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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE THE COUNCIL COMMITTEE ON RULES

5

- - -

Room 400, City Hall

6

Philadelphia, Pennsylvania

Thursday, 3/14/02

7

9:33 a.m.

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9 BILL 010635 - Re Philadelphia Zoning Maps

10 BILL 020041 - Re Philadelphia Zoning Maps

11 BILL 020050 - Old City Res. Area Spec. Dist. Controls

12 BILL 020078 - Held at request of sponsor

13 BILL 020088 - Re Philadelphia Zoning Maps

14 BILL 020095 - Main St./Manayunk Spec. Dist. Controls

15 (Full text of all bills attached hereto.)

16

17 PRESENT: COUNCIL PRESIDENT VERNA, Chair
COUNCILMAN JAMES F. KENNEY, Vice Chair
18 COUNCILMAN DARRELL L. CLARKE
COUNCILMAN DAVID COHEN
19 COUNCILMAN FRANK DICICCO
COUNCILMAN MICHAEL A. NUTTER
20 COUNCILMAN BRIAN J. O'NEILL

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1 3/14/02 RULES COMMITTEE - BILL 010635

2 COUNCILMAN KENNEY: Good morning, ladies
3 and gentlemen. Thank you for your patience.

4 The Council Committee on Rules now has a
5 quorum, which consists of Councilmembers DiCicco,
6 Clarke, Nutter and Council President Verna, and
7 myself, Councilman Kenney, as vice chairman of the
8 committee.

9 There's an announcement this morning
10 that Bill No -- at the request of the sponsor, Bill
11 No. 020078 will be held; there will be no hearing
12 today on that bill. That is a bill which deals
13 with -- it's an ordinance amending Title 14 of the
14 Philadelphia Code, entitled "Zoning and Planning,"
15 by amending Chapter 14-200, entitled "Residential
16 Districts," by amending Section 14-204, entitled
17 "R-3 Residential District," by amending the uses
18 permitted; and by amending Chapter 14-1400,
19 entitled "Parking and Loading Facilities," by
20 amending Section 14-1402, entitled "Parking in
21 Residential Districts," under certain terms and
22 conditions. There will be no hearing on that bill
23 today.

24 The first bill on the agenda is Bill No.
25 010635, which is an ordinance to amend the

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2 Philadelphia Zoning Maps by changing the zoning
3 designations of certain areas of land located
4 within an area bounded by Susquehanna Avenue,
5 American Street, Diamond Street, and Third Street

6 (Witness comes forward.)

7 COUNCILMAN KENNEY: Please identify
8 yourself for the record and proceed.

9 MR. DEEGAN: Paul Deegan representing
10 PIDC. I'm here in support of Bill No. 010635.

11 This bill rezones the area bounded by
12 American Street, Third Street, Diamond Street, and
13 Susquehannah Avenue -- as you can see, the Planning
14 Commission has a very nice map over there -- from
15 various classifications to a single classification
16 of G-2 industrial. This will permit the
17 development of this site by Reline Centers of
18 America, a brake manufacturer, now located at 148
19 Poplar Street, near Third Street and Girard Avenue.

20 The Commerce Department and PIDC,
21 working together, have assembled this plot from a
22 number of individual residential, commercial, and
23 industrial properties as part of an effort to
24 create new development sites in the American Street
25 Empowerment Zone. Many of the properties are

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2 vacant and blighted, with some already in City
3 ownership through the sheriff's sale process.

4 I may add, I think the Rules Committee
5 has seen this project before when the redevelopment
6 plan was amended; I think it was, last spring,
7 there was extensive testimony on this property, and
8 we've also had a Public Property bill in November.

9 By combining all of these properties and
10 removing a small street, Bodine Street, between
11 Diamond and Susquehannah Avenue, and rezoning the
12 block to G-2 general industrial, we will create a
13 site with adequate size and depth for modern
14 industrial facilities.

15 Reline Centers is an existing company
16 being relocated as part of the Schmidt's Plaza
17 retail development in the vicinity of Third and
18 Girard. They would like to stay in the area, and
19 they intend to build a new 50,000 square foot
20 facility, retaining 30 existing jobs and creating
21 30 new jobs.

22 I ask that the committee consider the
23 bill favorably and that the rules of Council be
24 suspended to permit first reading at the next
25 regularly scheduled meeting of Council.

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2 Thank you, and I'd be happy to answer
3 any questions you may have.

4 COUNCILMAN KENNEY: Thank you very much.
5 Please identify yourself for the record.
6 and proceed.

7 MR. LOMBARDO: Yeah, good morning.

8 COUNCILMAN KENNEY: Good morning.

9 MR. LOMBARDO: My name is Rich Lombardo,
10 Deputy Executive Director of the Planning
11 Commission, and because of your crowded calendar,
12 and we've all seen this so many times, I'll just
13 cut to the bottom and Paul did such a good job
14 making a thorough presentation.

15 The Planning Commission actually has
16 approved this re-use several times, most recently
17 in May 9 of 1999, and we would recommend approval
18 of this bill.

19 COUNCILMAN KENNEY: Thank you very much.

20 Any questions for this witness?

21 Councilmember Clarke.

22 COUNCILMAN CLARKE: Thank you,
23 Mr. Chairman.

24 Good morning. Just one brief question.
25 Has this project received Empowerment Zone funding?

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2 MR. DEEGAN: The sites now are being
3 assembled. We're using City capital funds and
4 money that's available in the Industrial and
5 Commercial Development Revolving Fund; that's how
6 we acquired the first property, 2114-16 North
7 American Street, we've already acquired that, PAID
8 has.

9 And we also are using other City capital
10 funds available for American Street to fund the
11 Redevelopment Authority's condemnation of the
12 properties and on Bodine Street and Third Street.

13 So I don't think there's Empowerment
14 Zone money. I think there is a representative,
15 Catharine Califano, from the Empowerment Zone here,
16 and she, I guess, more than anybody has been
17 spearheading this project and has testified several
18 times on various bills for this project.

19 So she's going to tell me if I'm right
20 or wrong.

21 COUNCILMAN CLARKE: I have a bad memory,
22 I'm getting old. I can't recall.

23 MR. DEEGAN: I have the same problem; I
24 think I'm getting those moments more often than you
25 are, Councilman. I'm a little bit older.

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2 (Witness comes forward.)

3 COUNCILMAN KENNEY: That can be a very
4 good thing.

5 MR. DEEGAN: It can be very convenient
6 at times.

7 COUNCILMAN CLARKE: It's better than the
8 alternative.

9 COUNCILMAN KENNEY: Please identify
10 yourself for the record, if you remember who you
11 are.

12 (Laughter.)

13 MS. CALIFANO: Good morning. I'm
14 Catharine Califano, Director of Economic
15 Development for the Philadelphia Empowerment Zone.

16 COUNCILMAN KENNEY: Did you have the
17 opportunity to hear Councilmember Clarke's
18 question?

19 MS. CALIFANO: I did. At this time,
20 there's no Empowerment Zone dollars that are going
21 into the acquisition of this parcel.

22 COUNCILMAN CLARKE: Do we anticipate any
23 Empowerment Zone funding for the development of the
24 facility?

25 MS. CALIFANO: The company will be

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2 seeking dollars from the lending institutions in
3 the development of this site.

4 COUNCILMAN CLARKE: And is there a
5 commitment to hire a certain number of individuals
6 in the Empowerment Zone?

7 MS. CALIFANO: There are. We anticipate
8 that there will be 30 new jobs in the first year
9 and then an increase incrementally by 10 percent
10 over the next 5 years and he is committed to hire
11 all of the people from the Empowerment Zone.

12 COUNCILMAN CLARKE: From the Empowerment
13 Zone. Okay, thank you.

14 COUNCILMAN KENNEY: Any other questions
15 (No further questions.)

16 COUNCILMAN KENNEY: Mr. Deegan, did you
17 ask for a rules suspension?

18 MR. DEEGAN: If you could, Mr. Chairman,
19 I'd appreciate that.

20 COUNCILMAN KENNEY: No problems at all.
21 Any other questions?

22 (No further questions.)

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2 COUNCILMAN KENNEY: We're going to go a
3 little bit out of order and we will now move to
4 Bill 020095, which is an ordinance amending Title
5 14 of the Philadelphia Code relating to zoning and
6 planning by amending Section 14-1615, entitled
7 "Main Street/Manayunk Special District Controls,"
8 by amending certain prohibited uses and the sunset
9 provision, all under certain terms and conditions.

10 Please also let the record reflect that
11 Councilmember O'Neill is also in attendance.

12 Please identify yourself for the record.

13 MR. LOMBARDO: Good morning.

14 COUNCILMAN KENNEY: Good morning.

15 MR. LOMBARDO: My name's Richard
16 Lombardo, Deputy Executive Director of the
17 Philadelphia City Planning Commission to testify on
18 Bill No. 020095.

19 This bill was introduced by
20 Councilmember Nutter on February 21, 2002. It
21 amends the provisions of the Main Street/Manayunk/
22 Venice Island overlay. The currently existing
23 zoning and land use controls under this overlay are
24 due to expire March 19, 2002 because pursuant to a
25 sunset provision, this bill would remove that

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2 sunset provision. Additional amendments include
3 the removal of restaurants and takeout from the
4 list of prohibited uses within the upper portion of
5 the Main Street/Manayunk area -- that's the area
6 above Shears Lane (ph).

7 The Planning Commission hasn't
8 considered this particular bill; we are scheduled
9 to consider it on our meeting on March 20th. In
10 the past, we have supported all of the
11 (indiscernible). As a matter of fact, we were the
12 people that worked with the Councilman and the
13 various community organizations that crafted these
14 in the first place. I don't anticipate we would
15 not approve them once they are before the
16 Commission on March 20th.

17 I'm available for any questions you may
18 have.

19 COUNCILMAN KENNEY: Thank you very much.

20 Mr. Haigler. Would you like to be
21 recognized and testify in any way?

22 MR. HAIGLER: My name is Otis Haigler,
23 Jr., Legislative Affairs Manager for the Department
24 of Licenses and Inspections.

25 I'm only here to read into the record

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2 information that I received from the Chief Deputy
3 City Solicitor of the Law Department this morning
4 regarding this particular bill on behalf of
5 Councilman Nutter.

6 The communication I received was a memo
7 dated on the 13th of this month. It was in
8 reference to Bill No. 020095, and the
9 communications states that "This will confirm our
10 discussions regarding the pending ordinance
11 doctrine.

12 "As you know, Bill No. 020095 is
13 currently scheduled for hearing before the Council
14 Committee on Rules on March 14th at 9 o'clock a.m.
15 The bill would, among other things, extend the
16 life of the Special District Controls for Manayunk
17 currently set forth in Code Section 14-1615 and
18 currently scheduled to sunset on March 19, 2002.

19 "Assuming the bill is favorably reported
20 by the committee at the close of the hearing on
21 March 14th, this is to advise you that pursuant to
22 long-standing City policy and practice, the pending
23 ordinance doctrine should apply at that time, and
24 L&I should, at that point, treat the zoning
25 restrictions set forth in Bill No. 020095 as if

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2 they have been enacted.

3 "More particularly, should any zoning
4 permits be requested on or after March 19th on the
5 premises that the Manayunk Special District
6 Controls have expired by that date, such permits
7 should be denied if Bill No. 02095 would call for
8 their denial.

9 "The restrictions of Bill No. 020095
10 should be treated as if in effect for a reasonable
11 period of time, generally considered at least one
12 year, pending final enactment."

13 COUNCILMAN KENNEY: Otis, it takes a
14 lawyer to complicate things. You're going to
15 enforce it till we pass it, right?

16 MR. HAIGLER: We will enforce it.

17 As a matter of fact, we've already made
18 the proper notifications to our chief of the zoning
19 unit as well as the head of our license issuing
20 unit. Because one part of the bill relates to
21 sidewalk cafes, that's not generally treated as a
22 zoning matter; it's treated as a licensing matter.
23 So we've already made the proper notifications.

24 COUNCILMAN NUTTER: Very good. Thank
25 you, Mr. Haigler. I appreciate you working

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2 cooperatively with us and sending the message
3 through the Department of Licenses and Inspections
4 that we will have enforcement and a smooth
5 transition. We will take the necessary action to
6 get the bill passed as quickly as possible.

7 Thank you very much.

8 COUNCILMAN KENNEY: Thank you very much.
9 Any questions for these witnesses?

10 (No questions.)

11 COUNCILMAN KENNEY: We will now call Kay
12 Smith, Jane Glenn, and Forest Aegiano.

13 (Witnesses come forward.)

14 COUNCILMAN KENNEY: Please identify
15 yourself for the record. Good morning.

16 MR. AEGIANO: Good morning. I'm Forest
17 Aegiano, President of the Wissahickon Neighbors
18 Civic Association, and I'm here this morning to
19 endorse Bill 020095.

20 COUNCILMAN KENNEY: Great.

21 MR. AEGIANO: We have a letter for you.

22 COUNCILMAN KENNEY: We will have it
23 submitted for the record.

24 Is there anyone else who would like to
25 add anything? Please identify yourself for the

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2 record first.

3 MS. SMITH: I'm Kay Smith, Manayunk
4 Development Corporation, and I'd like to offer
5 support for this bill.

6 COUNCILMAN KENNEY: Great.

7 MS. SMITH: And you'll be glad to see
8 the three of us sitting here today, right?

9 COUNCILMAN KENNEY: Very happy.
10 Everybody's in a good mood today.

11 Any questions for these witnesses?

12 (No questions.)

13 COUNCILMAN KENNEY: Thank you very much
14 for coming and thank you for your patience.

15 Anyone here else to testify on this
16 bill?

17 (No response.)

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2 COUNCILMAN KENNEY: Seeing none, we will
3 now move to Bill No. 020050, which is an ordinance
4 amending Title 14 of the Philadelphia Code relating
5 to "Zoning and Planning," by amending Chapter
6 14-1600, entitled "Miscellaneous," by amending
7 Section 14-1610, entitled "Old City Residential
8 Area Special District Controls," by amending
9 permitted uses and zoning controls, under certain
10 terms and conditions

11 (Witnesses come forward.)

12 MR. LOMBARDO: Actually, my testimony
13 will be very brief. We have again not considered
14 this legislation; we are scheduled to consider it
15 on March 20, 2002.

16 At that time, the staff will be
17 recommending that the Commission support the bill.
18 However, the Commission has not considered it.

19 Parenthetically, we have in the past
20 supported similar height limits in Center City,
21 most notably for Chinatown when there was a concern
22 that there would be a desire to tear buildings down
23 and replace 'em with larger buildings, which the
24 underlying zoning would allow, you know, larger
25 buildings, so it was done as a way to preserve the

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2 neighborhood, and we've supported those in the
3 past.

4 COUNCILMAN KENNEY: It's kind of like
5 the pending-approval doctrine, right?

6 (Laughter.)

7 COUNCILMAN KENNEY: Mr. Tom, please
8 identify yourself for the record.

9 MR. TOM: My name is Richard Tom, Chair
10 of the Developments Committee, Old City Civic
11 Association.

12 I'm here today with Beth Richards of
13 Elfreth's Alley and with members of the community
14 and the Community Association in support of Bill
15 020050.

16 In 1990, Old City faced the prospect of
17 the onslaught proposed restaurant and nightclub
18 business uses in a predominantly residential
19 portion of our national registered historic
20 district. With the support of our elected
21 officials and the Philadelphia Planning Commission,
22 we introduced a landmark Old City Residential
23 District Controls amendment to the zoning code. As
24 passed by Council, this legislation ensured that
25 such entertainment-type uses did not affect the

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2 quality of life for our tax-paying residents,
3 property owners, and other existing businesses in
4 the area.

5 Over the past 12 years, this has served
6 to protect our historic neighborhood and has
7 actually reinforced the present upswing in
8 residential redevelopment by ensuring the
9 compatibility of adjacent land uses.

10 Now in 2002, we are faced with another
11 vexing land-use problem. Our very success north of
12 Market Street has driven land costs to valuations
13 inconceivable in the past two or three years ago.
14 While this has proven a boon to owners willing to
15 sell, it has forced purchasers to consider
16 ever-more dense redevelopment scenarios to justify
17 the land purchase costs.

18 As land prices have soared, the
19 intensity and height of proposed projects have
20 risen to new levels as well. We are now facing the
21 prospect of a half a dozen 15- to 20-story
22 buildings looming prominently over our historic
23 district nationally renowned for its Victorian era
24 cast-iron facades of only five to six floors.
25 Elfreth's Alley faces the very real eminent danger

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2 of being walled in by high-rises, darkening forever
3 the renowned cobblestone walk.

4 We are well aware that the zoning
5 permits for exactly such construction have been
6 acquired as a matter of right for the past several
7 years for the thoroughly incompatible and
8 inappropriate projects. Furthermore, the
9 developers have repeatedly refused to meet with my
10 committee to discuss these plans, as community
11 input is not necessary, nor desired when the
12 designs are carefully crafted to meet the code. We
13 have virtually no say in how these projects will
14 affect our neighborhood.

15 These projects reflect the fact that
16 there was no height limit present in the zoning
17 code for C-3 commercial districts, the predominant
18 designation of our area. The present zoning
19 mechanism of floor area ratio, intended to control
20 the density of development by a factor of total
21 floor area related to land size, has failed in its
22 current marketplace. Developers have managed to
23 assemble parcels (indiscernible) overall land area
24 to thwart the FAR intent.

25 This has happened on former

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2 historic-building sites now vacant after arson
3 fires as well as empty lots resulting from the
4 failure of City agencies to protect our dwindling
5 stock of historic buildings. This latter
6 demolition by neglect leads to smaller historic
7 sites being cleared for larger parcel assembly,
8 which works to boost the total floor area permitted
9 under the FAR.

10 No one could have predicted this
11 unintended outcome when height was not capped in
12 the code in the historic district, but Old City, as
13 a community, can foresee the impact of future high-
14 rise development crystal-clear: Overcrowded
15 streets, more cars competing with tourist vehicles,
16 overburdened 100-year-old sewer and water systems,
17 and daylong shadows on sites, and the jarring
18 visual intrusion of buildings on mega parcels truly
19 out of proportion in every sense to the urban
20 design texture of 250-year-old district. This is
21 simply not the environment we want for tourists to
22 experience and for our residents to have to reside
23 in.

24 We urge Council to swiftly enact Bill
25 020050, capping the height of new construction at

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2 65 feet so that the integrity of our historic
3 district is preserved, the quality of life
4 protected, and the visitor experience enhanced for
5 all future generations.

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

8 Are there any questions for these
9 witnesses?

10 The Chair recognizes Councilman DiCicco
11 for the purposes of offering an amendment.

12 COUNCILMAN DICICCO: Thank you,
13 Mr. Chairman. There's a technical amendment in
14 brackets on Section B at the bottom. We're
15 removing the brackets before the word "enhanced"
16 and after the word "and" on Page 1.

17 COUNCILMAN KENNEY: So, in other words,
18 that's going back in.

19 COUNCILMAN DICICCO: That goes back in.

20 COUNCILMAN KENNEY: Okay, I just want to
21 make sure I get this panel taken care of.

22 Any questions for these witnesses?

23 (No questions.)

24 COUNCILMAN KENNEY: Thank you very much.

25 Yes, Mr. Lombardo?

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2 MR. LOMBARDO: In preparation for our
3 Planning Commission meeting next week, we did a
4 survey of all of the properties within the
5 boundaries of this proposed legislation. There are
6 589 buildings. Of those building, only 29
7 buildings, or 4 percent of the buildings, are over
8 65 feet in height; all of the other buildings would
9 conform to the height regulation.

10 COUNCILMAN KENNEY: Councilmember
11 DiCicco?

12 COUNCILMAN DICICCO: Are they scattered
13 throughout the area, or do they more or less favor
14 one particular direction -- north, west, east
15 south? We have the north-south at the 4 percent?

16 MR. LOMBARDO: I didn't do the survey.
17 I've been told that they're scattered throughout
18 the neighborhood.

19 COUNCILMAN DICICCO: My sense of it
20 is -- and I could be wrong -- that the majority of
21 the 4 percent, even though there may be some
22 scattered, would favor the 5th Street corridor; is
23 that correct or not? With the exception of church
24 steeples, I'm not talking about church steeples.

25 MR. TOM: Some are on Arch Street, there

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2 are several larger buildings on Arch Street.

3 There's the occasional office building at the
4 corner of Third and Church. There are some on
5 Fifth, on the mall, but the majority of them are
6 scattered.

7 There happens to be a couple
8 concentrations on Orange, that's about it. The
9 only significant concentration is Arch Street.

10 COUNCILMAN DICICCO: From a technical
11 standpoint, in the future, if someone -- a
12 developer wanted to come along and develop a
13 building that exceeds the 65 height limitation,
14 what's the process for that?

15 MR. LOMBARDO: It would be a variance to
16 the zoning.

17 COUNCILMAN DICICCO: So you go back to
18 the Zoning Board anyway.

19 MR. LOMBARDO: Yeah. And no variances
20 are guaranteed; I mean, the purpose of this is to
21 at least let people know they have to go talk to
22 someone.

23 COUNCILMAN DICICCO: So that would be a
24 part of the process, to work with the community. I
25 just want to make sure -- I understood it to be

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2 that way, but I wanted to make sure on the record
3 that that's what we're talking about.

4 'Cause my sense is -- and, again, I
5 could be wrong -- that when you get closer to Fifth
6 Street, going from east to west, there are a lot of
7 office buildings there, and maybe, maybe not, that
8 might not be -- people may not find that offensive
9 at some point if something needed to be, you know,
10 over 65 feet, but I understand around Second and
11 Race Third and Third and Race and Second and Arch
12 that we want to maintain that height restriction to
13 the 65-foot limitation.

14 MR. TOM: As your office is aware, we
15 entered into extensive negotiations with property
16 redevelopers. We are currently renegotiating a
17 deal at the corner of (indiscernible) and Front to
18 meet the needs and the impacts on Elfreth's Alley,
19 and we're successfully concluding those
20 negotiations.

21 So we are not a group that is
22 automatically exclusionary; we're willing to talk.
23 Show us the right site, the right project.

24 COUNCILMAN DICICCO: But it brings the
25 developer to the table with the community to work

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2 it out, which is what I'm all about -- process all
3 the way.

4 COUNCILMAN KENNEY: Let me just ask you
5 a question before you go. I don't remember the
6 restaurant; what was the restaurant that started
7 this? Wasn't there a nice, high-class restaurant
8 on Front Street, then all of a sudden, it went and
9 converted into a dance club. Isn't that how this
10 got started?

11 MR. TOM: Justin's

12 COUNCILMAN KENNEY: Was it?

13 MR. TOM: It was named Justin's and it
14 was --

15 COUNCILMAN KENNEY: It was like a really
16 good restaurant in the beginning and then it wasn't
17 making it, so they went to some late-night dance
18 club kind of thing?

19 MR. TOM: There were several that did
20 that, but the most famous one was a developer who
21 still does work in this town who opened a
22 restaurant called Justin's at 110 South Front.

23 COUNCILMAN KENNEY: That's it, yeah.

24 MR. TOM: And the day it was open or a
25 week, it served high-quality food, and then from

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2 then on, it was a nightclub, and we even had State
3 police doing stakeouts, doing drug arrests right
4 out in front of it. That was 1990.

5 Good memory, Mr. Chair.

6 COUNCILMAN KENNEY: I don't remember the
7 name of it, but I remember the incident.

8 MR. TOM: We will never forget it.

9 COUNCILMAN KENNEY: Thank you very much.

10 Councilmember DiCicco has an additional
11 amendment.

12 COUNCILMAN DICICCO: My legislative
13 assistant just informed me of one more amendment.
14 On Page 4 at the bottom, Section A, remove the s in
15 the word "additions" so that it reads: "The
16 maximum height of a building or an addition... "
17 It should be "addition" as opposed to "additions."

18 MR. TOM: If you wouldn't mind, Beth
19 Richards of Elfreth's Alley would like to add on.

20 COUNCILMAN KENNEY: Sure.

21 (Witness comes forward.)

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

24 MS. RICHARDS: I am Beth Richards,
25 Executive Director of the Elfreth's Alley

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2 Association.

3 COUNCILMAN KENNEY: Please proceed.

4 MS. RICHARDS: Good morning.

5 COUNCILMAN KENNEY: Good morning.

6 MS. RICHARDS: Thank you for listening
7 to me regarding this bill.

8 The Old City neighborhood is undoubtedly
9 the richest area in Philadelphia in terms of its
10 historical and cultural significance. From art
11 galleries to Independence National Historic Park,
12 Betsy Ross House, Carpenters Hall, the Independence
13 Visitors Center, the U.S. Mint to old Philadelphia
14 Congregations such as (indiscernible) Israel
15 Synagogue, the Arch Street Meeting House, and
16 Christ Church, a world-class monument whose spire
17 has greeted Philadelphians for hundreds of years,
18 and finally, to Elfreth's Alley, of which I am most
19 familiar.

20 The Department of Interior recognized
21 Elfreth's Alley in 1958 as a national historic
22 landmark, defined as a site possessing exceptional
23 value or quality in illustrating and interpreting
24 the heritage of the United States. The nomination
25 describes the alley as "a remarkable survival of

1 3/14/02 RULES - BILL 020050

2 colonial America, which can be viewed today in an
3 unexploited, authentic atmosphere."

4 The alley is recognized as the country's
5 oldest continuously-occupied residential street and
6 is a remarkable surviving example of intact
7 contiguous 18th Century vernacular urban fabric.
8 With 32 buildings constructed between 1720 and
9 1836, the exemplary architectural integrity and
10 historic value of Elfreth's Alley provides a unique
11 setting of public discovery of 18th and 19th
12 century middle-class urban life. Today, the alley
13 is a vibrant part of the Old City community, home
14 to 70 people, mostly professionals and young
15 families.

16 The alley is neither reconstructed 18th
17 century urban block, nor a place frozen in time by
18 ambitious restoration campaigns; rather, the alley
19 is a continuum of history, a unified collection of
20 historic structures which are utilized in their
21 original capacity.

22 The streetscape has not been modified
23 significantly, and the surrounding neighborhood
24 retains many 19th century structures important to
25 the alley's history.

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2 Elfreth's Alley is a location with an
3 exceptional integrity of setting, association, and
4 feeling, which, in combination with its
5 architectural, historical, and social significance,
6 makes it a unique and exceptional heritage site.
7 There is no better place than Old City and
8 Elfreth's Alley to be transported back in time, and
9 the rash of proposed new construction dramatically
10 affects the rich character and historic
11 significance of this Philadelphia neighborhood.

12 The possibility of mid- to high-rise
13 development in Old City is similar to proposals for
14 new construction within the site of battle fields
15 like Valley Forge. While the development may not
16 occur on these battle fields, new construction on
17 the periphery of important historic sites impacts
18 the experience one has when visiting those sites.

19 For example, visitors will not be able
20 to stand at the entrance of the alley and see the
21 spire of Christ Church, or stand on the alley and
22 be transported in time. Just yesterday, I had
23 school children from New York visiting the alley
24 that were so excited to be standing on a street
25 that their made history books come to life.

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2 Hundreds of thousands visit Old City to
3 engage with its rich history. This is why they
4 come to Philadelphia. The Greater Philadelphia
5 Tourism and Marketing Corporation ranks history as
6 the number-one reason why people visit, and the top
7 market segment is visiting families and friends and
8 relatives; so do Philadelphians and tourists alike
9 who come to Old City, because of its historic
10 character and integrity of setting.

11 Three hundred thousand visit the Betsy
12 Ross House, 250,000 visit the alley, tens of
13 thousands tour Christ Church, and they spend money:
14 They Shop in Old City, eat in Old City, and because
15 they are here for the history, take away its
16 character, and you rob Old City of its strongest
17 economic driver.

18 This bill aims to protect the historic
19 district of Old City by encouraging development and
20 new construction responsible to its 300 years of
21 history. A decade ago, successful development
22 projects understood this, and made Old City one of
23 the quickest-growing residential neighborhoods in
24 Philadelphia. This bill ensures the same can be
25 true for decades and centuries to come.

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2 Thank you.

3 COUNCILMAN KENNEY: Thank you very much
4 for your testimony.

5 Are there any questions for this
6 witness?

7 (Applause.)

8 (No questions.)

9 COUNCILMAN KENNEY: I know we're in
10 transition between Council Committee meeting and
11 Council session, and I need to keep the outside
12 conversations to a minium since we still have
13 testimony. If you need to speak, please go into
14 the hallway

15 Is there anyone else to testify on this
16 bill?

17 Mr. Primavera?

18 (Witness comes forward.)

19 MR. PRIMAVERA: Good morning, Carl
20 Primavera.

21 I'm not really here to debate the wisdom
22 of the bill, and I'm sure Council will use good
23 judgment, but for the record, there are two
24 properties that I'm aware of that have been
25 recently acquired by Jeffrey Brown, who is

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2 well-known as a commercial developer and who's now
3 expanded into residential development. One is 108
4 Arch Street; the other is the National Wholesale
5 building, Harry Kaplan's old building.

6 Permits have been issued, and they were
7 over-the-counter, as-a-matter-of-right permits
8 following the rules that City Council and the
9 Planning Commission had previously developed. So I
10 don't think you can criticize any developer for
11 following City Council's mandate on what was
12 considered the appropriate zoning.

13 My purpose here today is twofold: One,
14 to make sure -- and I don't think there's any
15 dispute -- that those permits are vested and that,
16 you know, if you have permits that were issued
17 before any change in the zoning, obviously, they
18 are vested, and they are going to be, you know,
19 protected under law.

20 But the other point is, following 9/11,
21 we know how delicate the financial markets are, and
22 these properties were acquired based upon the
23 permits and the yield that the code allowed at the
24 time.

25 Arch Street is 13 stories, and National

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2 is 21 and 15 stories. And at one point, they would
3 have been considered a tribute to Philadelphia's
4 vitality and kind of our Soho renaissance, but
5 tastes change over time, and what was in vogue one
6 time may not be in vogue another time, but the
7 prices that were paid for these properties
8 reflected the permits that were issued based upon
9 the then-rules of the road established by City
10 Council.

11 So in addition to just alerting Council
12 about the vested rights, it would also be my hope,
13 if Council is so inclined, that they maybe consider
14 an amendment that would say that the ordinance
15 would be effective immediately, except for those
16 properties for which zoning and use registration
17 permits have been issued in the past six months,
18 which would otherwise allow for construction
19 exceeding the height and width limitations of the
20 bill; and for those properties, the effective date
21 would be, say, January '03.

22 The purpose is to give a little bit of
23 flexibility for developers like Mr. Brown, who've
24 come in, expended real dollars based upon plans
25 that have been approved by the City that would

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2 allow them a certain return on their investment.
3 Quite frankly, if we had another blip in the market
4 and these properties couldn't be financed and then
5 the permits were to become lapsed and we had to go
6 back to Old City, my suspicion is that to get the
7 variances, we would have to dramatically alter them
8 under the new version, and that, in effect, the
9 purchaser, Mr. Brown, you know, would, in effect,
10 no way be able to realize a return on an
11 investment.

12 And it's just really just kind of a
13 message that says, If you play by the rules of the
14 road in this city, we'll protect you. But this
15 isn't a situation where he ran in at the last
16 minute to try to anticipate the ordinance; these
17 projects have been going on for quite a bit of
18 time. I think Alan Kaznov (ph) had started
19 development of the national site years ago.

20 So this isn't in response to this new
21 ordinance; these are ongoing projects that I think
22 are going to happen pretty quickly, but God forbid
23 there's a problem in the financial markets. I
24 think it would be unfair for Mr. Brown, who had a
25 big investment in the city based upon permits and

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2 based upon the rules of the road as established by
3 the Zoning Board, to be caught in the switches and
4 have to come back and basically have to take a
5 humongous hit.

6 So that's our plea today. I know
7 Council doesn't want to unwittingly hurt anyone who
8 has made an investment in the City.

9 So for those properties that the
10 developer comes in, you know, I recommend that they
11 go to Old City and work something out and either
12 follow the new code, if this is amended, or reach
13 some accommodation.

14 But for situations where people have
15 come in and spent hard dollars based on legitimate
16 expectations, I just think that it would be
17 appropriate for the City to recognize them.

18 There may be others than Mr. Brown, but
19 Jeffrey Brown is the one, you know, has these
20 situations.

21 COUNCILMAN KENNEY: The Chair recognizes
22 Councilman DiCicco.

23 COUNCILMAN DICICCO: Thank you, Mr.
24 Chair.

25 Thank you, Mr. Primavera, for your

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2 testimony. When did Mr. Brown purchase these
3 properties; do you know?

4 MR. PRIMAVERA: Probably within the last
5 six months. They had been previously brought
6 through development through another --

7 COUNCILMAN DICICCO: I know they had
8 been flipping back and forth.

9 MR. PRIMAVERA: Right.

10 COUNCILMAN DICICCO: What was the date
11 the permits were pulled?

12 MR. PRIMAVERA: The original permits
13 were pulled probably six months ago. I think a
14 revision was pulled, like, a month ago. You know,
15 they keep revising them. I think Mr. Brown had his
16 own engineers look at the plans after he bought the
17 property.

18 COUNCILMAN DICICCO: And what is the
19 height --

20 MR. PRIMAVERA: 13 stories.

21 COUNCILMAN DICICCO: I'm sorry. What is
22 that in terms of feet, approximately?

23 MR. PRIMAVERA: Let me see if I can get
24 Orakovsky (ph) to --

25 COUNCILMAN DICICCO: About 84 feet? Is

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2 it 8 foot per floor or 10 foot per floor?

3 MR. PRIMAVERA: I would guess 10 foot
4 for floor.

5 COUNCILMAN DICICCO: So it would be 130
6 feet.

7 MR. PRIMAVERA: Right.

8 COUNCILMAN DICICCO: Almost double what
9 this legislation --

10 MR. PRIMAVERA: Exactly.

11 COUNCILMAN DICICCO: Is it all private
12 financed at the moment?

13 MR. PRIMAVERA: Oh, yeah.

14 COUNCILMAN DICICCO: No City dollars in
15 it?

16 MR. PRIMAVERA: No. The only thing that
17 would help would be the 10-year abatements, which
18 everyone gets, but there's no --

19 COUNCILMAN DICICCO: From an economic
20 position, if Mr. Brown -- and I don't know if we
21 can be any assistance here. If Mr. Brown, as the
22 developer, would be willing to reconsider the
23 height of the building, there may be a possibility
24 that there may be some City dollars that could go
25 towards that project. So I would like to engage in

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2 to move forward with these permits, but if
3 something were to happen and it were to be delayed
4 a year or two, I could very easily see the project
5 being dramatically reduced. And then based on the
6 purchase price reflecting 13 stories, he would lose
7 his shirt, and that's a message that Philadelphia
8 can't afford to, what I would call, "creditable
9 investors."

10 So it's really just to, one, you know,
11 put on the record what everyone knows, that there
12 are permits that were issued under the prior rules
13 that should move forward, but in the event there's
14 a glitch, there will be an unfortunate situation.

15 And maybe if it does happen -- and we
16 hope it doesn't happen -- and he comes back and
17 talks to the City, there could be some
18 remuneration.

19 But my recommendation would be that
20 there would be a saving provision for those permits
21 that would at least extend out the effective date
22 so that people who come in as of today would be
23 bound by the new limitations because they're the
24 new rules of the road, but people who have made
25 investment-backed expectations on what had been

1 3/14/02 RULES - BILL 020050

2 considered prudent wisdom of City Council should be
3 penalized because of change in taste.

4 So we just offer that up to the
5 committee, and we thank you for your listening, and
6 we know that you'll consider this carefully.

7 COUNCILMAN KENNEY: Thank you very much.

8 Any other questions for this witness?

9 (No further questions.)

10 COUNCILMAN KENNEY: Anyone else to
11 testify for this bill?

12 (No response.)

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1 3/14/02 RULES - BILL 020041

2 COUNCILMAN KENNEY: Seeing none, we'll
3 move to Bill 020041, which is an ordinance an
4 ordinance to amend the Philadelphia zoning maps by
5 changing the zoning designation of certain areas of
6 land located within an area bound by Gillingham
7 Street, Tackawanna Street, Orthodox Street, and
8 Ditman Street.

9 (Witness comes forward.)

10 COUNCILMAN KENNEY: Please identify
11 yourself and proceed.

12 MR. LOMBARDO: Good morning.

13 COUNCILMAN KENNEY: Good morning.

14 MR. LOMBARDO: Richard Lombardo, Deputy
15 Executive Director for the Philadelphia Planning
16 Commission, and I'm here to testify on Bill No.
17 020041.

18 This bill was introduced by
19 Councilmember Mariano on February 5, 2002. This
20 bill concerns the rezoning of a property located in
21 a block bounded by Gillingham Street, Tackawanna
22 Street, Orthodox Street, and Ditman Street. The
23 purpose of this bill is to change the zoning
24 designations of this property to allow residential
25 development of this site.

1 3/14/02 RULES - BILL 020041

2 The proposed redevelopment of this site
3 will be called "Gillingham Court." The plan calls
4 for construction of six semi-detached and one
5 detached single-family dwelling. The site is
6 currently a vacant parcel of land zoned G-2 general
7 industrial, and the zoning change would be to R-10A
8 residential development, which would permit the
9 single-family residential development. Residential
10 is not be permitted under the G-2.

11 For the record, the Planning Commission,
12 at its meeting on February 20, 2002, recommended
13 approval of Bill 020041.

14 I'm here to answer any questions.

15 COUNCILMAN KENNEY: Thank you very much.

16 Any questions for this witness?

17 Councilmember O'Neill.

18 COUNCILMAN O'NEILL: Could you explain
19 the difference between R-9 and R-10A?

20 MR. LOMBARDO: Yeah. R-9 allows
21 multi-family and also requires an eight-foot
22 setback from the street. R-10A is strictly single-
23 family and requires no setback from the street.

24 COUNCILMAN O'NEILL: Are they rowhomes?

25 MR. LOMBARDO: They're both rowhome

1 3/14/02 RULES - BILL 020041

2 districts, but as rowhome districts, as you know,
3 they won't allow anything higher than the rowhomes.
4 They allow rowhomes, semi-detached homes, and
5 detached homes as well.

6 COUNCILMAN O'NEILL: So this would be
7 something like R-7, R-7A?

8 MR. LOMBARDO: Yeah.

9 COUNCILMAN O'NEILL: Right.

10 MR. LOMBARDO: R-7 is multi-family and
11 R-7A is single-family, the other way around.

12 COUNCILMAN O'NEILL: Okay, thank you.

13 COUNCILMAN KENNEY: I'm going to have to
14 ask one more time for people to please refrain from
15 conversations or go into the hallway.

16 Anyone else to testify on this bill?

17 (No response.)

18 COUNCILMAN KENNEY: Thank you very much.

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1 3/14/02 RULES - BILL 020088

2 COUNCILMAN KENNEY: We will now move to
3 Bill No. 020088, which is an ordinance to amend the
4 Philadelphia Zoning Maps by changing the zoning
5 designations of certain areas of land located
6 within an area bounded by Oregon Avenue, 19th
7 Street, Johnston Street, and 20th Street.

8 MR. LOMBARDO: Good morning. My name is
9 Richard Lombardo, Deputy Executive Director of the
10 Philadelphia Planning Commission, and I'm here
11 today to testify on Bill No. 020088.

12 This bill was introduced by
13 Councilmember Blackwell on behalf of Council
14 President Verna on February 1, 2002, and it
15 concerns the rezoning of a block bounded by Oregon
16 Avenue, 19th Street, Johnson Street, and 20th
17 Street. The property is currently zoned R-9
18 residential. It is proposed to be rezoned to an
19 AFC area shopping center, a commercial designation.

20 This property, which is 3.5 acres,
21 though zoned R-9 residential, was, in fact, used as
22 a parking lot to serve the former Defense Supply
23 Center across 20th Street.

24 The Philadelphia Authority for
25 Industrial Development acquired this property in

1 3/14/02 RULES - BILL 020088

2 2001 from the Department of Army. This rezoning
3 would permit the development of this site with a
4 50,000 square foot Acme Supermarket.

5 The Planning Commission will consider
6 this bill at its meeting of March 20, 2002, and the
7 staff will be recommending the Commission to
8 support this legislation.

9 COUNCILMAN KENNEY: Mr. Deegan?

10 MR. DEEGAN: Thank you. Paul Deegan,
11 representing PAID, Philadelphia Authority for
12 Industrial Development. I'll try not to duplicate
13 Mr. Lombardo's testimony.

14 This was a vacant parking lot as part of
15 the Defense Personnel Support Center at 19th and
16 Oregon. It's being rezoned to commercial.

17 As PAID was acquiring the property, we
18 were also marketing the site for retail developers
19 in the region, and on the basis of a selection
20 process, we selected Net Asset Properties. They
21 have a track record of commercial development in
22 Philadelphia and in the surrounding area, and they
23 made the best offer for the purchase and
24 development of the property.

25 We have an agreement of sale with Net

1 3/14/02 RULES - BILL 020088

2 Asset Properties, and as Mr. Lombardo said, they
3 will develop a 50,000 square foot Acme Supermarket
4 on the site.

5 The offer for the -- the agreement of
6 sale is contingent on a change in zoning
7 designation to area shopping center. The zoning
8 change will allow the developer to invest more than
9 \$8 million to build the store, creating dozens of
10 job during construction. When it's open, the
11 market will create 200 permanent jobs for residents
12 of surrounding neighborhoods.

13 This will also contribute to the
14 revitalization of Oregon Avenue -- of the Oregon
15 Avenue retail corridor by replacing an empty City
16 block with an attractive and active store.

17 Since we entered into the agreement with
18 Net Asset Properties, they have met with Council
19 President Verna's office and local community
20 groups, notably the Girard Estate Area Residents
21 and the Broad Street West Civic Association to
22 ensure that the supermarket incorporates the needs
23 and desires of the community.

24 I'm pleased to report that both groups
25 support this bill and look forward to the opening

1 3/14/02 RULES - BILL 020088

2 of the market. And if I could, could I submit
3 letters of support from both community groups for
4 the project?

5 COUNCILMAN KENNEY: Please. The
6 Sergeant-at-Arms will take it and submit it for the
7 record.

8 MR. DEEGAN: It's the Broad Street West
9 Civic Association, John Furi, President; and the
10 Girard Estate Area Residents, Joe DiDellabarbara
11 (ph), President.

12 (Copies of above not submitted
13 to stenographer for attachment
14 hereto.)

15 COUNCILMAN KENNEY: Thank you very much.

16 MR. DEEGAN: Right. We do have Mr.
17 Robert Lange, who represents the developer. He's
18 here, if you wish additional testimony or if you
19 have any questions.

20 COUNCILMAN KENNEY: Let's hold off at
21 this time, thank you.

22 MR. DEEGAN: Okay.

23 COUNCILMAN KENNEY: Thank you very much.

24 Any questions for this witness?

25 (No questions.)

1 3/14/02 RULES - BILL 020088

2 MR. DEEGAN: Could I ask for the
3 suspension of the rules also, Mr. Chairman?

4 COUNCILMAN KENNEY: You sure may. Thank
5 you very much.

6 Let the record reflect that
7 Councilmember Cohen is also here.

8 Is there anyone else to testify for or
9 against this bill?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing none, that
12 will conclude the hearing of the Rules Committee.

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1 3/14/02 RULES - PUBLIC MEETING

2 COUNCILMAN KENNEY: We will now convene
3 a public meeting.

4 The Chair recognizes Councilmember
5 DiCicco for a motion on Bill No. 010635.

6 COUNCILMAN DICICCO: Thank you,
7 Mr. Chairman.

8 I move that Bill No. 010635 be reported
9 out of committee with a favorable recommendation
10 and a further recommend that the rules of Council
11 be suspended.

12 (Duly seconded.)

13 COUNCILMAN KENNEY: Moved and seconded.

14 All in favor, aye?

15 There are none opposed.

16 Bill No. 010635 is reported out of this
17 committee favorably, and a request will be made for
18 a rules suspension to allow for first reading at
19 our next Council session.

20 The Chair recognizes Councilmember
21 Nutter for a motion on Bill No. 020041.

22 COUNCILMAN NUTTER: Mr. Chairman, I move
23 that Bill No. 0022041 be reported out of this
24 committee with a favorable recommendation and a
25 further recommendation that the rules of Council be

1 3/14/02 RULES - PUBLIC MEETING

2 suspended so as to permit first reading next
3 session

4 (Duly seconded.)

5 COUNCILMAN KENNEY: Moved and seconded.

6 All in favor?

7 There are none opposed.

8 Bill No. 020041 will be reported out of
9 this committee favorably, and a request will be
10 made for a rules suspension to allow for first
11 reading at our next Council session.

12 The Chair recognizes Councilmember
13 DiCicco for a motion to approve the amendments
14 offered to Bill No. 020050.

15 COUNCILMAN DICICCO: Thank you,
16 Mr. Chair.

17 I move that the amendments to Bill No.
18 020050 be reported out of this committee with a
19 favorable recommendation.

20 (Duly seconded.)

21 COUNCILMAN KENNEY: Moved and seconded.

22 All in favor, aye?

23 There are none opposed.

24 The amendments offered to Bill No.
25 020050 are approved.

1 3/14/02 RULES - PUBLIC MEETING

2 The Chair recognizes Councilmember
3 DiCicco for a motion on the amended Bill No.
4 020050, with a rules suspension.

5 COUNCILMAN DICICCO: I move that Bill
6 No. 020050, as amended, be reported out of this
7 committee with a favorable recommendation and a
8 further recommendation that the rules of Council be
9 suspended.

10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and seconded.

12 All in favor?

13 There are none opposed.

14 Bill No 020050, as amended, will be
15 reported out of this committee favorably, and a
16 request will be made for a rules suspension to
17 allow for further reading at our next session of
18 Council.

19 At the request of the sponsor, Bill No.
20 020078 is being held.

21 The Chair recognizes Councilmember
22 Clarke for a motion on Bill No. 020088.

23 COUNCILMAN CLARKE: Thank you,
24 Mr. Chairman.

25 I make a motion that Bill No. 020088 be

1 3/14/02 RULES - PUBLIC MEETING

2 reported out with a favorable recommendation and a
3 request for a suspension of the rules as to permit
4 first reading at our next session of Council

5 (Duly seconded.)

6 COUNCILMAN KENNEY: Moved and seconded.

7 All in favor, aye?

8 There are none opposed.

9 Bill No. 020088 will be reported out of
10 this committee favorably, and a request will be
11 made for a rules suspension to allow for first
12 reading at our next Council session.

13 The Chair recognizes Councilmember
14 Nutter for a motion on Bill No. 020095.

15 COUNCILMAN NUTTER: Mr. Chairman, I move
16 that Bill No. 020095 be reported out of this
17 committee with a favorable recommendation and a
18 further recommendation that the rules of Council be
19 suspended so as to permit first reading at our next
20 session.

21 (Duly seconded.)

22 COUNCILMAN KENNEY: It's been moved and
23 seconded.

24 All in favor, aye?

25 There are none opposed.

1 3/14/02 RULES - PUBLIC MEETING

2 Bill No. 020095 will be reported out of
3 this committee favorably, and a request will be
4 made for a rules suspension to allow for first
5 reading at our next session of Council.

6 That concludes the business of the Rules
7 Committee this morning. We will proceed to caucus,
8 and then as soon as possible, proceed to start the
9 Council session.

10 Thank you for your attention.

11 (Proceedings end at 10:18
12 a.m.)

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I HEREBY CERTIFY that the foregoing

proceedings of the Council of the City of

Philadelphia's meeting of the Committee on Rules of

Thursday, 3/14/02, 2002, are contained fully and

accurately in the stenographic notes taken by me,

and that this is a true and correct transcript of

same.

RE: Ordinance No.'s: 010635, 020041, 020050,

020088 020095

_____,
Josephine Cardillo

Registered Professional Reporter
and Notary Public

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