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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 21, 2006
10:25 a.m.

7

PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN JACK KELLY

11

COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN BRIAN O'NEILL

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK DiCICCO

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BILL 051144 - An ordinance amending Title 14
of The Philadelphia Code, entitled "Zoning and
Planning," by amending Section 14-104...

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BILL 051176 - An ordinance to amend the
Philadelphia Zoning Maps, by changing the
zoning designations of certain areas of land
located within an area bounded by Mount
Pleasant Avenue, Chew Avenue...

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21

BILL 051198 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded generally by
Butler Street, Sepviva Street...

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BILL 051200 - An ordinance amending Section
14-1610 of The Philadelphia Code, entitled
"Old City Residential Area Special District
Controls"...

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COUNCIL PRESIDENT VERNA: Good

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morning, everyone. May I have your

4

attention, please. Thank you.

5

I apologize for the delay.

6

This is the public hearing of

7

the Committee on Rules, and at this time,

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I would note that we do have a quorum

9

present. To my extreme right is

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Councilwoman Miller, Councilman Clarke.

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To my extreme left, we have Councilwoman

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Brown and Councilman Kelly.

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I would ask Ms. Murray to

14

please read the title of the first bill,

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Bill No. 051144.

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MS. MURRAY: Bill No. 051144,

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amending Title 14 of The Philadelphia

18

Code, entitled "Zoning and Planning," by

19

amending Section 14-104, entitled

20

"Non-Conforming Structures and Uses," by

21

amending provisions relating to the

22

reconstruction of non-conforming

23

structures, all under certain terms and

24

conditions.

25

COUNCIL PRESIDENT VERNA: I

1 2/21/06 - RULES - BILL 051144, ETC.
2 understand the sponsor of this bill would
3 like to be present when we hear it.
4 Apparently, he is on his way, so I would
5 ask that we hold that bill, and I'd ask
6 Ms. Murray to please read the title of
7 Bill No. 051176.

8 MS. MURRAY: Bill No. 051176,
9 to amend the Philadelphia Zoning Maps by
10 changing the zoning designations of
11 certain areas of land located within an
12 area bounded by Mount Pleasant Avenue,
13 Chew Avenue, Sedgwick Street and
14 Germantown Avenue.

15 COUNCIL PRESIDENT VERNA: The
16 Chair recognizes Councilwoman Miller.

17 COUNCILWOMAN MILLER: Thank
18 you, Madam Chair. I would request that
19 this bill be put on hold.

20 COUNCIL PRESIDENT VERNA: Thank
21 you. At the request of the sponsor, this
22 bill will be held.

23 I would ask Ms. Murray to
24 please read the title of Bill No. 051198.

25 MS. MURRAY: Bill No. 051198,

1 2/21/06 - RULES - BILL 051144, ETC.
2 an ordinance to amend the Philadelphia
3 Zoning Maps by changing the zoning
4 designations of certain areas of land
5 located within an area bounded generally
6 by Butler Street, Sepviva Street,
7 Wheatsheaf Lane and Aramingo Avenue.

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

12 MR. GREGORSKI: Good morning,
13 Madam President and members of the Rules
14 Committee. My name is Martin Gregorski.
15 I'm a Zoning Planner in the Development
16 Planning Division of the City Planning
17 Commission. I'm here today to testify on
18 Bill No. 051198. Bill No. 051198 was
19 introduced by Councilmember DiCicco on
20 December 15, 2005.

21 This bill rezones an area of
22 land bounded by Butler Street, Sepviva
23 Street, Wheatsheaf Lane and Aramingo
24 Avenue, the former site of Tioga Pipe
25 Company, from a zoning designation of G-2

1 2/21/06 - RULES - BILL 051144, ETC.

2 General Industrial to a designation ASC
3 Area Shopping Center. This is being done
4 to allow for the commercial development
5 of this approximately 21-acre site.

6 The Planning Commission at its
7 meeting of February 16, 2006 considered
8 this bill and recommended Bill No. 051198
9 be approved.

10 I would be happy to answer any
11 questions of the Committee.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 To the best of your knowledge,
15 has the developer of the site signed
16 tenants to come into this shopping
17 center?

18 MR. GREGORSKI: I'm aware that
19 there is going to be a Lowe's proposed,
20 but I'm not aware any further than that.
21 I do believe there are representatives of
22 the developer here today.

23 COUNCIL PRESIDENT VERNA: Who
24 is the developer?

25 COUNCILMAN DiCICCO: Madam

1 2/21/06 - RULES - BILL 051144, ETC.

2 President.

3 COUNCIL PRESIDENT VERNA: Is
4 the developer here?

5 COUNCILMAN DiCICCO: Yes, the
6 developer is here, Madam President, as
7 are other members of his development
8 team, and they will be more than happy to
9 answer any questions from the Committee.

10 COUNCIL PRESIDENT VERNA: Well,
11 I think it would be nice if they approach
12 the witness table, identify themselves
13 and perhaps they could tell us the type
14 of commercial shops who have signed on.
15 Thank you.

16 MR. PRIMAVERA: Good morning,
17 Madam President.

18 COUNCIL PRESIDENT VERNA: Good
19 morning.

20 MR. PRIMAVERA: Carl Primavera.
21 With me to my left is Mr. Steve Wolfson
22 from Wolfson Verecchia.

23 Just by way of background, this
24 property is currently owned by the Kaiser
25 family, and Andrew and his brother David

1 2/21/06 - RULES - BILL 051144, ETC.

2 are here. It's zoned industrial. They
3 were approached by Mr. Wolfson, who is a
4 very well-established developer, to take
5 this brownfield industrial site and turn
6 it into hopefully a beautiful shopping
7 center.

8 They will stay in the deal, so
9 that Kaisers will be part of the
10 development team. And what I would like
11 to do is just have Steve talk a little
12 bit about what his plans are for the
13 development and some of the discussions
14 we've had under the direction of
15 Councilman DiCicco.

16 COUNCILMAN DiCICCO: If I may,
17 Madam President.

18 COUNCIL PRESIDENT Verna: Yes.
19 The Chair recognizes Councilman DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam President.

22 Just to put this into some sort
23 of perspective, Mr. Wolfson is the same
24 gentleman, you may recall, a couple of
25 years ago when he was proposing to do a

1 2/21/06 - RULES - BILL 051144, ETC.
2 Wal-Mart on Allegheny Avenue, and
3 literally at the last minute when the
4 vote was being taken on that rezoning, I
5 held the bill. There was a lot of
6 controversy. The community in Port
7 Richmond had serious concerns about
8 traffic and other quality of life issues
9 as it related to the Allegheny Avenue
10 site.

11 As a result of my holding the
12 bill and subsequent meetings with the
13 folks of Northeast Hospital, whose
14 property is adjacent to the former
15 Wal-Mart site on Allegheny Avenue,
16 Mr. Wolfson, at the suggestion of my
17 office, State Representative Taylor and
18 others, sought out another site in the
19 Port Richmond community where he may be
20 able to move forward with his project.

21 The site that is before you
22 today is that alternative site. There
23 will not be a Wal-Mart, which was part of
24 one of the issues that was swirling
25 around at the time, and he will go into

1 2/21/06 - RULES - BILL 051144, ETC.

2 further detail. But I just wanted to let
3 you know he's not new to this development
4 in Port Richmond. He was the original
5 developer on Allegheny Avenue. He
6 subsequently has made a decision to
7 hopefully develop on the site at Aramingo
8 and Wheatsheaf Lane.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 Good morning. Welcome. Please
12 identify yourself for the record.

13 MR. WOLFSON: Steven B.
14 Wolfson.

15 COUNCIL PRESIDENT VERNA: Thank
16 you. Mr. Wolfson, can you tell us the
17 type of commercial shops that have signed
18 on at this location?

19 MR. WOLFSON: At this time,
20 Madam Chair, we do not have a written
21 document that has been signed by both
22 parties at this site. We do have a
23 verbal commitment from Lowe's. Other
24 than Lowe's, we have no other commitment
25 verbally. We have discussions with

1 2/21/06 - RULES - BILL 051144, ETC.

2 regional and national and local tenants
3 at this time.

4 MR. PRIMAVERA: And what we've
5 done, and I think it's --

6 COUNCIL PRESIDENT VERNA: I
7 think you'd better identify yourself so
8 the stenographer knows who is speaking.

9 MR. PRIMAVERA: Carl Primavera.

10 We understand that Council has
11 always been interested in looking at the
12 whole policy of the big box Wal-Mart
13 issues. So Councilman DiCicco referred
14 to a deed restriction, which we're going
15 to have, which will preclude certain big
16 boxes for five years, one being Wal-Mart,
17 Target and K-Mart, and that will allow
18 this hopefully project to go forward.
19 And then during that interim period of
20 time, Council can decide how to handle
21 those issues, but, in effect, it will
22 allow us not to be, in effect, on the
23 sidelines while that bigger issue is
24 being discussed.

25 So we think it's a very fair

1 2/21/06 - RULES - BILL 051144, ETC.

2 way for us to make a commitment not only
3 to the community and other people in City
4 Council who do have issues with those
5 other operators, but still allow us to
6 make what I believe is a \$50 million
7 investment in this community.

8 And we also have some site
9 plans and some other things to show the
10 concept layout, but we think it's going
11 to be a very, very successful shopping
12 center. It's well serviced. We have a
13 planning study that we've done. We have
14 a traffic study. It's really something
15 that's going to take this, in effect,
16 abandoned industrial property and turn it
17 into something that's going to be a
18 positive.

19 The property was on the market
20 for years. Nobody was interested. The
21 industrial world is changing, and this
22 was an opportunity for us, in effect, to
23 go from the site that the Councilman
24 talked about that was controversial to
25 hopefully this site which won't be.

1 2/21/06 - RULES - BILL 051144, ETC.

2 COUNCIL PRESIDENT VERNA: Fine.

3 And I'm sure that you have had a number
4 of community meetings and the
5 community --

6 MR. PRIMAVERA: Yes, and --

7 COUNCIL PRESIDENT VERNA: -- is
8 apparently supporting this project or the
9 Councilman would not have introduced it.

10 MR. PRIMAVERA: And we have
11 more meetings scheduled. This has been
12 easily a year in the making in terms of
13 trying to address everybody's concerns.

14 COUNCIL PRESIDENT VERNA:
15 Councilman DiCicco, did you want to add
16 something to that?

17 COUNCILMAN DiCICCO: I was just
18 responding to your comments about having
19 community meetings. We did have one
20 community meeting, which the community
21 representatives and the elected officials
22 and the political folks were involved in,
23 which basically gave them an overview of
24 what you're going to be hearing testimony
25 on today.

1 2/21/06 - RULES - BILL 051144, ETC.

2 What I would ask this Committee
3 to do is, at the end of the testimony
4 today, if it's your desire and you choose
5 to vote this bill favorably, that I will
6 guarantee to hold the bill until such
7 time the bigger community meeting is held
8 within the next few weeks.

9 We have tried to do some
10 meetings since December when I first met
11 with the leadership of Port Richmond, but
12 because of the holidays and other issues,
13 we were never able to really put all
14 those meetings together. But we will
15 have those meetings and come to hopefully
16 some finalization on this whole project.

17 As you know, no matter what you
18 do, there's always going to be some
19 opposition, but I believe this is in the
20 best interest of all folks concerned,
21 that this will have the least amount of
22 any negative impact, if there is any, to
23 any nearby residential communities.

24 COUNCIL PRESIDENT VERNA: Very
25 well. In view of your statement, there

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2 is no need then for the suspension of the
3 rules.

4 COUNCILMAN DiCICCO: That's
5 correct.

6 COUNCIL PRESIDENT VERNA: The
7 Chair recognizes Councilman Clarke.

8 COUNCILMAN CLARKE: Thank you,
9 Madam Chair.

10 Good morning.

11 MR. PRIMAVERA: Good morning.

12 MR. WOLFSON: Good morning.

13 COUNCILMAN CLARKE: I guess
14 maybe the Councilman may have to answer
15 this. Will there be any additional
16 legislation required for this development
17 down the line, such as street strikes or
18 TIF legislation, or will this essentially
19 be an unassisted development?

20 MR. PRIMAVERA: This will be
21 totally unassisted.

22 COUNCILMAN CLARKE: Unassisted
23 by government?

24 MR. PRIMAVERA: That's correct.
25 This is a market-driven development.

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2 Mr. Wolfson has been involved in, I don't
3 know, I'm going to say countless typical
4 developments and he has a great
5 relationship with the types of tenants
6 and the financing that would make this
7 happen.

8 COUNCILMAN CLARKE: Okay.

9 Mr. Primavera, your explanation on this
10 issue around the big box I didn't quite
11 understand. Can you clarify that for me
12 again?

13 MR. PRIMAVERA: Well, it's
14 interesting, you talk about timing. At
15 the time we approached the Councilman
16 about rezoning it to Area Shopping
17 Center, there was a bill introduced by, I
18 guess, some Councilmembers at the request
19 of former Councilman Cohen to have the
20 hearings on the whole big box issue, what
21 they call them predator retailers, and
22 because they came up at the same time,
23 there was a sensitivity to maybe dealing
24 with that issue before dealing with this
25 rezoning. So we had to find a strategy

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2 that would allow this development to go
3 forward. So that's why we came up with
4 this agreement that, in effect, for the
5 specifically listed big boxes, which are
6 the Wal-Mart, Target and K-Mart, that we
7 would not be -- we would commit by deed
8 restriction not to go forward with them
9 as tenants, and in the meantime, if
10 Council wants to pass that larger type of
11 restriction, then they can do that. But
12 we don't intend to proceed with a
13 Wal-Mart at this site, Lowe's and some
14 other retailers --

15 MR. WOLFSON: Not Lowe's.

16 COUNCILMAN CLARKE: Is that at
17 this time?

18 MR. PRIMAVERA: I'm sorry.
19 Lowe's is what we're looking to do, but
20 not the Wal-Mart. I think Wal-Mart
21 generated a lot of other issues that we
22 didn't need to deal with since we weren't
23 going to have them at this site.

24 COUNCILMAN CLARKE: Right.
25 Your proposed deed restriction prohibits

1 2/21/06 - RULES - BILL 051144, ETC.

2 your ability to develop the site with a
3 Wal-Mart or similar type of development
4 at all?

5 MR. PRIMAVERA: Yes, for five
6 years.

7 COUNCILMAN CLARKE: So it's a
8 five-year sunset?

9 MR. PRIMAVERA: Yes.

10 MR. WOLFSON: It's five years,
11 Councilman, from the issuance of the
12 first building permit on the project. So
13 it could, from a practical perspective,
14 be longer than five years from when City
15 Council enacts -- if City Council was to
16 legislate this, and that was with
17 discussions with --

18 COUNCILMAN CLARKE: So building
19 permit or CO?

20 MR. WOLFSON: Building permit.

21 COUNCILMAN CLARKE: So you're
22 talking about maybe three and a half
23 years, in reality?

24 MR. WOLFSON: No. If a
25 building permit gets issued, from a

1 2/21/06 - RULES - BILL 051144, ETC.

2 theoretical perspective, in December of
3 2006, the five years would start December
4 of 2006. If we were to get a building
5 permit December of 2007, the five years
6 would start from December of 2007.

7 COUNCILMAN CLARKE: Right, but
8 I'm saying that construction time
9 traditionally for major projects is
10 around 18 months.

11 MR. PRIMAVERA: And that would
12 be added on to the five years.

13 COUNCILMAN CLARKE: So
14 realistically your deed restriction would
15 be from time of operation, I guess I'm
16 saying. If you build the Lowe's and you
17 start the Lowe's in '06 and you finish in
18 18 months later, so then you're looking
19 at a restriction of three and a half
20 years in terms of actual operation of the
21 site.

22 MR. WOLFSON: Under that
23 scenario, you are correct.

24 COUNCILMAN CLARKE: Okay.
25 Thank you. I just wanted to get a little

1 2/21/06 - RULES - BILL 051144, ETC.

2 clarity on that. Thank you.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 Are there any other questions
6 from members of the Committee?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: Do we
9 have anyone else to testify on this bill?

10 Please approach the witness
11 table, sir.

12 Thank you, gentlemen.

13 MR. PRIMAVERA: Thank you.

14 COUNCIL PRESIDENT VERNA: Good
15 morning. Please identify yourself for
16 the record.

17 MR. COHEN: Thank you. Good
18 morning, Madam President, members of the
19 Rules Committee. My name is Barry Cohen.
20 I'm an attorney with Thorp, Reed &
21 Armstrong in Philadelphia. I've been
22 asked today to speak on behalf of the
23 Port Richmond Community Group and their
24 opposition to this bill; more in
25 particular, their opposition to this bill

1 2/21/06 - RULES - BILL 051144, ETC.

2 being passed at this particular time.

3 They may be for the bill; they may not be
4 for the bill, but at this time, they have
5 not met with anyone from the developer.

6 I understand there was a
7 meeting with Councilman DiCicco, the
8 developer and two of the members of some
9 of the groups for Port Richmond, and one
10 of those members is the woman who asked
11 me to appear today to oppose this.

12 The neighborhood has presented
13 me with over 1,500 signatures against the
14 big box retailer. They're concerned that
15 once this zoning change is in an area
16 that is predominantly G-2 Industrial with
17 now a spot zoning of shopping, nothing
18 will stop any development going in there.
19 This is particularly the same group that
20 was upset over Wal-Mart.

21 I understand there is going to
22 be a five-year --

23 COUNCIL PRESIDENT VERNA:

24 Excuse me. Isn't this a 21-acre parcel
25 of ground?

1 2/21/06 - RULES - BILL 051144, ETC.

2 MR. COHEN: That's correct.

3 COUNCIL PRESIDENT VERNA:

4 You're considering this spot zoning?

5 MR. COHEN: The neighbors at
6 this point, Madam President, are
7 concerned that they have not been given
8 an opportunity to meet with the
9 developer. There is a meeting set for
10 next Monday.

11 We objected at the Planning
12 Commission and asked for them to hold
13 off, and they refused. We're simply
14 asking that this be pushed off. There's
15 no reason for this to go forward with the
16 developer that has not had one signed
17 lease yet. So one developer can change
18 the zoning in an area that is
19 predominantly industrial despite the size
20 of the lot, so he can move forward with
21 potential contracts that he doesn't have
22 at this time.

23 The neighbors have not seen a
24 site plan. They have not seen a traffic
25 study. They haven't been given an

1 2/21/06 - RULES - BILL 051144, ETC.

2 opportunity to go get their own traffic
3 study. There's no doubt that this is
4 going to increase the traffic in the
5 area. Many of the residents are not
6 actually in Councilman DiCicco's district
7 but in Councilwoman Krazenski, if I'm
8 pronouncing her name correctly.

9 COUNCILMAN DiCICCO: Krajewski.

10 COUNCIL PRESIDENT VERNA:

11 Krajewski.

12 MR. COHEN: I apologize to her.

13 And that is their concern, that
14 this is being pushed through without the
15 neighbors, a large number of neighbors,
16 being given an opportunity to meet with
17 the developer.

18 It's been going on for months.
19 There's no reason the developer cannot
20 meet with them before anything is done.
21 And they're looking forward to the
22 meeting on the 27th and looking forward
23 to talking to the developer and looking
24 forward to working with him.

25 I'd be happy to answer any

1 2/21/06 - RULES - BILL 051144, ETC.

2 questions that I can.

3 COUNCIL PRESIDENT VERNA: Are
4 there any questions from members of the
5 Committee?

6 COUNCILMAN O'NEILL: Yes; just
7 one, Madam Chair.

8 COUNCIL PRESIDENT VERNA: The
9 Chair recognizes Councilman O'Neill.

10 COUNCILMAN O'NEILL: Sir, you
11 mentioned a lady gave you 1,500
12 signatures and asked you to come here
13 today, but you didn't identify her. Is
14 there a reason?

15 MR. COHEN: No. I'm sorry.
16 Ms. Theresa Costello.

17 COUNCILMAN O'NEILL: Thank you.

18 MR. COHEN: I do have a copy of
19 the signatures I'd be happy to present.
20 I'll leave that up to you.

21 COUNCIL PRESIDENT VERNA: If
22 they're given to anyone, I think they
23 should be given to the sponsor of the
24 bill.

25 The Chair recognizes

1 2/21/06 - RULES - BILL 051144, ETC.

2 Councilwoman Brown.

3 COUNCILWOMAN BROWN: Good
4 morning. My question was very much
5 related to Council President's
6 recommendation. Has this information
7 been walked through or talked through
8 with the sponsor of the bill, the
9 leadership of that councilmanic district?

10 MR. COHEN: I have only been
11 retained as of last week. I have
12 forwarded a letter to Councilman DiCicco.

13 My understanding is that
14 Ms. Costello and other members of the
15 Port Richmond community have reached out
16 to Councilman DiCicco. They were told
17 exactly what he said today, that he would
18 hold off the final vote until they met.
19 However, Port Richmond Community Group is
20 still upset and they would like nothing
21 to happen until they've been given a
22 chance to meet with the developer.

23 COUNCILWOMAN BROWN: Has it
24 been shared with you what the troubling
25 aspects of this proposal are, since you

1 2/21/06 - RULES - BILL 051144, ETC.

2 are the legal counsel?

3 MR. COHEN: My understanding of
4 the concern of the neighbors is going to
5 be increased crime, increased traffic,
6 increased trash and, more importantly,
7 the fact that they've been kept out of
8 the loop from talking to the developer.

9 It's my understanding that
10 developers usually will reach out and
11 meet with the community, especially a
12 community that wants to meet and
13 especially a community that did voice its
14 opinion two years ago over a proposed
15 Wal-Mart, that this particular developer
16 knows the community has a stake and is
17 concerned about what goes there. There's
18 no reason not to meet with that
19 community.

20 COUNCILWOMAN BROWN: Then what
21 is your prognosis as the District
22 Councilperson and the community group and
23 the developers go down this road? What
24 expectations might you have, or is it
25 premature to even suggest that?

1 2/21/06 - RULES - BILL 051144, ETC.

2 MR. COHEN: I believe it's
3 premature. I believe the community is
4 going to go into this with an open mind,
5 and possibly and hopefully they can work
6 everything out and everyone is happy to
7 help an area that could use some help.
8 There's no doubt the area could use help,
9 and the community certainly wants to
10 improve their community where they have a
11 stake hold in. That's why they're simply
12 asking that this be tabled until they've
13 had a chance to meet with the developer,
14 and that meeting is scheduled for next
15 Monday.

16 COUNCILWOMAN BROWN: Curiosity
17 is speaking now. Do you have a practice
18 of participating in these kind of
19 deliberations between elected leadership
20 and community organizations who care
21 about development of any type in the
22 world where they live? Is this a first
23 for you or do you have a track record in
24 this area?

25 MR. COHEN: No, this is not a

1 2/21/06 - RULES - BILL 051144, ETC.

2 first for me. I represented, if you're
3 familiar with -- there was a proposed
4 Walgreens at 19th and Chestnut last year.
5 I represented the community, and many of
6 the residents of the Ben Franklin House
7 had retained me, and we were successful
8 in stopping that development to the
9 benefit of the community and to the
10 benefit of the overlay on Chestnut
11 Street.

12 COUNCILWOMAN BROWN: Thank you
13 for your testimony.

14 MR. COHEN: Thank you.

15 COUNCILWOMAN BROWN: Thank you,
16 Madam President.

17 COUNCIL PRESIDENT VERNA:
18 You're welcome.

19 The Chair recognizes Councilman
20 Kelly.

21 COUNCILMAN KELLY: Thank you,
22 Madam Chair.

23 Mr. Cohen, I just want to know,
24 I want to clear something that you just
25 mentioned. This community group, were

1 2/21/06 - RULES - BILL 051144, ETC.

2 they the same community group that was
3 against Wal-Mart?

4 MR. COHEN: I do not know that.
5 I know there were numerous, if not
6 hundreds, of residents against Wal-Mart,
7 and there are numerous residents here.
8 Is there an overlap? I'm sure. I can't
9 sit here today and say --

10 COUNCILMAN KELLY: You
11 mentioned that they have taken no
12 position on this as far as supporting it
13 or not supporting it, or are they
14 absolutely against it?

15 MR. COHEN: No. It's twofold.
16 They have taken the position via the
17 petitions that they are against a big box
18 type retail. They are against increased
19 traffic, increased crime.

20 COUNCILMAN KELLY: Are they
21 against any retail or is it just the big
22 box that they're concerned about?

23 MR. COHEN: No. I believe it's
24 the big box and, more importantly, right
25 now they're concerned that they haven't

1 2/21/06 - RULES - BILL 051144, ETC.
2 been given a chance to meet. And they
3 may be swayed that they will be for it.
4 They certainly want to increase the
5 livelihood of their neighborhood.

6 COUNCILMAN KELLY: Have they
7 expressed an interest in being for any
8 type of development?

9 MR. COHEN: Yes. They're not
10 against any development. They certainly
11 don't want to see this as an empty site.
12 They would just like a chance to meet
13 with the developer.

14 COUNCILMAN KELLY: Okay. Thank
15 you.

16 COUNCIL PRESIDENT VERNA: The
17 Chair recognizes Councilwoman Brown.

18 COUNCILWOMAN BROWN: Follow-up,
19 Madam President.

20 They've indicated that they
21 care very much that development happens
22 in this blighted vacant community. Have
23 they said what type of development? Have
24 they provided some guidance, instruction
25 or whatever?

1 2/21/06 - RULES - BILL 051144, ETC.

2 MR. COHEN: They have provided
3 me with some alternatives, but, again,
4 that's speculation. I mean, the
5 alternatives include other retail, mixed
6 use, residential, but at this point, I
7 think they're really just speculating as
8 to what could be in their neighborhood
9 and they want to meet with other members
10 of their community to discuss what the
11 neighborhood as a whole would like to see
12 there.

13 COUNCILWOMAN BROWN: Very well.
14 Okay. Thank you.

15 MR. COHEN: Thank you.

16 COUNCIL PRESIDENT VERNA:
17 Mr. Cohen, I believe you indicated that
18 the community would be meeting on the
19 27th of February?

20 MR. COHEN: That's my
21 understanding, there's a meeting on
22 Monday night.

23 COUNCIL PRESIDENT VERNA: And
24 under the normal procedure, this bill
25 would come up for a Second Reading and

1 2/21/06 - RULES - BILL 051144, ETC.

2 Final Passage Calendar on March the 9th.

3 You have heard the sponsor of the bill
4 say that he would hold it until such time
5 that he felt that the community and the
6 developer were all on the same page, so
7 to speak.

8 What is your feeling about our
9 reporting it out today in view of what
10 I've just said?

11 MR. COHEN: Yes, Madam
12 President, I do understand that. I think
13 the community's concern is, that will put
14 a tight timetable. I don't know what
15 will happen at that meeting on the 27th.

16 COUNCIL PRESIDENT VERNA: There
17 is no timetable. There would be no
18 timetable. It may be on the Calendar for
19 second reading and final passage on the
20 9th of March, but the sponsor of the bill
21 could hold it on the Second Reading and
22 Final Passage Calendar from now until
23 next year.

24 MR. COHEN: And I do appreciate
25 that and I think the community

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2 appreciates that it could be held
3 forever. I think the question is, should
4 something be put forward that the
5 community hasn't met with, for a
6 developer that doesn't have any signed
7 leases, that there's no rush to move
8 forward on.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilman O'Neill.

11 COUNCILMAN O'NEILL: I just
12 have a question, Mr. Cohen. When this
13 matter came up in Councilman DiCicco's
14 district involving a Wal-Mart on
15 Allegheny Avenue, most of us, I remember,
16 were pointing to this site as a potential
17 Wal-Mart site and a couple of others
18 further north, but not only was it
19 contentious within the Council, and very
20 unusually so among District Members, but
21 the community was out in force. In fact,
22 there were two women, I think, that had a
23 fist fight on the way out of the room, it
24 was that contentious.

25 Are any of them here today?

1 2/21/06 - RULES - BILL 051144, ETC.

2 MR. COHEN: They are not here
3 today.

4 COUNCILMAN O'NEILL: I mean,
5 they know how we work and they know the
6 system. And I just want to recognize
7 that it's like going to the Zoning Board.
8 You can have a thousand petitions, but if
9 two people show up, the Zoning Board can
10 talk to them, can question them, can get
11 a better feel for their position.

12 And I can tell you, I'm
13 supporting Councilman DiCicco, and he
14 knows what's best for his district, as
15 far as I'm concerned. And so I just want
16 to note for the record that no one is
17 here from the community and it's a
18 community that knows that showing up
19 matters if they're deeply concerned.

20 I think they trust Councilman
21 DiCicco. While there may be some
22 disagreements, they can be worked out. I
23 like the process that Council President
24 has followed. We've done that many, many
25 times. It's ultimately the District

1 2/21/06 - RULES - BILL 051144, ETC.

2 Councilperson's call as to whether to
3 hold the bill if they think there's a
4 reason to, and we generally defer to
5 that.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilwoman Miller.

9 COUNCILWOMAN MILLER: Good
10 morning. Thank you, Madam President.

11 Can you tell me why the
12 neighbors are opposed to a big box store?

13 MR. COHEN: As I understand it,
14 they are opposed to a big box store due
15 to the increase in traffic, the potential
16 for increase in crime. They have
17 concerns over the number of cars that
18 will be drawn to the big box store from
19 around the area, coupled with the fact
20 that I-95 right there is about to be
21 fixed, which is going to increase the
22 traffic in their small streets in their
23 neighborhood. That is the main concern,
24 or one of the main concerns, as I
25 understand it. I do apologize. I've

1 2/21/06 - RULES - BILL 051144, ETC.

2 only been retained recently.

3 COUNCILWOMAN MILLER: So if
4 some of those issues are addressed, then
5 there's no opposition to the big box
6 store?

7 MR. COHEN: There may be
8 opposition; there may not be opposition.
9 All we're asking for at this point in
10 time is, we're asking for this process to
11 be held off, because there's no urgency
12 in this, until the community has had a
13 chance to be heard. That's what they
14 want. They want to be heard.

15 COUNCILWOMAN MILLER: Thank
16 you.

17 COUNCIL PRESIDENT VERNA: And I
18 don't think that we can speak for the
19 community. I think there has been an
20 indication that a traffic study has been
21 conducted, and I'm sure that at the
22 meeting on February 27th, all of these
23 issues will come up and the community may
24 very well be happy with what's being
25 proposed.

1 2/21/06 - RULES - BILL 051144, ETC.

2 So at this time, I'd like to
3 recognize Councilman DiCicco.

4 COUNCILMAN DiCICCO: Thank you,
5 Madam President.

6 Thank you, Councilman O'Neill,
7 for your comments.

8 Mr. Cohen, in your opening
9 remarks you indicated, unless I heard you
10 wrong, that there was a meeting, but
11 there wasn't a meeting. I mean, you said
12 there was no community meeting. There
13 was a community meeting, but the
14 residents feel as though there needs to
15 be a community meeting.

16 Do you know that there was a
17 community meeting?

18 MR. COHEN: As I understand,
19 sir, from your statements, there was a
20 community meeting in which you indicated
21 it was yourself and two leaders from the
22 community.

23 COUNCILMAN DiCICCO: No.

24 MR. COHEN: The community was
25 not there, as I understand it. The

1 2/21/06 - RULES - BILL 051144, ETC.

2 public was not invited and the public was
3 not there.

4 COUNCILMAN DiCICCO: As is
5 typical the way I conduct business, I
6 believe other District Councilpeople do
7 the same thing, generally when a
8 development is proposed, whether it's big
9 box, residential, what-have-you, I
10 typically meet with the developer and the
11 leadership of the community. And the
12 meeting that I'm referring to that took
13 place in Room 319 in this building
14 included both the Republican and
15 Democratic Ward Leaders of the 45th and
16 25th Wards; Ms. Costello, who represents
17 the Port Richmond Neighborhood
18 Association; Patty-Pat, who works for
19 Councilwoman Krajewski, who also
20 represents another community in the Port
21 Richmond neighborhood; the developer,
22 Mr. Wolfson, and one or two of his
23 attorneys, and I may have left someone
24 else out.

25 It was probably an hour and a

1 2/21/06 - RULES - BILL 051144, ETC.

2 half meeting, maybe two hours. A site
3 plan was presented. Traffic issues were
4 spoken of, and I believe there may have
5 also been a traffic study that was put
6 forward.

7 We had a lot of questions. It
8 was my recommendation that since that
9 meeting took place, that the leadership
10 would then go out to the community and
11 schedule community meetings for the
12 larger community to be part of that
13 process. For whatever reason, those
14 meetings have not yet taken place. And I
15 think I stated earlier when I gave the
16 Council President and this Committee some
17 of my thoughts, a lot of it may have had
18 to do with the holidays, et cetera.

19 But there was a meeting. Ms.
20 Costello is familiar with that process.
21 I believe she's had other -- since that
22 meeting, she has had her community
23 meetings where this issue has been
24 discussed. Maybe not in the detail that
25 she would like it to be discussed, but it

1 2/21/06 - RULES - BILL 051144, ETC.

2 has been.

3 I made the recommendation that
4 I ask this Committee to vote this bill
5 out favorably, and I will hold it until
6 such time that the 27th meeting and any
7 other subsequent meetings will be held.

8 You indicate that there's a
9 petition. I've not seen a petition. I
10 didn't get a letter until this morning
11 that there was opposition.

12 And I think it was either the
13 Council President or Councilman O'Neill
14 who mentioned that he's familiar with the
15 Allegheny Avenue issue. It is the same
16 group, Councilman, that opposed the
17 Wal-Mart. And Wal-Mart was one of the
18 sticky points of that, in addition to
19 other quality of life and traffic
20 concerns, and Tioga was the site that
21 everybody was pointing to, why don't they
22 go to the Tioga site. So the same people
23 who were suggesting that this developer
24 go to the Tioga site are now saying
25 they're opposed to it.

1 2/21/06 - RULES - BILL 051144, ETC.

2 This developer has been put
3 through the wringer, and that's okay
4 because that's what he has to do and he
5 understands that. He has met every
6 request that he's been asked to do for
7 the last couple of years, and I think in
8 fairness to the developer, this should
9 not be held any longer until such time
10 those community meetings are held.

11 One final question, Mr. Cohen.
12 You said you were recently retained?

13 MR. COHEN: Correct.

14 COUNCILMAN DiCICCO: By whom?

15 MR. COHEN: By Ms. Costello.

16 COUNCILMAN DiCICCO:

17 Ms. Costello is paying?

18 MR. COHEN: Yes.

19 COUNCILMAN DiCICCO: Do you
20 know if she has any involvement with the
21 owner of the Shop Rite on Aramingo
22 Avenue?

23 MR. COHEN: I do not know.

24 COUNCILMAN DiCICCO: Do you
25 know where these petitions were being

1 2/21/06 - RULES - BILL 051144, ETC.

2 circulated? Were they being circulated
3 outside the Shop Rite on Aramingo Avenue?

4 MR. COHEN: I do not know.

5 COUNCILMAN DiCICCO: And you
6 don't know if the owner of the Shop Rite
7 is opposed to this development?

8 MR. COHEN: I do not know.

9 COUNCILMAN DiCICCO: Would it
10 surprise you if I told you that the owner
11 of the Shop Rite on Aramingo Avenue has
12 been the person really behind the
13 circulation of these petitions?

14 MR. COHEN: It would not
15 surprise me if many of the businesses in
16 the area are opposed to the increased
17 traffic that they're going to see.

18 COUNCILMAN DiCICCO: And would
19 it surprise you to know that the owner of
20 the Shop Rite on Aramingo Avenue is
21 tentatively in negotiations to open up a
22 Shop Rite at the site of the former
23 Frankford Arsenal right next door to a
24 Wal-Mart?

25 MR. COHEN: I would not know.

1 2/21/06 - RULES - BILL 051144, ETC.

2 COUNCILMAN DiCICCO: Thank you.

3 I don't think I have anything else at
4 this time.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 The Chair recognizes Councilman
8 O'Neill.

9 COUNCILMAN O'NEILL: Mr. Cohen,
10 have you seen the site?

11 MR. COHEN: Have I seen the
12 site? Not recently. I saw it about a
13 year ago.

14 COUNCILMAN O'NEILL: Was the
15 interchange of 95 at Aramingo Avenue
16 existing when you saw it last?

17 MR. COHEN: I don't recall.

18 COUNCILMAN O'NEILL: Okay.
19 Thank you.

20 COUNCIL PRESIDENT VERNA: The
21 Chair again recognizes Councilman
22 DiCicco.

23 COUNCILMAN DiCICCO: Thank you,
24 Madam President. One other question.

25 Directly across the street from

1 2/21/06 - RULES - BILL 051144, ETC.

2 Wheatsheaf Lane on the same side of
3 Aramingo Avenue, the west side, behind
4 the -- there's a storage facility company
5 there. There's a 21-acre site that is
6 currently being used by a company known
7 as Home Line Industries. They're a
8 furniture distribution company. Are you
9 aware about two years ago that I did a
10 similar zoning change legislation for
11 that site?

12 MR. COHEN: No, sir, I'm not.

13 COUNCILMAN DiCICCO: That would
14 allow for a big box there?

15 MR. COHEN: No, I'm not aware.

16 COUNCILMAN DiCICCO: And there
17 was no opposition to that, directly
18 across the street?

19 MR. COHEN: I don't know.

20 COUNCILMAN DiCICCO: Thank you.

21 COUNCIL PRESIDENT VERNA: Any
22 other questions or comments from members
23 of the Committee?

24 (No response.)

25 COUNCIL PRESIDENT VERNA:

1 2/21/06 - RULES - BILL 051144, ETC.

2 Mr. Cohen, thank you.

3 MR. COHEN: Thank you.

4 COUNCIL PRESIDENT Verna: Do we
5 have anyone else to testify on this bill?

6 (No response.)

7 COUNCIL PRESIDENT Verna:
8 Seeing no one, I would ask Ms. Murray to
9 please read the title of Bill No. 051200.

10 MS. MURRAY: Bill No. 051200,
11 an ordinance amending Section 14-1610 of
12 The Philadelphia Code, entitled "Old City
13 Residential Area Special District
14 Controls," extending the boundaries of
15 the District to include the area
16 generally bounded by Spring Garden
17 Street, Seventh Street, Wood Street and
18 Christopher Columbus Boulevard, all under
19 certain terms and conditions.

20 COUNCIL PRESIDENT Verna:
21 Again, I would ask you to please identify
22 yourself for the record.

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

1 2/21/06 - RULES - BILL 051144, ETC.

2 I'm a Zoning Planner in the Development
3 Planning Division of the City Planning
4 Commission. I'm here today to testify on
5 Bill No. 051200. Bill No. 051200 was
6 introduced by Councilmember DiCicco on
7 December 15, 2005.

8 This bill amends Section
9 14-1610 of the Zoning Code by extending
10 the boundaries of the Old City
11 Residential Area Special District
12 Controls to include an area bounded by
13 Spring Garden Street, Seventh Street,
14 Wood Street and Christopher Columbus
15 Boulevard. This bill would extend height
16 and width controls for the new area, as
17 well as prohibiting the following uses:
18 Amusement arcades, dance halls and
19 entertainment of guests and patrons as a
20 main use, automobile repair shops, bodily
21 and/or distribution of liquids for human
22 consumption, central heating plants,
23 courtrooms and courthouse buildings,
24 garages as a main use, penal and
25 correctional institutions, theatres and

1 2/21/06 - RULES - BILL 051144, ETC.

2 live stage performances and motion
3 picture auditoriums, fortune teller
4 establishments, take-out restaurants and
5 telemarketing.

6 The Planning Commission at its
7 meeting of February 16, 2006 considered
8 this bill and recommended that Bill No.
9 051200 be approved.

10 I would be happy to answer any
11 questions of the Committee.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 Do you have a map showing the
15 area that would be affected by the
16 expansion of the Special Control
17 District?

18 MR. GREGORSKI: I do not have a
19 map with me, but I could forward that to
20 your office before the end of the day.

21 COUNCIL PRESIDENT VERNA: All
22 right.

23 I note that take-out
24 restaurants would be prohibited.

25 MR. GREGORSKI: Correct.

1 2/21/06 - RULES - BILL 051144, ETC.

2 COUNCIL PRESIDENT VERNA: Are
3 there any existing restaurants that would
4 be affected, or would they become
5 non-conforming uses?

6 MR. GREGORSKI: Any restaurants
7 that are currently existing would still
8 be able to have the uses that they have
9 now. If they were an eat-in restaurant
10 and requested take-out after this bill
11 would take effect, then they would have
12 to go to the Zoning Board for a
13 certificate.

14 COUNCIL PRESIDENT VERNA: So
15 they would be grandfathered in?

16 MR. GREGORSKI: They would be
17 grandfathered in, correct.

18 COUNCIL PRESIDENT VERNA: I
19 assume that the Old City Civic
20 Association is in support of the bill?

21 MR. GREGORSKI: Yes, they are.

22 COUNCIL PRESIDENT VERNA:
23 You've been to a meeting or two?

24 MR. GREGORSKI: I have not been
25 to a meeting with them themselves, but as

1 2/21/06 - RULES - BILL 051144, ETC.

2 I understand it, Rich Thom is sitting
3 right next to me and I've spoken to him.

4 COUNCIL PRESIDENT VERNA:

5 That's very good. Thank you. Then
6 Mr. Thom can speak for himself and the
7 community.

8 Please identify yourself for
9 the record.

10 MR. THOM: Good morning, Madam
11 President. Richard Thom, Chair of the
12 Developments Committee and Vice-President
13 of Old City Civic Association.

14 As the Council is well aware,
15 and Councilman DiCicco has certainly been
16 very supportive of our efforts in
17 ensuring the residential quality of the
18 growth of our neighborhood, we've been
19 concerned about incompatible commercial
20 uses going north of our district and
21 impacting the rapidly also growing
22 district of Northern Liberties to our
23 north.

24 This is an overlapping district
25 area that includes these two

1 2/21/06 - RULES - BILL 051144, ETC.
2 neighborhoods. It borders two
3 neighborhoods. Old City Civic's
4 boundaries have included north of Spring
5 Garden Street for over 20 years, and we
6 are very supportive of this legislation
7 or effort to ensure that high-quality
8 development only occurs north of Old
9 City's core area, which is south of
10 Callowhill.

11 COUNCIL PRESIDENT VERNA: Thank
12 you very much.

13 Do we have anyone on the
14 Committee that would like to be
15 recognized?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Do we
18 have anyone that would like to testify?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: Do we
21 have anyone else that would like to
22 testify?

23 (No response.)

24 COUNCIL PRESIDENT VERNA:
25 Seeing no one, the Chair recognizes

1 2/21/06 - RULES - BILL 051144, ETC.

2 Councilman DiCicco.

3 COUNCILMAN DiCICCO: Thank you,
4 Madam President. There will be an
5 amendment offered to this bill. I
6 believe members of your Committee have
7 received copies.

8 COUNCIL PRESIDENT VERNA: Yes,
9 we have.

10 COUNCILMAN DiCICCO: Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 Thank you very much, sir.

14 I would ask Ms. Murray to read
15 the title of Bill No. 051144 again,
16 please.

17 MS. MURRAY: Bill No. 051144,
18 an ordinance amending Title 14 of The
19 Philadelphia Code, entitled "Zoning and
20 Planning," by amending Section 14-104,
21 entitled "Non-Conforming Structures and
22 Uses," by amending provisions relating to
23 the reconstruction of non-conforming
24 structures, all under certain terms and
25 conditions.

1 2/21/06 - RULES - BILL 051144, ETC.

2 COUNCIL PRESIDENT VERNA:

3 Again, I would ask you to identify
4 yourself for the record and proceed with
5 your testimony.

6 MR. GREGORSKI: Good morning,
7 Madam President and members of the Rules
8 Committee. My name is Martin Gregorski.
9 I'm a Zoning Planner in the Development
10 Planning Division of the City Planning
11 Commission. I'm here today to testify on
12 Bill No. 051144. Bill No. 051144 was
13 introduced by Councilmember O'Neill on
14 December 1, 2005.

15 This bill amends Section 14-104
16 of the Zoning Code to allow properties
17 zoned R-1, R-1A, R-2, R-3, R-4 or R-5
18 Residential in the Tenth Councilmanic
19 District to be reconstructed where any
20 structure containing a non-conforming use
21 or being non-conforming as to area,
22 height, floor area or bulk, in whole or
23 in part, is devoid by fire or act of God
24 or is legally condemned.

25 The Planning Commission at its

1 2/21/06 - RULES - BILL 051144, ETC.
2 meeting of December 15, 2005 considered
3 this bill and recommended that Bill No.
4 051144 be approved. The Commission
5 believes that these amendments are
6 positive changes to the Zoning Code and
7 would support action by City Council that
8 would result in these provisions being
9 applicable City-wide.

10 I would be happy to answer any
11 questions of the Committee.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 Has there been any legal
15 definition applied in the past by the
16 courts as to what constitutes, quote, an
17 act of God, end of quote?

18 MR. GREGORSKI: I am not aware
19 of any. I'm not an attorney, so I have
20 not done the research.

21 COUNCIL PRESIDENT VERNA: I beg
22 your pardon?

23 MR. GREGORSKI: I'm not an
24 attorney. I have not done the kind of
25 research that would include court

1 2/21/06 - RULES - BILL 051144, ETC.

2 research on what is an act of God.

3 Generally from the zoning point of view,

4 it would be wind destruction, hurricane

5 destruction, flooding and the like.

6 COUNCIL PRESIDENT VERNA: Is an
7 act of God?

8 MR. GREGORSKI: Would be
9 considered an act of God.

10 COUNCIL PRESIDENT VERNA: Your
11 testimony, as far as I'm concerned, is
12 somewhat confusing. It states that the
13 Commission would, quote, support action
14 by City Council that would result in
15 these provisions being applicable
16 City-wide, end of quote.

17 MR. GREGORSKI: Correct.

18 COUNCIL PRESIDENT VERNA: I
19 want to know yes or no, does the
20 Commission support this particular bill
21 or not?

22 MR. GREGORSKI: Yes.

23 COUNCIL PRESIDENT VERNA: So
24 you're in favor of the bill as it is?

25 MR. GREGORSKI: We are in favor

1 2/21/06 - RULES - BILL 051144, ETC.

2 of this bill, correct.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 Any questions from members of
6 the Committee?

7 COUNCILMAN O'NEILL: Madam
8 Chair, I have no questions, but
9 Mr. Dominic Ragucci from the Somerton
10 Civic Association has come all the way
11 down about 25 miles from Somerton for --

12 COUNCIL PRESIDENT Verna: Well,
13 he certainly deserves to be recognized.

14 COUNCILMAN O'NEILL: He goes to
15 the Zoning Board all the time for his
16 community.

17 MR. RAGUCCI: Thank you,
18 Councilman.

19 COUNCIL PRESIDENT Verna:
20 Please identify yourself for the record.

21 MR. RAGUCCI: Thank you, Madam
22 President, members of the Board. My name
23 is Dominic Ragucci, R-A-G-U-C-C-I. I'm
24 Assistant to the President of the
25 Somerton Civic Association, and on behalf

1 2/21/06 - RULES - BILL 051144, ETC.
2 of our Association's Executive Committee,
3 I would like to state that Councilman
4 O'Neill's bill clearly protects those
5 single-family owners of non-conforming
6 structures that sustain substantial loss
7 resulting from fire and certain other
8 perils. Requiring a one-family structure
9 to conform at reconstruction could cause
10 hardship to the owner and a potential
11 costly delay in reconstruction and
12 present a scenario for possible
13 abandonment.

14 Thank you.

15 COUNCIL PRESIDENT VERNA:

16 You're welcome, sir.

17 Any questions or comments from
18 members of the Committee?

19 COUNCILMAN O'NEILL: I don't
20 have any questions. I have a little
21 explanation on the bill. I just wanted
22 to let the Committee know what the
23 genesis was.

24 COUNCIL PRESIDENT VERNA: I
25 think if you were to give your

1 2/21/06 - RULES - BILL 051144, ETC.

2 explanation, maybe we wouldn't have any
3 questions from members of the Committee.

4 COUNCILMAN O'NEILL: First, I'd
5 like to thank Mr. Ragucci for coming
6 down. I know we have a couple of letters
7 from two other civic associations, for
8 the record, West Torresdale Civic
9 Association and also Bustleton Civic
10 Association.

11 COUNCIL PRESIDENT VERNA:
12 Excuse me, Councilman. I think we ought
13 to give copies of the letters to the
14 stenographer so that they will be made
15 part of the record.

16 MR. RAGUCCI: We have a letter
17 en route from our President, but it
18 hasn't arrived by fax. It's on its way.

19 COUNCILMAN O'NEILL: We got the
20 best thing, we got personal testimony
21 from her representative.

22 MR. RAGUCCI: Thank you.

23 COUNCILMAN O'NEILL: Madam
24 Chair and members of the Committee and
25 members of the Council who are here, I've

1 2/21/06 - RULES - BILL 051144, ETC.

2 been doing, as some members of the Rules
3 Committee particularly know, along with
4 the Planning Commission and some
5 neighborhood civic associations,
6 remappings of certain areas in my
7 district that have been experiencing a
8 lot of what the community calls
9 tear-downs. A house built in the 1950s
10 or '40s, modest home on a fairly wide
11 lot, and because the zoning is such that
12 allows three or four three-story
13 structures, very narrow, without any
14 community input, people really feel their
15 neighborhood is being degraded, and the
16 one solution is to do a community
17 remapping, a comprehensive remapping of
18 the community, and trying to make each
19 parcel have as large a lot as possible.

20 In doing that, in order to do
21 it in a way that is done with proper
22 planning principles and constitutionally
23 correct to offset any challenge by a
24 developer, often times a person in a
25 particular lot may not be exactly

1 2/21/06 - RULES - BILL 051144, ETC.

2 conforming to the new dimensions of that
3 lot, and that's called non-conforming.

4 It happens quite a bit, actually. I live
5 in a non-conforming structure myself, and
6 many of my neighbors do.

7 But I was not aware until
8 recently that there was this Code
9 provision that if more than two-thirds of
10 the home -- I'm sorry. If more than
11 two-thirds of the home were destroyed,
12 that you would not be able to build where
13 you were the same house that you were
14 living in. You would have to go to the
15 Zoning Board and ask for special
16 permission. And that's exactly what this
17 bill is, it deals with single-family
18 structures, because that's the only
19 structures we're making non-conforming in
20 these remappings, single-family
21 structures, to allow people clearly to go
22 to L&I and get an over-the-counter permit
23 to rebuild their house and not have them
24 say, Oh, there's this provision in the
25 Code that you're non-conforming and now

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2 you have to start all over again and go
3 to your neighbors and ask for permission
4 and go to the civic association.

5 The Planning Commission, the
6 Commission itself, not only supported the
7 bill and a very similar bill in, I
8 believe, Councilwoman Miller's district
9 but suggested they would support it
10 City-wide. And I don't have the luxury
11 of time because of how many of these are
12 out there and the issue being such a
13 burning issue. I wanted to get my
14 district covered as quickly as possible
15 with this, because it's predominantly as
16 a result in my district of the
17 remappings. But I would ask the Chair to
18 ask the Planning Commission -- I think
19 the Chair is, particularly Council
20 President, is the one to do it, if they
21 could present a bill to us in the near
22 future that would cover City-wide and
23 everybody be in the same position with
24 their constituents if they get asked this
25 question.

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2 And I'd like to thank the
3 Planning Commission and License and
4 Inspection. License and Inspection, the
5 whole team met on this a few weeks ago
6 and signed off. They said it was fine.
7 They have no problem enforcing it, and
8 they would understand it and make sure
9 everybody over there did.

10 It's a very rare occurrence,
11 but it's nice to be able to tell people
12 that you don't have to worry. When you
13 help your community by doing the
14 remapping, you don't wind up being hurt
15 possibly if there is a fire or something
16 very catastrophic.

17 Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Are there any questions or
21 comments?

22 The Chair recognizes
23 Councilwoman Miller.

24 COUNCILWOMAN MILLER: Thank
25 you, Madam President.

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2 As Councilman O'Neill

3 mentioned, there is a bill similar as it
4 relates to the Eighth Council District.

5 We are having and have run into some
6 barriers when we have developers that are
7 building in-fill housing where homes have
8 pretty much been demolished or it fits in
9 the other category, destroyed by fire or
10 act of God. We just had a developer have
11 a hard time getting a building permit and
12 all kinds of things to rebuild and fill
13 in some of those lots. So I just wanted
14 to make clear what some of our issues are
15 in the Eighth District.

16 COUNCILMAN O'NEILL: Madam
17 President, I know other members have
18 asked to speak, but I do have an
19 amendment to the bill that the Law
20 Department gave me, and it basically just
21 makes the bill clearer and clarifies the
22 language. It doesn't change anything
23 from the original bill.

24 COUNCIL PRESIDENT VERNA: The
25 amendment has been circulated?

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2 COUNCILMAN O'NEILL: I believe
3 everyone has a copy of it. I'll ask that
4 the bill be amended at the proper time.

5 COUNCILMAN KELLY: Are you
6 going to ask for a suspension of the
7 rules?

8 COUNCILMAN O'NEILL: Yes, also
9 suspension of the rules.

10 COUNCIL PRESIDENT VERNA: The
11 Chair recognizes Councilwoman Brown.

12 COUNCILWOMAN BROWN: Thank you,
13 Madam President.

14 So not having had the benefit
15 of reading this, does the bill also then
16 protect a new buyer or purchaser of that
17 lot should the zoning be different?

18 COUNCILMAN O'NEILL: If they
19 happen to be in a non-conforming house,
20 structure, and that can happen in a new
21 home, they would be protected as well.
22 All the single-family designations in my
23 district are covered in here.

24 COUNCILWOMAN BROWN: Okay. And
25 would you say that another goal would be

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2 to provide for maybe continuity and
3 community anesthetic of housing?

4 COUNCILMAN O'NEILL: Yes.

5 COUNCILWOMAN BROWN: Okay.

6 Thank you.

7 Thank you, Madam President.

8 COUNCIL PRESIDENT VERNA:

9 Councilman O'Neill, I'm just rather
10 curious, how about the insurance issue?

11 COUNCILMAN O'NEILL: I have not
12 gotten into that, but I don't think it's
13 an issue.

14 COUNCIL PRESIDENT VERNA: It's
15 not an issue?

16 COUNCILMAN O'NEILL: The
17 insurance, yes.

18 COUNCIL PRESIDENT VERNA: Good.
19 Because I know we had great problems with
20 a storm, told it was an act of God, and
21 there was a problem, believe me.

22 COUNCILMAN O'NEILL: That is a
23 separate issue, but we can't deal with it
24 in this.

25 COUNCIL PRESIDENT VERNA: Okay.

1 2/21/06 - RULES - BILL 051144, ETC.

2 I thought perhaps you have looked into it
3 and knew the answer.

4 Are there any other questions?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: We're
7 only laughing because the Councilman said
8 we always have FEMA.

9 Are there any other questions
10 from members of the Committee?

11 (No response.)

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

14 Sir, I certainly want to thank
15 you for coming in, presenting your
16 testimony and for showing so much
17 interest in your community.

18 MR. RAGUCCI: Thank you very
19 much.

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:

1 2/21/06 - RULES - BILL 051144, ETC.

2 Seeing no one, this will conclude our
3 public hearing. We will now go into our
4 public meeting, and the Chair recognizes
5 Councilman O'Neill.

6 COUNCILMAN O'NEILL: Madam
7 President, I'd like to offer an amendment
8 to Bill No. 051144. It's been circulated
9 among the Committee.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded that the
13 amendment as proposed be adopted.

14 All in favor will say aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it and the amendment is
21 adopted.

22 The Chair again recognizes
23 Councilman O'Neill.

24 COUNCILMAN O'NEILL: Madam
25 President, I move that Bill No. 051144 as

1 2/21/06 - RULES - BILL 051144, ETC.
2 amended be reported out of Committee with
3 a favorable recommendation and also a
4 recommendation that the rules of Council
5 be suspended so as to allow first reading
6 at our next session.

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and seconded that Bill No.
10 051144 be reported out of Committee with
11 a favorable recommendation as amended;
12 further, that the rules of Council be
13 suspended so as to permit first reading
14 at our next session of Council.

15 All in favor will please say
16 aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the motion carries.

23 The Chair recognizes Councilman
24 Clarke regarding Bill No. 051198.

25 COUNCILMAN CLARKE: Madam

1 2/21/06 - RULES - BILL 051144, ETC.

2 President, I move that Bill 051198 be
3 reported out of Committee with a
4 favorable recommendation.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: Isn't
7 there an amendment?

8 COUNCILMAN CLARKE: No; on the
9 next one.

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that Bill No.
12 051198 be reported out of Committee with
13 a favorable recommendation.

14 All in favor will say aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it and the motion carries.

21 The Chair again recognizes
22 Councilman Clarke regarding Bill No.
23 051200.

24 COUNCILMAN CLARKE: Madam
25 President, I move for the adoption of an

1 2/21/06 - RULES - BILL 051144, ETC.

2 amendment to Bill No. 051200.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and seconded that the
6 amendment as proposed be reported out
7 with a favorable recommendation and
8 adopted.

9 All in favor will say aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: All
12 those in favor of the adoption of the
13 amendment will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it and the amendment is
20 adopted.

21 Again, the Chair recognizes
22 Councilman Clarke.

23 COUNCILMAN CLARKE: Madam
24 President, I move that Bill No. 051200 as
25 amended be reported out of Committee with

1 2/21/06 - RULES - BILL 051144, ETC.

2 a favorable recommendation and a request
3 for a suspension of the rules as to allow
4 reading at the next session of Council.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that Bill No.
8 051200 be reported out of Committee with
9 a favorable recommendation as amended;
10 further, that the rules of Council be
11 suspended so as to permit first reading
12 at our next session of Council.

13 All in favor will say aye.

14 (Aye.)

15 COUNCIL PRESIDENT VERNA: Those
16 opposed?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: The
19 ayes have it. The motion carries.

20 This concludes the public
21 meeting of the Rules Committee. I thank
22 you all very much for your patience.

23 (Committee on Rules adjourned
24 at 11:15 a.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on February 21, 2006, and

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that this is a true and correct transcript of

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same.

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RPR-Notary Public

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