenses and Inspections to
8 extend the expiration date of a zoning
9 and/or land use permit issued by the
10 Zoning Board of Adjustment for one year.
11 Currently, zoning permits expire one year
12 after the date of issuance, unless
13 construction work has begun prior to the
14 expiration date of the permit.

15 Bill No. 090127 will allow an
16 applicant to request a one-year extension
17 for the permit, providing the applicant
18 up to two years to begin construction.
19 The permit may only be extended once by
20 the Department of Licenses and
21 Inspections. The bill also contains a
22 provision by which this ordinance will
23 expire three years after becoming law.

24 The Philadelphia City Planning
25 Commission at its meeting of March 17th,

1 5/13/09 - RULES - BILL 090127, etc.
2 2009 recommended that Bill 090127 be
3 approved.

4 This morning I was given an
5 amendment that Councilman DiCicco wishes
6 to introduce on the bill, and we have
7 reviewed it and have no objection to the
8 requested amendment to the bill. This
9 amendment will remove language limiting
10 this to permits issued pursuant to a
11 decision of the Zoning Board of
12 Adjustment. That language would be
13 removed from the bill. We do not believe
14 that it makes a substantive difference in
15 what would be allowed in the zoning
16 permits once issued. If they were issued
17 as a matter of right, you would simply
18 reapply for that permit. So we have no
19 objection to the requested amendment.

20 COUNCIL PRESIDENT VERNA: Fine.
21 So instead of the one year, we're
22 extending it to two years?

23 MR. KRAMER: Technically what
24 it does is, it expires after a year.
25 This bill would allow you to then,

1 5/13/09 - RULES - BILL 090127, etc.
2 instead of going through the whole
3 approval process at the Board, go to L&I
4 and get a permit over the counter based
5 on a prior Zoning Board approval, as well
6 as the permit as it is today.

7 COUNCIL PRESIDENT VERNA: Fine.

8 The Chair recognizes Councilman
9 DiCicco.

10 COUNCILMAN DiCICCO: Thank you,
11 Madam Chair.

12 If I may, this was done in an
13 attempt to those cases where projects
14 have been approved, community
15 involvement, whatever, has taken place,
16 have been approved, permits have been
17 issued. Because of the downturn in the
18 economy where construction is not moving
19 forward, we felt it was the right thing
20 to do, to allow for these developers --
21 give them the extra year so they don't --
22 when the economy turns around, they don't
23 have to go back and start from the
24 beginning on things that have already
25 been accepted by all the departments and

1 5/13/09 - RULES - BILL 090127, etc.

2 the City.

3 COUNCIL PRESIDENT Verna: Very

4 well.

5 Any questions from members of

6 the Committee?

7 (No response.)

8 COUNCIL PRESIDENT Verna: Thank

9 you very much.

10 Our next witness is Sam

11 Sherman.

12 (No response.)

13 COUNCIL PRESIDENT Verna:

14 Mr. Sherman has submitted testimony.

15 That will be given to the stenographer so

16 it will be transcribed in full.

17 Do we have anyone else to

18 testify on this bill?

19 (No response.)

20 COUNCIL PRESIDENT Verna:

21 Seeing no one --

22 (Witness approached witness

23 table.)

24 MR. EWING: My name is William

25 Ewing.

1 5/13/09 - RULES - BILL 090127, etc.

2 There's been a major change in
3 this bill.

4 COUNCIL PRESIDENT VERNA:

5 Excuse me. Please take a seat. You
6 identified yourself. Now you can
7 testify.

8 MR. EWING: Yes. My name is
9 William Ewing. I'm a resident of the
10 City.

11 There's been a major change
12 that's just been made and I'd like to see
13 the new text before so that I understand,
14 because when I read this bill originally,
15 I thought it was very significant that it
16 only applied to permits issued pursuant
17 to a decision of the Zoning Board for the
18 very reason that, as Councilman DiCicco
19 has pointed out, when issued pursuant to
20 a decision of the Zoning Board, there's
21 been an opportunity for public input.

22 So I'm just looking at this
23 bill. It would apply to any zoning or
24 use registration permit that's been
25 issued upon written request of the

1 5/13/09 - RULES - BILL 090127, etc.
2 permittee.

3 Okay. Thank you. It only
4 applies to permits that have already been
5 issued; is that correct?

6 COUNCILMAN DiCICCO: Yes.

7 MR. EWING: Is the Committee
8 planning to change that to two years,
9 extension for two years or one?

10 COUNCILMAN DiCICCO: One.

11 MR. EWING: There was some
12 exchange among the members of the
13 Committee. I didn't understand whether
14 you were going to amend it two years.

15 COUNCILMAN DiCICCO: No.

16 MR. EWING: Thank you. Now
17 that I know what it is, I have no
18 problem. Thank you.

19 COUNCIL PRESIDENT VERNA: I
20 would ask Mr. Erickson to please read the
21 title of Bill No. 090190.

22 THE CLERK: An ordinance
23 amending Title 14 of The Philadelphia
24 Code, entitled "Zoning and Planning," by
25 amending Chapter 14-1400, entitled

1 5/13/09 - RULES - BILL 090127, etc.
2 "Parking and Loading Facilities," by
3 adding a new subsection providing for
4 bicycle parking, under certain terms and
5 conditions.

6 MR. KRAMER: Good morning,
7 Council President Verna and members of
8 the Rules Committee. I am William
9 Kramer, Division Director of the
10 Development Division of the Philadelphia
11 City Planning Commission. I am here
12 today to testify on Bill No. 090190,
13 which was introduced into City Council
14 March 12th of this year.

15 This bill creates a new
16 subsection in Section 14-1400 of the
17 Philadelphia Zoning Code, entitled
18 "Parking and Loading Facilities," which
19 set standards for and requiring a certain
20 number of bicycle parking spaces.

21 This new subsection defines
22 three types of bicycle parking spaces
23 based on how they protect against theft
24 and weather and then provides regulations
25 as to when and where bicycle parking is

1 5/13/09 - RULES - BILL 090127, etc.
2 to be provided.

3 This bill creates three types
4 of bicycle parking spaces, Class 1A, 1B
5 and Class 2. Class 1A spaces are located
6 in bicycle storage facilities, which are
7 defined as a shed, storage room or locker
8 designed to hold one or more bicycles
9 that comply with the standards to be
10 established by the Departments of
11 Licenses and Inspections and the Streets
12 Department.

13 Class 1B spaces are located
14 under a permanent overhead building
15 structure. Class 2 spaces are protected
16 against theft, but are not protected
17 against inclement weather.

18 The bill provides regulations
19 on how the spaces are to be provided.
20 For example, racks shall support the bike
21 frames at two points, and storage
22 facilities shall provide tamper-proof
23 locks and provisions shall be made that
24 bikes may be locked individually.

25 Next the bill describes the

1 5/13/09 - RULES - BILL 090127, etc.

2 uses that will require bicycle parking
3 and the number of spaces to be provided.

4 Any use other than single-family or
5 multiple-family dwellings, public parking
6 lots and low-occupancy facilities would
7 require two bicycle parking spaces when
8 the use exceeds 7,500 square feet, plus
9 one more space to be provided for every
10 additional 10,000 square feet of gross
11 floor area above 20,000 square feet.

12 The bill then provides
13 conditions regarding where the spaces can
14 be located. Spaces shall be on an
15 accessible route as defined in the
16 Building Code. Racks may be placed on
17 public right-of-way provided that the
18 owner enters into a maintenance agreement
19 with the Streets Department. All spaces
20 on the exterior of a building must be
21 located within 50 foot diameter of the
22 building entrance, unless the Streets
23 Department or Licenses and Inspections
24 waives this requirement. Spaces located
25 in attendant parking facilities shall be

1 5/13/09 - RULES - BILL 090127, etc.

2 adjacent to the attendant booth or in an
3 area under constant surveillance.

4 Lastly, this bill provides for
5 a substitution of bicycle parking for
6 auto parking. For every five Class 1
7 bicycle spaces provided, the number of
8 required off-street auto parking spaces,
9 excluding handicapped spaces, may be
10 reduced by one space. However, the
11 number of substituted auto parking spaces
12 cannot exceed ten percent of the total
13 required spaces.

14 The provisions of this bill
15 shall become effective January 1st, 2010.

16 Resulting from comments from
17 the Department of Licenses and
18 Inspections, a modest amendment has been
19 crafted. Rather than requiring an
20 accessible route as provided in the
21 Building Code, all required bicycle
22 parking installed within a building shall
23 be located on a continuous route from the
24 public right-of-way. The route shall be
25 a level walkway, having a slope of no

1 5/13/09 - RULES - BILL 090127, etc.
2 greater than five percent. Elevators,
3 platform lifts or ramps with a slope no
4 greater than 12.5 percent are permitted
5 as connecting elements within the
6 continuous route.

7 The Philadelphia City Planning
8 Commission at its meeting of April 21st,
9 2009 recommended that Bill 090190 be
10 approved with the proposed amendment.

11 That is the conclusion of my
12 testimony. I'd be happy to answer any of
13 the questions of the Committee at this
14 time.

15 COUNCIL PRESIDENT Verna: Thank
16 you.

17 Any questions from members of
18 the Committee?

19 (No response.)

20 COUNCIL PRESIDENT Verna: Sarah
21 Clark Stuart.

22 (Witness approached witness
23 table.)

24 COUNCIL PRESIDENT Verna: Good
25 morning. Please identify yourself for

1 5/13/09 - RULES - BILL 090127, etc.
2 the record and proceed.

3 MS. STUART: Thank you. My
4 name is Sarah Clark Stuart. I'm an
5 advocate with the Bicycle Coalition of
6 Greater Philadelphia. I thank you, Madam
7 Chair and members of the Rules Committee,
8 for this opportunity to testify.

9 The Bicycle Coalition is a
10 private non-profit organization working
11 in the Delaware Valley and we work to
12 make bicycling better through advocacy
13 and education.

14 The Bicycle Coalition strongly
15 supports this ordinance to require
16 bicycle parking for new uses. This bill
17 is developed by a subcommittee of the
18 Planning Commission's Pedestrian Bicycle
19 Plan Steering Committee, on which the
20 Bicycle Coalition sits, and was
21 introduced by Councilwoman Blondell
22 Reynolds Brown, Councilman Kenney and
23 Councilman Jones.

24 We thank them for their
25 leadership, especially Councilwoman Brown

1 5/13/09 - RULES - BILL 090127, etc.

2 for the hard work she put into making
3 this bill possible.

4 Including in my testimony I'm
5 attaching support letters from the
6 Delaware Valley Green Building Council
7 and Penn Future.

8 In order for Philadelphia to be
9 recognized as the greenest city in
10 America, one of Mayor Nutter's goals, it
11 needs to take measures to ensure that
12 more bicycle parking capacity is built
13 for the City's growing number of
14 bicyclists who ride to work, ride for
15 errands or getting around town. One of
16 the best ways to ensure more bicycle
17 parking is to have bike racks installed
18 by new developments when they are
19 constructed.

20 The American Bicycle League,
21 which is a national organization,
22 recognizes communities that are bicycle
23 friendly with an award program. In
24 March, Philadelphia applied for
25 recognition and was able to say that this

1 5/13/09 - RULES - BILL 090127, etc.
2 bill had been introduced in City Council,
3 and that's a key component of their
4 consideration.

5 Bicycling is an integral part
6 of Philadelphia's streetscape and
7 culture. Although bicycling in
8 Philadelphia has doubled over the past
9 three years, the availability of bike
10 racks both on the street, in parking lots
11 and inside buildings has not kept up, as
12 anyone can see when you see many bikes
13 parked on poles, street lights and trees.
14 Despite the recent addition of 1,400 new
15 bike racks through the City's
16 Adopt-A-Rack program, Philadelphia only
17 has approximately 2,600 publicly
18 installed bike racks. While other racks
19 have been privately installed, the full
20 number is still a fraction of the 11,000
21 daily commute-to-work trips made in
22 Philadelphia and the 300,000
23 Philadelphians who bike at least once a
24 month.

25 As described by Mr. Kramer,

1 5/13/09 - RULES - BILL 090127, etc.

2 this bill will amend the Zoning Code by
3 creating three classes of bike parking
4 spaces, require the establishment of
5 standards, which currently don't exist,
6 require that bike parking spaces be
7 provided by non-residential uses with
8 gross floor area larger than 7,500 square
9 feet, multiple-family dwellings when 12
10 or more are provided on a lot, public
11 parking lots and low-occupancy facilities
12 with six or more employees.

13 And, lastly, it will reduce the
14 number of required off-street automobile
15 parking by one space for every five
16 sheltered bike parking spaces that are
17 provided.

18 This bill will -- it's good
19 planning and it will help Philadelphia
20 make it more sustainable. Philadelphia
21 will be joining the ranks of peer cities
22 such as Chicago, Washington and New York
23 City who have already incorporated
24 bicycle parking requirements into their
25 zoning codes.

1 5/13/09 - RULES - BILL 090127, etc.

2 It will fast track the
3 development of standards and
4 specifications, which will lead to the
5 installation of higher-quality racks. It
6 will encourage more people to bike to
7 work and for short trips. A 2005 study
8 by the Delaware Valley Planning
9 Commission found that bicyclists favor
10 secure bike racks over any other amenity,
11 and 70 percent of bicyclists said they
12 would bike more if secure bike parking
13 was available.

14 The Bike Coalition did an
15 assessment last year on bicycle parking
16 and found a severe shortage. These are
17 among buildings, public venues, transit
18 stops that have little or no bicycle
19 parking at all, but we also found
20 inadequate bike parking at new buildings.
21 The Comcast Center, which is the
22 country's tallest LEED office building,
23 installed only two wave racks, which
24 house about 25 bicycles. They were soon
25 found to be insufficient to meet the

1 5/13/09 - RULES - BILL 090127, etc.
2 demand of the office workers and
3 visitors. And wave racks are not
4 recommended by the Association of
5 Pedestrian and Bicycle Professionals as
6 being good design for a number of
7 reasons. So this Zoning Code requirement
8 will rectify this situation for new
9 buildings that get constructed.

10 It's less expensive to
11 incorporate bike racks and spaces for
12 bike racks at the time of construction
13 than to do it after the fact. We get
14 many complaints from residents who have
15 trouble getting bicycle racks installed
16 in their buildings and, consequently,
17 there's a lot of bike theft that happens.

18 And, lastly, because the bill
19 will provide an incentive to developers
20 to substitute sheltered bikes for
21 automobile space parking, that's going to
22 reduce the amount of impervious surface
23 and then thus promote storm water
24 benefits.

25 So we applaud the Philadelphia

1 5/13/09 - RULES - BILL 090127, etc.
2 City Planning Commission, the Streets
3 Department, the Department of
4 Transportation and Utilities and
5 Department of Licenses and Inspections
6 for developing this innovative and
7 important Zoning Code amendment, and we
8 applaud City Council members Reynolds
9 Brown, Kenney and Jones for introducing
10 this measure. We urge you to vote
11 favorably on this ordinance today.

12 COUNCIL PRESIDENT Verna: Thank
13 you very much.

14 Are there any questions from
15 members of the Committee?

16 (No response.)

17 COUNCIL PRESIDENT Verna: I
18 notice that you have also letters
19 attached to your testimony.

20 MS. STUART: Yes, I do.
21 Letters of support for the ordinance from
22 the Delaware Valley Green Building
23 Council and Penn Future.

24 COUNCIL PRESIDENT Verna: Thank
25 you. Those letters will be given to the

1 5/13/09 - RULES - BILL 090127, etc.
2 stenographer and made part of the
3 testimony.

4 MR. STUART: Thank you very
5 much.

6 COUNCIL PRESIDENT VERNA: Thank
7 you very much.

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

10 MS. STUART: I believe there
11 are two more witnesses.

12 COUNCIL PRESIDENT VERNA: If
13 they would approach the witness table.

14 (Witnesses approached witness
15 table.)

16 COUNCIL PRESIDENT VERNA: Good
17 morning. Please identify yourself for
18 the record.

19 MR. DELBUONO: Good morning.
20 My name is Paul DelBuono and I'm here as
21 a representative for Fuji Bicycles.

22 Thank you, Madam Chair and
23 members of this Committee, for the
24 opportunity to testify today on the
25 ordinance to amend the Zoning Code to

1 5/13/09 - RULES - BILL 090127, etc.
2 require bicycle parking for new
3 construction projects, Bill No. 090190.

4 Advanced Sports Incorporated,
5 which is the parent company of Fuji
6 Bicycle, moved its world headquarters to
7 Philadelphia in 2004. At that time, we
8 grossed \$30 million worldwide and sold
9 110,000 bicycles. And last year, in
10 2008, we grossed \$80 million worldwide
11 and sold 250,000 bicycles around the
12 world. And in this troubled economy, I'm
13 happy to say we're currently up 40
14 percent for 2009.

15 We employ 52 people in
16 Philadelphia and 85 people worldwide, and
17 many of our employees ride their bikes to
18 work every day.

19 Fuji Bicycles strongly supports
20 this ordinance to require bicycle parking
21 for certain new uses.

22 We applaud the development of
23 this bill, as it will help make
24 Philadelphia's code foster buildings that
25 provide incentives to individuals to bike

1 5/13/09 - RULES - BILL 090127, etc.

2 to work and to use their bike for short
3 trips and to businesses to encourage more
4 employees to bike to work.

5 The lack of bicycle parking
6 facilities is a considerable disincentive
7 to individuals to bike to work, and we
8 applaud the City for working hard to
9 develop this ordinance that this
10 Committee is considering.

11 Other progressive cities with
12 strong planning standards such as
13 Chicago, Washington, DC and New York City
14 have similar legislation. It would be
15 fantastic for Philadelphia to join their
16 ranks.

17 We were attracted to
18 Philadelphia for its significant bicycle
19 lane network. The amendment of
20 Philadelphia's Zoning Code will make the
21 City an even friendlier city to
22 bicyclists and to businesses who want to
23 attract and retain employees who are
24 eager to keep healthy and stay active.

25 We look forward to working with

1 5/13/09 - RULES - BILL 090127, etc.
2 the City to help develop and improve the
3 cycling culture in Philadelphia.

4 We thank you for hearing our
5 testimony and urge your favorable vote on
6 this bill.

7 COUNCIL PRESIDENT Verna: Thank
8 you very much.

9 MR. DELBUONO: Thank you.

10 COUNCIL PRESIDENT Verna: Good
11 morning.

12 MR. MEDDIN: Good morning. My
13 name is Russell Meddin. I'm with Bike
14 Share Philadelphia. I wanted to say
15 thank you very much for letting me
16 testify to Councilwoman Miller,
17 Councilman Goode, Councilman DiCicco,
18 Council President Verna, Councilman
19 Greenlee and Councilman Kelly. Sorry.
20 I'm getting old. It's difficult.

21 Anyway, I'm here as a citizen
22 of Philadelphia, a bicycle use advocate
23 in general and a Public Use Bicycle
24 program advocate in particular. I
25 strongly endorse your favorable

1 5/13/09 - RULES - BILL 090127, etc.
2 consideration of Bill 090190, an
3 ordinance amending Title 14 to The
4 Philadelphia Code, entitled "Zoning and
5 Planning," by amending Chapter 14-1400,
6 "Parking and Loading," by adding a new
7 subsection providing for bicycle parking.

8 It's very, very important that
9 the City through its actions, its
10 ordinances and laws support bicycling as
11 a form of transportation for its
12 citizens.

13 I'm sure many of you understand
14 that for the environment, we all need to
15 reduce our dependence on fossil fuels as
16 a goal for our future for the City.
17 Increasing bicycle usage is an integral
18 part to obtaining that goal. Making
19 parking available and easy for
20 bicyclists, as it is for other modes of
21 transportation, which I'm sure most of
22 you use, helps our citizens choose to use
23 bicycles as a way to move towards this
24 goal. Requiring bicycle parking as
25 outlined in this proposed ordinance is a

1 5/13/09 - RULES - BILL 090127, etc.

2 very good start.

3 But I would like to voice one
4 concern. I firmly believe that
5 Philadelphia will embrace public use
6 bicycling, also known as bike sharing. I
7 firmly believe that we will have a public
8 use bicycling program at least as big,
9 but probably larger than the program that
10 started yesterday in Montreal, Canada,
11 which has 3,000 bicycles and 300 bike
12 parking stations throughout the city. I
13 believe the City of Philadelphia will
14 follow the guidelines of the recently
15 released Greenworks Plan Philadelphia
16 from the City's Office of Sustainability,
17 which states as Target No. 6 "to increase
18 in-street bicycle parking."

19 I also believe that with the
20 increase of bicycle usage, there will be
21 built in parts of Philadelphia new bike
22 parking stations, similar to the auto
23 parking lots or parking garages but for
24 bicycles instead. Very similar to the
25 McDonald's Bike Parking Station in

1 5/13/09 - RULES - BILL 090127, etc.

2 Millennium Park in Chicago, Illinois.

3 With in-street bicycle parking
4 and bike parking stations, I do not
5 believe we will satisfy the demand for
6 bicycle parking, but I am very concerned
7 that a developer of new construction or a
8 renovator of old construction would plead
9 for an exemption to Ordinance 090190 in
10 front of the Zoning Board of Adjustment
11 if there was a public bike parking
12 station or a bike parking station outside
13 that development. I believe there should
14 be an added safeguard to this ordinance.

15 The safeguard that I would
16 suggest would be for Section F.1, "No
17 bike parking station, whether part of a
18 system or independent, placed in the
19 public right-of-way or on private
20 property, near property covered by the
21 requirements of this subsection, will
22 absolve the building or parking lot owner
23 or operator from the regulations of this
24 subsection." And that a definition for
25 "bike parking station, a facility,

1 5/13/09 - RULES - BILL 090127, etc.
2 attended or unattended, for shared use
3 bicycle rentals and/or bicycle storage"
4 be added in Section A.6, as a way to
5 prevent the wonderful ideas and sections
6 of this ordinance being implemented
7 fully.

8 I thank you very much for
9 taking the time to listen to me. I hope
10 that all of you are riding your bike to
11 work this week. It's Bike to Work Week.
12 I expect to see all of you at some time
13 on a bike.

14 Thank you very, very much.

15 COUNCIL PRESIDENT Verna: Thank
16 you. Don't be around if I'm riding a
17 bike.

18 COUNCILWOMAN BROWN: Madam
19 Chair, if I may.

20 COUNCIL PRESIDENT Verna: Yes.
21 The Chair recognizes Councilwoman Brown.

22 COUNCILWOMAN BROWN: Thank you
23 very much.

24 Good morning. Mr. Meddin, if
25 you could just return to your chair.

1 5/13/09 - RULES - BILL 090127, etc.

2 First of all, let me say thank
3 you for your consistent advocacy on this
4 issue and the strong voice you have been
5 in this community around making
6 Philadelphia one of the greenest cities
7 in the country.

8 You should know for the record
9 that it was my pleasure to introduce this
10 legislation as relates to promoting
11 bicycle use, and anything that we can do
12 to promote a healthier life-style for our
13 citizens and remove greenhouse gases,
14 which I know is your impetus in a lot of
15 this, we must do.

16 I want to, as I said, recognize
17 your work, the work of the Planning
18 Commission that was an intimate partner
19 in this and the Bicycle Coalition for all
20 of the work you've done in creating a
21 blueprint for bike parking in a very
22 strategic way and not in a haphazard way
23 as we go down this road.

24 So know that you have a
25 commitment from my office. Once

1 5/13/09 - RULES - BILL 090127, etc.
2 Philadelphia moves to a place where we
3 are dealing with public bicycle parking,
4 then you have a commitment from my office
5 that we'll work with you and the
6 advocates to address that in a broader
7 way as well.

8 MR. MEDDIN: Sounds great to
9 me.

10 COUNCILWOMAN BROWN: Thank you
11 for your testimony.

12 MR. MEDDIN: Thank you.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 Do we have any other witnesses
16 to testify?

17 Just a moment, please.

18 The Chair recognizes Councilman
19 Kelly.

20 COUNCILMAN KELLY: Mr. Meddin,
21 first of all, I want to say that if you
22 see me on a bicycle, you'd better get out
23 of my way.

24 MR. MEDDIN: I can't wait to
25 see you on a bicycle, all of you.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCILMAN KELLY: But
3 seriously, I want to thank you for all
4 the work that you've been doing, because
5 I think that one of the things we have to
6 do is anything that we can do to relieve
7 congestion in Center City especially is
8 more than welcomed, and I think that I
9 want to congratulate you, commend you on
10 the hard work that you do. Thank you.

11 MR. MEDDIN: And the Coalition.
12 Thank you very, very much.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 Are there any other witnesses
16 on this bill that would like to testify?
17 Anyone else that would like to testify on
18 this bill?

19 (No response.)

20 COUNCIL PRESIDENT VERNA:
21 Seeing no one, I would ask that we now
22 consider Bill No. 090246.

23 THE CLERK: An ordinance to
24 amend the Philadelphia Zoning Maps by
25 changing the zoning designations of

1 5/13/09 - RULES - BILL 090127, etc.
2 certain areas of land located within an
3 area bounded by Orthodox Street, Large
4 Street and Adams Avenue.

5 COUNCIL PRESIDENT Verna:
6 Mr. Kramer.

7 MR. KRAMER: Good morning,
8 Council President Verna and members of
9 the Rules Committee. I am William
10 Kramer, Division Director of the
11 Development Division of the Philadelphia
12 City Planning Commission. I am here
13 today to testify on Bill No. 090246,
14 which was introduced into City Council
15 March 26th of this year.

16 This bill will rezone a parcel
17 in the area of land bounded by Orthodox
18 Street, Large Street and Adams Avenue
19 from an existing zoning designation of
20 "G-2" General Industrial to a new
21 designation of "C-2" Commercial.

22 This zoning change will permit
23 the existing CORA Center to expand its
24 operation without the necessity of a
25 hearing before the Zoning Board of

1 5/13/09 - RULES - BILL 090127, etc.

2 Adjustment. There is no expansion of the
3 existing structure proposed as part of
4 the expansion of their operations.

5 CORA currently provides
6 after-school programs as well as GED and
7 job career counseling programs at this
8 location and wishes to add an all-day
9 daycare center for approximately 50
10 children.

11 The Philadelphia City Planning
12 Commission at its meeting of April 21st,
13 2009 recommended that Bill No. 090246 be
14 approved.

15 That is the conclusion of my
16 testimony. I'd be happy to answer any
17 questions that you may have.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much.

20 I am led to believe that City
21 Council had previously rezoned this land,
22 but the plan approval and construction
23 had been delayed. The original ordinance
24 had a sunset provision; had it not?

25 MR. KRAMER: I'm not aware of

1 5/13/09 - RULES - BILL 090127, etc.
2 that particular aspect of this. That's
3 possible, but I'm not aware of that.

4 COUNCIL PRESIDENT Verna: Okay.

5 Do we have any questions from
6 members of the Committee?

7 (No response.)

8 COUNCIL PRESIDENT Verna:

9 Seeing none, I would ask if there's
10 anyone else that would like to testify?
11 Do we have anyone that would like to
12 testify on this bill?

13 (Witnesses approached witness
14 table.)

15 MR. Devlin: Good morning,
16 Madam President, members of the
17 Committee. My name is Terry Devlin. I'm
18 the Director of Government and Community
19 Relations for CORA Services. With me is
20 Anne Marie Schultz. She's Director of
21 our Out-of-School Services Division.

22 I was interested that there
23 might not have been any questions, but
24 your particular note regarding the sunset
25 provision.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCIL PRESIDENT VERNA: No.

3 That's all right. Ignore that.

4 I'm sorry. Please proceed.

5 MR. DEVLIN: Thank you. I
6 appreciate the opportunity just to be
7 here and answer any questions if there
8 were.

9 The only addition I wanted to
10 make in terms of what Mr. Kramer
11 mentioned, of course, is that the
12 provision to do this is the beginning of
13 a process for us that will allow us to
14 continue with the DPW regulations that
15 are needed to turn it into a daycare
16 center while at the same time continuing
17 the programs that have been in place at
18 our CORA Newman Center since 1980, and
19 the creation of approximately ten to 12
20 jobs with the advent of the daycare
21 center will be a much-needed boost,
22 especially for subsidized daycare slots
23 in that Frankford community.

24 So we appreciate the
25 opportunity to make this presentation and

1 5/13/09 - RULES - BILL 090127, etc.
2 hope to get a favorable response from the
3 Committee.

4 COUNCIL PRESIDENT Verna: Thank
5 you very much.

6 MR. Devlin: Thank you, Madam
7 President.

8 COUNCIL PRESIDENT Verna:
9 You're welcome.

10 The Chair recognizes
11 Councilwoman Brown.

12 COUNCILWOMAN BROWN: Good
13 morning. I'm well aware of the good work
14 CORA has been doing for decades. Will
15 the childcare center be for employees or
16 for residents of CORA?

17 MR. Devlin: No. It will be
18 for the entire community.

19 COUNCILWOMAN BROWN: Okay.

20 MR. Devlin: And we recognize
21 this, as the Councilwoman knows and has
22 been kind enough to support us in the
23 past. This was done not as an idea that
24 came out of thin air. It was in response
25 to some recognized needs in the community

1 5/13/09 - RULES - BILL 090127, etc.
2 for subsidized daycare slots. So while
3 in fact employees may avail themselves of
4 it, there aren't that many employees
5 there that would. It will be mainly for
6 the community.

7 COUNCILWOMAN BROWN: Terrific.
8 Okay. Thank you for your testimony.

9 MR. DEVLIN: Thank you,
10 Councilwoman.

11 COUNCIL PRESIDENT Verna: Thank
12 you.

13 Any other questions or comments
14 from members of the Committee?

15 (No response.)

16 COUNCIL PRESIDENT Verna: Thank
17 you very much.

18 MR. DEVLIN: Thank you, Madam
19 President.

20 COUNCIL PRESIDENT Verna: Thank
21 you.

22 Do we have anyone else that
23 would like to testify?

24 (No response.)

25 COUNCIL PRESIDENT Verna:

1 5/13/09 - RULES - BILL 090127, etc.

2 Seeing no one, I would ask Mr. Erickson
3 to please read the title of Bill No.
4 090296.

5 THE CLERK: An ordinance to
6 amend the Philadelphia Zoning Maps by
7 changing the zoning designations of
8 certain areas of land located within an
9 area bounded by Front Street, Lombard
10 Street, 2nd Street and Pine Street, under
11 certain terms and conditions.

12 COUNCIL PRESIDENT Verna:
13 Mr. Kramer.

14 MR. KRAMER: Good morning,
15 Council President Verna and members of
16 the Rules Committee. I am William
17 Kramer, Division Director for the
18 Development Planning Division of the
19 Philadelphia City Planning Commission.
20 I'm here today to testify on Bill No.
21 090296, which was introduced by
22 Councilmember DiCicco on April 6th, 2009.

23 This bill reenacts the
24 provisions of Bill No. 080253-A by
25 placing a new sunset provision on the

1 5/13/09 - RULES - BILL 090127, etc.
2 rezoning of certain areas of land bounded
3 by Front Street, Lombard Street, 2nd
4 Street and Pine Street, which lapsed on
5 April 16th, 2009. The new sunset
6 provision shall lapse on June 30th, 2010
7 unless a building permit has been issued
8 or the Philadelphia City Planning
9 Commission is granted an extension of up
10 to one year upon determination by the
11 Commission that the applicant is making
12 substantial progress towards completion
13 of the approved Plan of Development.

14 As a result of Bill No. 090296,
15 the parcel in the subject block will be
16 rezoned from "C-2" Commercial to "C-4"
17 Commercial, as was done in the original
18 bill in order to accommodate the Stamper
19 Square project.

20 The Philadelphia City Planning
21 Commission at its meeting of April 21st,
22 2009 considered Bill No. 090296 and
23 recommended that the bill be approved.

24 This concludes my testimony. I
25 appreciate the opportunity to appear and

1 5/13/09 - RULES - BILL 090127, etc.

2 would be happy to answer any questions

3 you may have.

4 COUNCIL PRESIDENT Verna: Are
5 there any questions from members of the
6 Committee?

7 (No response.)

8 COUNCIL PRESIDENT Verna:
9 Mr. Erickson, who is our next witness?

10 THE CLERK: Mr. William Kramer.

11 MR. KRAMER: That's me.

12 THE CLERK: William Martin.

13 I'm sorry.

14 (Witnesses approached witness
15 table.)

16 COUNCIL PRESIDENT Verna: It's
17 nice seeing you again.

18 MR. MARTIN: Thank you, Madam
19 President.

20 COUNCIL PRESIDENT Verna:
21 Mr. Martin, I look at you and I think of
22 the stadiums.

23 MR. MARTIN: Good morning,
24 Madam President and members of the Rules
25 Committee. My name is William Martin.

1 5/13/09 - RULES - BILL 090127, etc.

2 I'm a partner at the Philadelphia law
3 firm of Fox Rothschild and counsel to
4 Bridgeman's Development Real Estate, LLC.
5 I am joined by Marc Stein, who is
6 President of Bridgeman's Development.

7 Bridgeman's Development is the
8 developer of the proposed project on the
9 parcel which is the subject of Bill No.
10 090296, and Mr. Kramer in his testimony
11 gave some of the history of both this
12 bill and the bill that Council passed
13 last year, 080253-A, so I'll skip a bit
14 of my previously distributed prepared
15 testimony.

16 In the way of background, the
17 delay in commencement of the project is
18 attributable to two factors. First, the
19 Historical Commission of Philadelphia
20 asserted jurisdiction over the project
21 based upon its interpretation of the
22 applicable statute and regulations. My
23 client cooperated with the Historical
24 Commission, and the necessary approvals
25 were received in November of 2008.

1 5/13/09 - RULES - BILL 090127, etc.

2 Unfortunately, the process of securing
3 the Historical Commission approvals
4 delayed final financing of the project.
5 Once those approvals were in hand, the
6 economy of the country and the region,
7 and particularly the environment for the
8 financing of real estate development
9 projects, had considerably worsened. It
10 was not possible to secure the necessary
11 financing and commence construction by
12 April 2009, the sunset date in the prior
13 ordinance.

14 The prior ordinance had
15 anticipated a mechanism for extension of
16 the period within which the developer
17 could secure its building and zoning
18 permits. Unfortunately, due to continued
19 discussions between the staff of the
20 Planning Commission and the City Law
21 Department regarding the appropriate
22 process for granting an extension of a
23 permit window, once the need for formal
24 Planning Commission approval was
25 confirmed, the agenda for the March 2009

1 5/13/09 - RULES - BILL 090127, etc.
2 meeting had already been advertised. The
3 next subsequent meeting occurred after
4 zoning rights provided by the 2008 bill
5 arguably would have lapsed, and as such,
6 my client agrees that the current bill,
7 which is the subject of this hearing, is
8 the necessary instrument to confirm the
9 zoning that will allow for the Stamper
10 Square development.

11 Beyond these legal matters, let
12 me speak to two practical points. First,
13 my client continues to intend to develop
14 the Stamper Square project as it was
15 presented to City Council in connection
16 with the spring 2008 rezoning and as
17 presented in more detail to the City's
18 Planning Commission in connection with
19 its approval of the Plan of Development.
20 The project has not changed in any
21 respect.

22 Second, significant strides
23 have been made over the last month or two
24 in the area of financing. Institutional
25 investors with significant track records

1 5/13/09 - RULES - BILL 090127, etc.
2 have reviewed the project and have
3 expressed sincere interest in teaming up
4 with the Bridgeman's Development Real
5 Estate. It's hoped that commitments will
6 be in hand shortly. Closing of financing
7 could occur as early as the fall,
8 allowing for commencement of construction
9 promptly thereafter.

10 This project continues to be an
11 exciting one, bringing new luxury hotel
12 and condominium development to the
13 Society Hill neighborhood, and we
14 continue to be excited about it and
15 appreciate your consideration of this
16 ordinance.

17 As I indicated, Mr. Stein is
18 here with me, and together we're happy to
19 answer any questions you may have.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 Are there any questions or
23 comments from members of the Committee?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Thank

1 5/13/09 - RULES - BILL 090127, etc.

2 you very much, Mr. Martin.

3 Mr. Stein, thank you.

4 MR. STEIN: Thank you. Nice to
5 see you.

6 COUNCIL PRESIDENT Verna:

7 Gentlemen, I would ask that you please
8 remain. Thank you.

9 Our next witness?

10 THE CLERK: William Ewing.

11 (Witness approached witness
12 table.)

13 MR. EWING: Thank you, Madam
14 President, members of the Committee. My
15 name is William Ewing. I represent Kevin
16 Boylan, who owns the property adjacent to
17 this project at 119 Lombard Street. I
18 testified on his behalf at the hearing
19 last year.

20 His house is a house that was
21 built in 1740. The backyard -- this
22 ordinance, as well as last year's,
23 rezones his backyard, as well as the
24 property in question. For some reason,
25 that's the way it's structured. It would

1 5/13/09 - RULES - BILL 090127, etc.

2 put just behind his backyard, about six
3 feet from the property line, a six-story
4 building, whereas the previous zoning
5 allowed 35 feet maximum. This is clearly
6 out of proportion, scale and density to
7 the neighboring properties, which is
8 basically Headhouse Square, a farmers'
9 market and historical properties.

10 Society Hill Towers, which have
11 been referred to to justify it, are some
12 distance away and are separated from the
13 neighboring properties by a large plaza.
14 They are not six feet from the property
15 line of a historic house. They are not
16 nestled in a residential block as this
17 property would be.

18 Now, when zoning started -- our
19 second problem is the process. When
20 zoning started in the United States, it
21 was challenged as an unconstitutional
22 limitation on private property use. It
23 was justified in the case of City of
24 Euclid on the ground that it was
25 justified by the public good when carried

1 5/13/09 - RULES - BILL 090127, etc.
2 out according to a Plan of Development.

3 The issue is to avoid ad hoc
4 development depending on the identity of
5 the developer, and that is exactly what
6 we have here. It is not being carried
7 out according to a Plan of Development.
8 It's one particular piece of property
9 that's been singled out for treatment
10 different from everything else nearby.
11 Therefore, it's spot zoning. It is
12 unconstitutional.

13 The fact of this is shown by
14 Mr. DiCicco, Councilman DiCicco's,
15 testimony at the hearing last year when
16 he said in response to the introduction
17 of the letter he had sent two years
18 earlier or three years earlier saying
19 that he opposed any rezoning for this
20 property. He said, But that was a
21 different developer. That was a
22 different project, which is exactly what
23 shows spot zoning.

24 Furthermore, the President of
25 the Society Hill Civic Association

1 5/13/09 - RULES - BILL 090127, etc.

2 testified at that time that the only
3 reason that they were supporting this
4 zoning bill was because it was project
5 specific.

6 Now, this bill this year isn't
7 even project specific. It is specific to
8 this developer, but it allows the
9 Planning Commission to allow a 30-story
10 building or any other kind of change. It
11 says that the zoning is changed if the
12 development is according to the plans
13 that were previously approved by the
14 Planning Commission or any amended plan.

15 So you're giving a wide open
16 blank check to this developer under the
17 different zoning, which is far beyond
18 what this Council approved last year.

19 Thank you very much. I'd be
20 happy to answer any questions.

21 COUNCIL PRESIDENT Verna: Thank
22 you very much.

23 The Chair recognizes Councilman
24 DiCicco.

25 COUNCILMAN DiCICCO: Mr. Ewing?

1 5/13/09 - RULES - BILL 090127, etc.

2 MR. EWING: Yes, sir.

3 COUNCILMAN DiCICCO: I
4 apologize. I was a little bit distracted
5 during your testimony, but towards the
6 end of your testimony, you said that this
7 bill -- I'm not quoting you; I'm
8 paraphrasing you -- changes the intent of
9 the original bill?

10 MR. EWING: Yeah. The original
11 bill basically approved a particular
12 project.

13 COUNCILMAN DiCICCO: Right.

14 MR. EWING: This allows that or
15 any amendment, any amended Plan of
16 Development approved by the Planning
17 Commission. So it allows --

18 COUNCILMAN DiCICCO:
19 Thirty-story building?

20 MR. EWING: Right.

21 COUNCILMAN DiCICCO: According
22 to 150 e-mails, a 30-story building will
23 be built there.

24 MR. EWING: I don't know what's
25 going to be built there.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCILMAN DiCICCO:

3 Mr. Kramer, could you respond to that? I
4 mean, I've gotten literally 150 or more
5 e-mails since yesterday from concerned
6 citizens, people I've been representing
7 for a long time, and their concern is
8 that if this bill is passed, that it will
9 pretty much negate what we already
10 approved a while back and open up an
11 opportunity for the developer to come in
12 and do a development that is entirely
13 different than what was negotiated and
14 approved by the community and supported
15 by -- voted on by City Council.

16 Could you speak to that?

17 MR. KRAMER: Yes, sir, I will.

18 COUNCILMAN DiCICCO: Thank you.

19 MR. KRAMER: Part of the Plan
20 of Development process, Mr. Ewing is
21 correct, someone could come in and file
22 an amended plan. However, if you were to
23 file such an amended plan, it would mean
24 that you would -- as the Planning
25 Commission, we would make you go through

1 5/13/09 - RULES - BILL 090127, etc.

2 all the process where you go in, discuss
3 the whole thing with the affected
4 residential community, as well as with
5 our staff, and then the whole thing would
6 have public presentation to the
7 Commission and would require the public
8 meeting of the Planning Commission for
9 approval of any amended plan.

10 It's not as if it can't happen.
11 It could, but there's a process by which
12 you would go through, a very public
13 process, for the vetting of whatever
14 opportunities, whether it's a 30-story
15 building -- and, frankly, what I know of
16 this site, I think it would be difficult
17 to arrange a building in such a manner.
18 However, anything is in the world of
19 possibility. Yes, it's possible, but it
20 would require that it would go back
21 before the Commission, and the
22 Commission's response would be handling
23 it as an amendment, and as an amendment
24 we would at a minimum -- well, we would
25 look at what the application was and we

1 5/13/09 - RULES - BILL 090127, etc.
2 would then make an evaluation of that,
3 and we would as part of that require at a
4 minimum it go back to the civic
5 association involved, and in this
6 particular instance, we would certainly
7 make sure that the individual abutting
8 neighbors were also apprised of what the
9 new plan was. We would not take it
10 further without that notification on
11 record.

12 COUNCILMAN DiCICCO: So, again,
13 just to be clear, it's possible that this
14 developer or another developer, should
15 the interested parties become another
16 entity, could always come back and ask
17 for an amendment. That could be done any
18 time.

19 MR. KRAMER: Correct.

20 COUNCILMAN DiCICCO: Well, it's
21 this bill or any other thing. Developers
22 get approvals, and then because of the
23 economies of scale or other reasons, they
24 will come in and ask for some relief.

25 MR. KRAMER: Correct.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCILMAN DiCICCO: I mean,
3 that's normal; is that correct?

4 MR. KRAMER: That's correct,
5 yes.

6 COUNCILMAN DiCICCO: But there
7 is a public process. I think what was
8 put out yesterday and has gotten a lot of
9 people anxious is that they feel that
10 because it's not coming to City Council,
11 that the public will be shut out of the
12 process. There will be -- no one's
13 concerns will be heard, and the Planning
14 Commission will just make a decision or
15 recommendation to approve based on what
16 the Planning Commission believes is the
17 appropriate use, should it be amended or
18 requested to be amended, and not leaving
19 the community -- allowing the community
20 to be part of that discussion. I think
21 you described that that is still going to
22 be a public process where the residents
23 and the District Councilperson, assuming
24 I'm still around, would have an
25 opportunity to be heard in front of the

1 5/13/09 - RULES - BILL 090127, etc.

2 Planning Commission as well.

3 MR. KRAMER: That is correct.

4 I would add to that that any application
5 or revised Plan of Development that came
6 in that did not meet the base zoning
7 requirements -- in other words, what this
8 process was set up to deal with was to
9 provide very stringent controls on a
10 particular development process. However,
11 it's my understanding of the way this
12 would work, that if someone came in with
13 a 30-story building, even if the Planning
14 Commission approved that as a Plan of
15 Development, if a 30-story building is
16 not permitted based on FAR or whatever,
17 the Department of Licenses and
18 Inspections would still require that that
19 go to the Zoning Board of Adjustment for
20 formal approval there. It does not give
21 the Planning Commission carte blanche as
22 just approving that Plan of Development.
23 It still has to meet the base zoning
24 requirements as well.

25 COUNCILMAN DiCICCO: Thank you.

1 5/13/09 - RULES - BILL 090127, etc.

2 I have no further questions.

3 COUNCIL PRESIDENT Verna: Thank
4 you very much.

5 Any other questions from
6 members of the Committee?

7 (No response.)

8 COUNCIL PRESIDENT Verna: I
9 would ask that we call the next witness,
10 please.

11 MR. Ewing: Thank you.

12 THE CLERK: Benita Langsdorf.

13 (Witness approached witness
14 table.)

15 COUNCIL PRESIDENT Verna: Good
16 morning.

17 MS. Langsdorf: Good morning.

18 COUNCIL PRESIDENT Verna:
19 Kindly identify yourself for the record
20 and proceed with your testimony.

21 MS. Langsdorf: Good morning.
22 Thank you for allowing me to testify. My
23 name is Benita Fair Langsdorf. I have
24 lived in Society Hill on Washington
25 Square for four years and joined the

1 5/13/09 - RULES - BILL 090127, etc.

2 Civic Association upon becoming a
3 resident and have been active in the
4 Zoning and Historical Preservation
5 Committee. I was involved in our
6 community discussions regarding this
7 project, and I am a Vice-President-elect
8 of the Civic Association, with the term
9 beginning June 1st, and I just would like
10 to speak to the bill in front of us.

11 And I would like to start by
12 saying that the Civic Association would
13 very much like this project to go forward
14 with this developer, the Plan of
15 Development that was presented to you and
16 to the City Planning Commission last year
17 with this four-star luxury hotel and all
18 the amenities and protections that we had
19 agreed upon would go into this bill. Our
20 concern is -- I'm sorry; into the Plan of
21 Development.

22 The original Plan of
23 Development, as you recall, limited the
24 hotel to 15 stories, with a specific
25 height limitation; limited the hotel

1 5/13/09 - RULES - BILL 090127, etc.
2 component of it to seven stories; had a
3 plan where the highest point of the
4 development was going to be approaching
5 Front Street; guaranteed us 350 parking
6 spaces for the community and for the
7 residents of the hotel and the
8 condominiums; and also guaranteed public
9 access to the property.

10 The current bill with the
11 adding of that phraseology, which allows
12 for amended Plan of Developments, allows
13 that Plan of Development to be altered
14 and all of those counts at the discretion
15 of the City Planning Commission. And I
16 understand the nature of this idea of 30
17 stories, but for some of us, an
18 additional five stories could be a
19 significant amendment to that Plan of
20 Development. For some of us, if the
21 condominium goes from 77 luxury
22 condominiums to 150 not-so-luxurious
23 condominiums, do we need additional
24 parking spaces?

25 So any change to that Plan of

1 5/13/09 - RULES - BILL 090127, etc.

2 Development becomes significant in the
3 eyes of the beholder, I guess, and how it
4 will affect our community.

5 I appreciate everything you
6 said about a public process being
7 available, that if amendments were
8 presented, that would happen. My
9 question to you is, why not reword this
10 bill so that we are in fact extending the
11 original Plan of Development for the
12 additional year, and if in fact the
13 developer needs an amendment because of
14 whatever concerns that you have raised
15 here today, he then come back and ask for
16 that rather than set forth in the bill
17 the right for him to amend his Plan of
18 Development? Because we don't know now
19 what changes could occur. And I am not
20 at all questioning his good intentions to
21 develop this project as presented to us,
22 but we all know that things change on a
23 monthly basis, and we at the community
24 and the Civic Association just want to
25 make sure that we get the project that

1 5/13/09 - RULES - BILL 090127, etc.

2 was promised to us, that we shared with
3 the community in multiple, multiple
4 public forums, multiple questions and
5 answers, and that there are no surprises.
6 And we don't want to have to in six
7 months or a year, if there are
8 amendments, come back here and say,
9 However, in our rationale, this is
10 significantly different.

11 So my question to you is, why
12 not put the onus on the developer at the
13 time he can really secure his financing,
14 if he thinks at that time he needs to
15 amend it, to come back to you and ask for
16 an amendment at that time, and instead
17 pass the bill now without any amendments
18 and, therefore, all -- the Civic
19 Association would be so supportive of
20 you, and the community would feel that
21 this is -- and would know that this is
22 what you're asking to approve and to
23 extend, a process that went through many,
24 many, many months and many presentations,
25 public presentations and discussion,

1 5/13/09 - RULES - BILL 090127, etc.
2 before the Plan of Development was
3 finalized.

4 COUNCIL PRESIDENT VERNA:
5 Councilman DiCicco.

6 COUNCILMAN DiCICCO: Thank you.
7 Thank you, and good morning, Ms.
8 Langsdorf.

9 Mr. Kramer, you heard the
10 concerns. I think I tried to touch on
11 those, but play out that scenario.

12 MR. KRAMER: The Plan of
13 Development as was approved by the
14 Commission in August of last year or at
15 their August meeting is still the Plan of
16 Development of record, and even under the
17 old bill, the gentleman had the right to
18 come in and amend that particular Plan of
19 Development. So at this point, there's
20 nothing to discuss in terms of
21 amendments, because they haven't
22 requested anything to be amended. And
23 for them to go and obtain any permits to
24 do anything on this, the plans that they
25 submitted have to be in conformance with

1 5/13/09 - RULES - BILL 090127, etc.
2 the previously approved Plan of
3 Development or they're not going
4 anywhere. It would then -- if they came
5 in with plans that were not in
6 conformance, that would necessitate going
7 through an amendment process to the Plan
8 of Development, and that's where we would
9 then have the public outreach.

10 MS. LANGSDORF: I understand
11 that, but then once they've amended the
12 plan and gotten the permits, it's a lot
13 more difficult to then say, Sorry, we
14 gave you a permit to build that amended
15 plan, and you're not going to be --

16 COUNCILMAN DiCICCO: But
17 correct me if I'm wrong, Mr. Kramer,
18 they're not going to get that amended
19 plan approval until it goes through a
20 public process.

21 MR. KRAMER: Correct.

22 MS. LANGSDORF: Well, then why
23 can't they -- they're still then
24 presenting the amendment and then getting
25 their approval to build.

1 5/13/09 - RULES - BILL 090127, etc.

2 You know, I think it's the
3 sequence of the process that we are
4 concerned about, and I think that as the
5 language says, as amended, and let's it
6 at the discretion of the Planning
7 Commission, it almost suggests that there
8 could be amendments that we should
9 expect. And we want the project with the
10 current Plan of Development built,
11 without amendments, and if they need
12 amendments and if it has to be approved
13 before the Planning Commission before
14 they can get a permit to build, then let
15 them at that point come forward and say,
16 We would like to make some changes, and
17 let the community have their input prior
18 rather than after the fact. That's all
19 we're asking.

20 Let's keep the bill without
21 amendments so that we are focusing on the
22 Plan of Development that was presented to
23 us originally that we all agreed to.
24 That is the best outcome for this
25 community.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCILMAN DiCICCO: Well,
3 majority agreed to.

4 MS. LANGSDORF: Well, we're
5 supporting it now.

6 COUNCILMAN DiCICCO: It's
7 fourteen years. I'm still looking for
8 that "all." I can't find it.

9 MS. LANGSDORF: Well, I'm
10 sorry. Okay. I'm only living here four
11 years. Let's say I've seen an incredible
12 consensus since this has passed, and we
13 want this project.

14 COUNCILMAN DiCICCO: I hear
15 what you're saying and I support what
16 you're saying, but I think we're making a
17 big deal over something that is not to be
18 made a big deal over. There is still
19 going to be a process. And in all the
20 years I've been here -- and I've been
21 involved, along with various communities
22 throughout my district -- in numerous
23 projects. For one reason or another --
24 and I don't know of any that did not come
25 in for some sort of an amendment. It's

1 5/13/09 - RULES - BILL 090127, etc.

2 just the nature of development.

3 I don't know of any that came
4 in at a certain height and wanted to
5 double the height. I've never had
6 anything to that extreme. There may be
7 cases like that, but I'm not familiar
8 with it. There may be some tweaking on
9 areas where ingress and egress are being
10 discussed or where truck unloading is,
11 because once they get down to the
12 nitty-gritty and lay out the footprint
13 and work with Streets Department and
14 other departments, as best as the plan
15 was looked at and agreed upon, sometimes
16 something may have been overlooked.

17 I'm not minimizing your
18 concern. I understand it, but I don't
19 think it's the dooms day thing that if we
20 do this bill, we, you are out of the
21 process. That is not the case. I would
22 never -- I've been a process guy all my
23 life with this stuff, and sometimes I
24 wonder why, because it does take a lot of
25 time, but I think it's the right thing to

1 5/13/09 - RULES - BILL 090127, etc.

2 do. And in that same -- going along
3 those same ideas, I was the guy who
4 introduced the bill for the Zoning
5 Commission. We all agree that the
6 Planning Commission is really where these
7 decisions need to be thought out and
8 ultimately made the decision. I'm not a
9 planner, and I don't know if any of my
10 colleagues are planners.

11 So this is kind of following
12 that same line of removing not the public
13 entirely, but removing or eliminating
14 some of the obstacles that developers
15 have to deal with to get a project done.

16 I'm not giving them the clean
17 bill of health. I'm not giving them
18 carte blanche, but eliminating one of
19 those levels of interference, if you
20 will, that slows it down. And Planning
21 Commission, that's their role. They're
22 planners. They have the expertise. They
23 have the tools. And it will come back
24 for a public discussion if in fact the
25 developer decides that he needs to make

1 5/13/09 - RULES - BILL 090127, etc.
2 some changes to the project that are not
3 specific to what the original plan that
4 we approved. That's always been the
5 case.

6 MS. LANGSDORF: And I
7 appreciate what you're saying. I guess
8 that one of the issues is that we are
9 concerned that City Council is taken out
10 of the initial step, that the process is
11 being changed.

12 Please let me just finish.

13 And as to the use, again, I
14 would say that if the developer, any
15 developer, can always come back and ask
16 to be amended, why not do it -- let him
17 come back and do it. And you certainly
18 all understand what this project did to
19 this community, the scope of the unrest
20 and the factions and -- we want this
21 behind us. We want to go forward, and we
22 do want this project, and we want to make
23 sure that that's -- I'll just throw out
24 another thought. I mean, when you say
25 "amend," the definition of amend is to

1 5/13/09 - RULES - BILL 090127, etc.
2 alter. There are no limitations on what
3 can be amended.

4 COUNCILMAN DiCICCO: There are.
5 There would be, and I think Mr. Kramer
6 explained there would be. I don't -- do
7 you have anything to add, Mr. Kramer?

8 MS. LANGSDORF: No. That's all
9 I have.

10 MR. KRAMER: No. At this
11 point, it is allowing for due process to
12 happen the way the bill is written now.
13 It is the way the bill was originally
14 done. It still allowed the same due
15 process. We fortunately went through the
16 due process, and as she's pointed out,
17 we've come up with a Plan of Development
18 that the community is happy with and
19 wants to see go forward. We have no
20 interest necessarily in amending it, but
21 just to put it -- the kind of thing it
22 might be is if they use one type of
23 elevator versus another, it might change
24 the height of it by five feet, but we
25 won't know that until that all gets

1 5/13/09 - RULES - BILL 090127, etc.
2 specked out, and that's in the future.
3 We won't know exactly -- the way it is is
4 the way it is. And it does provide due
5 process, so that's why it's there.

6 COUNCILMAN DiCICCO: Thank you.

7 COUNCIL PRESIDENT VERNA: Thank
8 you very much.

9 Our next witness?

10 THE CLERK: Paul Boni.

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Do we
13 have anyone else to testify on this bill?

14 (No response.)

15 COUNCIL PRESIDENT VERNA:

16 Seeing no one, I would ask Mr. Erickson
17 to please read the title of Bill No.
18 090295.

19 THE CLERK: An ordinance to
20 amend the Philadelphia Zoning Maps by
21 changing the zoning designations of
22 certain areas of land located within an
23 area bounded by 11th Street, Filbert
24 Street, 8th Street and Market Street.

25 (Witnesses approached witness

1 5/13/09 - RULES - BILL 090127, etc.
2 table.)

3 THE CLERK: Nick Moles and
4 Chris Mrozinski.

5 COUNCIL PRESIDENT VERNA: Good
6 morning.

7 (Good morning.)

8 COUNCIL PRESIDENT VERNA: I
9 would like to remind my colleagues that
10 testimony was taken on this bill at a
11 hearing held on May 7th and it was
12 recessed until today.

13 Mr. Moles, good morning.

14 MR. MOLES: Good morning. I
15 have no further testimony to offer beyond
16 what Mr. Ford offered last week. I'm
17 here in the event there are any questions
18 to be available to Council.

19 COUNCIL PRESIDENT VERNA: Are
20 there any members who have questions of
21 Mr. Moles?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:
24 Apparently not.

25 MR. MOLES: Thank you.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCIL PRESIDENT Verna: Thank
3 you.

4 MR. Mrozinski: I have just a
5 brief update --

6 COUNCIL PRESIDENT Verna: Your
7 name, please.

8 MR. Mrozinski: Chris Mrozinski
9 from Pennsylvania Real Estate Investment
10 Trust. I'm the Director of
11 Redevelopment, and I just wanted to
12 update Council on two items which were
13 discussed last week, briefly update you
14 on the progress with respect to the lease
15 negotiations with Foxwoods as well as
16 Gramercy, which is the owner of the upper
17 floor condominium that was present last
18 week.

19 Regarding Foxwoods, we have had
20 several productive meetings with the
21 principals of the gaming partnership
22 since last Thursday. These negotiations
23 continue to move in a positive direction
24 and we continue to believe we have two
25 parties motivated to get a deal

1 5/13/09 - RULES - BILL 090127, etc.
2 accomplished.

3 Regarding Gramercy, we have had
4 productive conversations since last
5 Thursday. Nothing has been resolved as
6 of today, but the discussions are moving
7 forward.

8 And, in conclusion, as we
9 stated last week, we believe that the
10 Foxwoods casino would serve as a catalyst
11 for the redevelopment of the Gallery,
12 which would have a beneficial effect on
13 the revitalization of Market East.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: Thank
16 you very much.

17 Councilman DiCicco.

18 COUNCILMAN DiCICCO: Thank you,
19 Madam Chair.

20 Just for the record, so we have
21 a clear understanding, I will ask this
22 Council to vote this bill out favorably
23 today with a suspension, but I will not
24 ask and call it up for a final vote until
25 I'm satisfied that there has been

1 5/13/09 - RULES - BILL 090127, etc.
2 substantial progress made as it relates
3 to the lease and the concerns with the
4 upper floors. We have a few weeks to
5 resolve that, and hopefully by us not
6 asking for final approval, it will keep
7 all the parties working overtime to get
8 this done.

9 Thank you.

10 Thank you, Madam Chair.

11 MR. MROZINSKI: Thank you.

12 COUNCIL PRESIDENT Verna: Thank
13 you.

14 Any questions or comments from
15 members of the Committee?

16 (No response.)

17 COUNCIL PRESIDENT Verna: Thank
18 you, gentlemen.

19 MR. MROZINSKI: Thank you.

20 COUNCIL PRESIDENT Verna: Do we
21 have anyone else to testify on this bill?

22 THE CLERK: Amy Michael, George
23 Moy.

24 (Witnesses approached witness
25 table.)

1 5/13/09 - RULES - BILL 090127, etc.

2 MS. MICHAEL: Good morning.

3 COUNCIL PRESIDENT VERNA: Good
4 morning.

5 MS. MICHAEL: My name is Amy
6 Michael and I am a resident of Washington
7 Square.

8 The old Strawbridge and
9 Clothier Building site should not be
10 rezoned to a category CED designation for
11 many reasons. I will speak to the issue
12 of whether an agreement between owners of
13 that building and the owners of the
14 proposed Foxwoods gambling casino to
15 operate Foxwoods casino at that site
16 would help revitalize the Market Street
17 corridor.

18 Representatives of the
19 Philadelphia Planning Commission have
20 pronounced that permitting 801 Chestnut
21 Street to house Foxwoods casino will
22 jump-start the rehabilitation of the
23 Market Street corridor. It will not.
24 PREIT has been the lessor of the shops in
25 Gallery East for many years. I have

1 5/13/09 - RULES - BILL 090127, etc.

2 walked through the Gallery for many, many
3 years. I have not viewed any major
4 redesign or upgrading of the interior.
5 No upscale tenants have occupied the
6 store rentals. The site has been run
7 down and neglected.

8 Now PREIT seeks to rent space
9 to Foxwoods casino and another building
10 at the Market Street corridor. Foxwoods
11 casino will not revitalize the area. How
12 can it? Casinos bring problems that
13 de-value and harm business areas and
14 residential communities. That is the
15 honest truth buttressed by facts.
16 Everyone sitting in this room knows this.

17 If PREIT wants to engage in a
18 business dealing with Foxwoods, let it
19 open a casino at their Cherry Hill Mall
20 next to their new tenant Nordstrom's
21 Department Store. One could gamble and
22 then they could buy shoes.

23 Foxwoods and PREIT are not
24 primarily interested in the
25 revitalization of the Market Street

1 5/13/09 - RULES - BILL 090127, etc.
2 corridor. The highly educated and
3 professional City planners know that
4 casinos are not the answer to good, sane
5 urban planning. They caved into
6 political pressure at the expense of
7 integrity.

8 Now we learn that Gramercy
9 Capital has been involved in the lessor
10 lease negotiations as the owner of six
11 floors of 801 Market Street. They have
12 already leased space to government
13 agencies, banks and other businesses.
14 Why can't PREIT lease their floors to
15 similar kinds of tenants? PREIT would
16 still make a profit, although maybe not
17 as great, but they would gain the
18 reputation as leaders in promoting the
19 long-term growth of business for
20 Philadelphia's economy and preserving the
21 dignity of our historic neighborhoods.

22 Government should encourage
23 legitimate economic growth while
24 maintaining Philadelphia's historic
25 legacy.

1 5/13/09 - RULES - BILL 090127, etc.

2 Thank you.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 Any questions from members of
6 the Committee of this witness?

7 (No response.)

8 COUNCIL PRESIDENT Verna:
9 Seeing none, thank you.

10 Good morning.

11 MR. MOY: Good morning. I
12 think you know who I am.

13 COUNCIL PRESIDENT Verna: Yes.
14 I think you were here before.

15 MR. MOY: Good morning to all
16 of you.

17 COUNCIL PRESIDENT Verna: Good
18 morning.

19 MR. MOY: My memory isn't all
20 that great in terms of whose face is
21 whose name, but nevertheless, I'm very
22 concerned about the casinos being
23 proposed at Market Street East.

24 First of all, I want to
25 apologize if my last testimony on

1 5/13/09 - RULES - BILL 090127, etc.

2 Thursday of last week might have offended
3 anyone when I used the term "political"
4 or "politics." To me it's the term
5 that's used to describe how the democracy
6 works. You give and take and you make a
7 decision. That's democracy.

8 When I stated that I thought
9 the Councilman was influenced because
10 there was more voters in South
11 Philadelphia than Chinatown, I have to
12 explain that. Many of our adults don't
13 register to vote because they have
14 language problems, and I'm thinking in
15 terms of Chinatown versus South
16 Philadelphia.

17 I don't want to belabor the
18 issue. All I can do now is hope and pray
19 that some event, change of mind, will
20 stymie the casinos from ever opening
21 their doors, and that the majority of the
22 people of the City of Philadelphia
23 regarding casinos will be the ultimate
24 winner.

25 Thank you.

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCIL PRESIDENT Verna: Thank
3 you very much.

4 Do we have anyone else to
5 testify on this bill?

6 (No response.)

7 COUNCIL PRESIDENT Verna:
8 Seeing no one, this will conclude our
9 public hearing. We will now go into our
10 public meeting.

11 COUNCILWOMAN BROWN: Madam
12 Chair, I did want to acknowledge having
13 an amendment to my bill, technical
14 amendment.

15 COUNCIL PRESIDENT Verna: Yes.

16 The Chair recognizes Councilman
17 DiCicco regarding Bill No. 090127.

18 COUNCILMAN DiCICCO: Thank you,
19 Madam Chair. I move that the amendment
20 to Bill No. 090127, a copy of which has
21 been supplied to each member of this
22 Committee, be approved.

23 (Duly seconded.)

24 COUNCIL PRESIDENT Verna: It
25 has been moved and seconded that the

1 5/13/09 - RULES - BILL 090127, etc.

2 amendment be adopted.

3 All in favor will say aye.

4 (Aye.)

5 COUNCIL PRESIDENT Verna: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT Verna: The
9 ayes have it and the motion carries.

10 Again, the Chair recognizes
11 Councilman DiCicco.

12 COUNCILMAN DiCicco: Thank you,
13 Madam Chair. I move that Bill No.
14 090127, as amended, be reported out of
15 this Committee with a favorable
16 recommendation and a further
17 recommendation that the rules of Council
18 be suspended.

19 (Duly seconded.)

20 COUNCIL PRESIDENT Verna: It
21 has been moved and seconded that Bill No.
22 090127 be reported out of Committee with
23 a favorable recommendation, as amended;
24 further, that the rules of Council be
25 suspended so as to permit first reading

1 5/13/09 - RULES - BILL 090127, etc.

2 at our next session of Council.

3 All in favor will say aye.

4 (Aye.)

5 COUNCIL PRESIDENT Verna: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT Verna: The
9 ayes have it and the motion carries.

10 The Chair now recognizes
11 Councilwoman Brown regarding Bill No.
12 090190.

13 COUNCILWOMAN BROWN: Thank you,
14 Madam President. Please move that Bill
15 No. 090190 be amended.

16 (Duly seconded.)

17 COUNCIL PRESIDENT Verna: It
18 has been moved and seconded that the
19 amendment as circulated be adopted.

20 All in favor will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT Verna: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT Verna: The

1 5/13/09 - RULES - BILL 090127, etc.

2 ayes have it and the motion carries.

3 Again, the Chair recognizes
4 Councilwoman Brown.

5 COUNCILWOMAN BROWN: Thank you,
6 Madam President. I move that Bill No.
7 090190, as amended, be moved with a
8 favorable recommendation, and further
9 move that the rules of Council be
10 suspended so as to permit first reading.

11 (Duly seconded.)

12 COUNCIL PRESIDENT Verna: It
13 has been moved and properly seconded that
14 Bill No. 090190 be reported out of
15 Committee with a favorable
16 recommendation, as amended; further, that
17 the rules of Council be suspended so as
18 to permit first reading at our next
19 session of Council.

20 All in favor will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT Verna: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT Verna: The

1 5/13/09 - RULES - BILL 090127, etc.

2 ayes have it and the motion carries.

3 The Chair recognizes Councilman
4 Greenlee regarding Bill No. 090246.

5 COUNCILMAN GREENLEE: Thank
6 you, Madam President. I move that Bill
7 No. 090246 be reported out of this
8 Committee with a favorable
9 recommendation; further, that the rules
10 of Council be suspended to allow for
11 first reading at our next session of
12 Council.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: It
15 has been moved and seconded that Bill No.
16 090246 be reported out of Committee with
17 a favorable recommendation; further, that
18 the rules of Council be suspended so as
19 to permit first reading at our next
20 session of Council.

21 All in favor will say aye.

22 (Aye.)

23 COUNCIL PRESIDENT VERNA: Those
24 opposed?

25 (No response.)

1 5/13/09 - RULES - BILL 090127, etc.

2 COUNCIL PRESIDENT Verna: The
3 ayes have it and the motion carries.

4 The Chair recognizes Councilman
5 DiCicco regarding Bill No. 090296.

6 COUNCILMAN DiCICCO: Thank you,
7 Madam Chair.

8 COUNCIL PRESIDENT Verna: I'm
9 sorry. Councilman Kelly.

10 COUNCILMAN KELLY: Madam Chair,
11 I'd like to go on record as recusing
12 myself from voting on Bill No. 090296
13 because of my personal relationship with
14 one of the developers in this project.

15 COUNCIL PRESIDENT Verna: Very
16 well.

17 COUNCILMAN DiCICCO: Thank you,
18 Madam Chair. I move that Bill No. 090296
19 be reported out of this Committee with a
20 favorable recommendation and that the
21 rules of Council be suspended so as to
22 permit first reading at our next session
23 of City Council.

24 (Duly seconded.)

25 COUNCIL PRESIDENT Verna: It

1 5/13/09 - RULES - BILL 090127, etc.
2 has been moved and seconded that Bill No.
3 090296 be reported out of Committee with
4 a favorable recommendation; further, that
5 the rules of Council be suspended so as
6 to permit first reading at our next
7 session of Council.

8 All in favor will say aye.

9 (Aye.)

10 COUNCIL PRESIDENT Verna: Those
11 opposed?

12 (No response.)

13 COUNCIL PRESIDENT Verna: The
14 ayes have it, the motion carries, and the
15 record will reflect that Councilman Kelly
16 recused himself on this bill.

17 The Chair now recognizes
18 Councilman DiCicco regarding Bill No.
19 090295.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam Chair. I move that Bill No. 090295
22 be reported out of this Committee with a
23 favorable recommendation and, further,
24 that the rules of Council be suspended so
25 as to permit first reading at our next

1 5/13/09 - RULES - BILL 090127, etc.

2 session of City Council.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and seconded that Bill No.
6 090295 be reported out of Committee with
7 a favorable recommendation; further, that
8 the rules of Council be suspended so as
9 to permit first reading at our next
10 session of Council.

11 All in favor will say aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those
14 opposed?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: The
17 ayes have it and the motion carries.

18 This concludes our public
19 meeting.

20 Thank you all very much.

21 (Committee on Rules adjourned
22 at 11:40 a.m.)

23 - - -

24
25

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on May 13, 2009, and that
8 this is a true and correct transcript of same.

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

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20 transcript does not apply to any reproduction
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