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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 30, 2007
10:30 a.m.

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PRESENT:

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COUNCILMAN DARRELL L. CLARKE

11

COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN JACK KELLY

13

COUNCILMAN JAMES F. KENNEY

14

COUNCILWOMAN DONNA REED MILLER

15

COUNCILMAN BRIAN J. O'NEILL

16

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN DANIEL SAVAGE

17

BILLS 070386, 070396, 070397 and 070398

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCILMAN CLARKE: Good

3

morning. This is the Committee on Rules.

4

We have a quorum present: Councilman

5

Savage, Councilman O'Neill, Councilwoman

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Brown, Councilman Greenlee, Councilman

7

Kenney and Councilwoman Miller.

8

Will the Clerk please read the

9

title of the first bill.

10

MR. MCPHERSON: Bill No.

11

070396, an ordinance to amend the

12

Institutional Development District Master

13

Plan of St. Joseph's University by

14

allowing for the expansion of the Alumni

15

Memorial Fieldhouse, the Campion Student

16

Center and the Learning Center/Library.

17

COUNCILMAN CLARKE: Mr. Kramer.

18

MR. KRAMER: Good morning, Mr.

19

Chairman and members of the Rules

20

Committee. I am William Kramer, Senior

21

Zoning Planner of the Philadelphia City

22

Planning Commission. I am here to

23

testify on Bill No. 070396, which was

24

introduced by Councilmember Campbell on

25

May 10, 2007.

1 5/30/07 - RULES - BILL 070386, ETC.

2 The purpose of this ordinance
3 is to permit the amendment of the St.
4 Joseph's University Institutional
5 Development District Master Plan.

6 The ordinance will allow the
7 University to expand the Alumni Memorial
8 Fieldhouse, the Campion Student Center
9 and the Learning Center/Library. The
10 ordinance will also allow for the
11 demolition of two small buildings,
12 Flanagan Hall and Barry Hall Annex, in
13 order to accommodate the Fieldhouse
14 expansion.

15 The Alumni Memorial Fieldhouse
16 will be expanded in an effort to
17 modernize the facility and to expand the
18 seating capacity of the Fieldhouse.

19 The Campion Student Center
20 addition will expand the student dining
21 area while also providing for a large
22 function room for banquets.
23 Additionally, the University is proposing
24 a new accessible entrance and elevator.

25 The Learning Center expansion

1 5/30/07 - RULES - BILL 070386, ETC.

2 will create a 24-hour quiet, secure study
3 space that will be connected to the
4 library.

5 Pursuant to Section 14-1107 of
6 the Philadelphia Zoning Code, "no
7 proposed change in the Plan shall be
8 effective unless approved by the Council
9 by ordinance."

10 The City Planning Commission,
11 at its meeting of April 19, 2007,
12 approved these revisions to the St.
13 Joseph's University Institutional
14 Development District Master Plan.

15 This concludes my testimony. I
16 appreciate the opportunity and would be
17 pleased to answer any questions you may
18 have.

19 COUNCILMAN CLARKE: Thank you,
20 Mr. Kramer.

21 Mr. Kramer, is this land that
22 is already owned by St. Joe's University?

23 MR. KRAMER: That is correct,
24 yes.

25 COUNCILMAN CLARKE: Are there

1 5/30/07 - RULES - BILL 070386, ETC.

2 any questions by members of the Committee
3 for this witness?

4 (No response.)

5 COUNCILMAN CLARKE: There being
6 none, thank you, Mr. Kramer, very much.

7 Any other witnesses to testify
8 on this bill?

9 (No response.)

10 COUNCILMAN CLARKE: Just a
11 moment, please, Mr. Kramer.

12 Councilwoman Brown.

13 COUNCILWOMAN BROWN: Good
14 morning. Can you please speak to the
15 level of community involvement,
16 awareness, participation that took place
17 with regards to the University Alumni
18 Memorial Fieldhouse expansion?

19 MR. KRAMER: It was my
20 understanding that there were meetings
21 with the community, but I do not have
22 dates and times of those meetings. There
23 are representatives from the University
24 here that may be better able to answer
25 that directly.

1 5/30/07 - RULES - BILL 070386, ETC.

2 COUNCILWOMAN BROWN: What
3 traditionally is the role of the Planning
4 Commission when it comes to interface
5 with the community on matters such as
6 this?

7 MR. KRAMER: The role of the
8 Planning Commission is -- we do not
9 necessarily go out and require that
10 individual institutions meet with the
11 community. However, as part of our
12 approval process, we certainly request
13 and require the information from the
14 institution. We don't take a position in
15 support or denial of what the institution
16 is proposing, but we do request that the
17 institution meet with the neighborhood
18 associations to be certain that the
19 community is aware of what's going on.
20 And that's pretty much the case in any of
21 these institutions, whether it be St.
22 Joe's or Temple or University of Penn or
23 whomever.

24 COUNCILWOMAN BROWN: Are they
25 then required to report back to you the

1 5/30/07 - RULES - BILL 070386, ETC.

2 outcome or yield of those discussions?

3 MR. KRAMER: We usually are
4 asking them to report that they've at
5 least presented it. And if the community
6 is aware that the amendments are
7 foregoing or are ongoing, then the
8 community has every opportunity to make
9 themselves aware to our area planning
10 organization, as well as it is a public
11 meeting and can present information at
12 that time. There was no representative
13 from the community in opposition to these
14 proposals.

15 COUNCILWOMAN BROWN: Okay.
16 Thank you for your testimony.

17 Mr. Chairman, I would like to
18 hear from representatives of the
19 institution and/or any community members
20 that might be present.

21 COUNCILMAN CLARKE: Absolutely,
22 Councilwoman.

23 Are there any representatives
24 of the University present?

25 And I also believe that there's

1 5/30/07 - RULES - BILL 070386, ETC.

2 a member of Councilwoman Campbell's staff
3 who wants to make a statement on behalf
4 of the Councilwoman.

5 MR. RIDLEY: Good morning,
6 members of Council. For those who might
7 not know me, my name is Wadell Ridley and
8 I'm the Assistant Vice-President for
9 Government and Community Affairs at St.
10 Joe's University. And to speak to the
11 question of which you asked, Councilwoman
12 Brown, we probably started meeting with
13 the community in August of 2006. We met
14 with a combined group of the Merion Civic
15 Association and the Wynnefield Residents
16 Association, and we had two meetings that
17 were actually combined with both groups.
18 Then we had a separate meeting that we
19 had with the Wynnefield Residents
20 Association as well as the Overbrook
21 Farms Club.

22 In addition to that, we sent
23 out at least two of our publications
24 titled "1927," which spoke to the
25 Fieldhouse and the three phases that the

1 5/30/07 - RULES - BILL 070386, ETC.

2 Fieldhouse would experience, as well as
3 the rest of the expansion that would be
4 required under the IDD.

5 COUNCILWOMAN BROWN: Please
6 speak to, if you will, how the parking
7 issue will be addressed with this
8 expansion given the discomfort that that
9 community has experienced in the past
10 with regards to St. Joe expansion
11 activities.

12 MR. RIDLEY: Certainly. One of
13 the things that we've actually done,
14 which is a separate project that's not
15 part of the IDD piece but still is a
16 major project, we have a parking facility
17 that we're building on the 2400 block of
18 North 54th Street that is going to have
19 in excess of 400 parking spaces, and we
20 feel that that's going to more than
21 adequately cover any increase in parking
22 that might be required.

23 COUNCILWOMAN BROWN: How are
24 the completion dates of this expansion of
25 the Fieldhouse and the expansion of the

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2 parking aligned, or are they not?

3 MR. RIDLEY: Well, actually,
4 I'm going to allow Kevin Robinson, our
5 Vice-President of Administrative
6 Services, to speak to that.

7 MR. ROBINSON: Good morning.

8 COUNCILWOMAN BROWN: Good
9 morning.

10 MR. ROBINSON: My name is Kevin
11 Robinson, Vice-President for
12 Administrative Services at the
13 University.

14 The parking facility will be
15 complete by the end of this October,
16 where the Fieldhouse expansion, we're
17 hoping that we can break ground this
18 September or October. So the facility
19 will be completed well in advance of the
20 completion of the phases of the
21 Fieldhouse.

22 COUNCILWOMAN BROWN: Finally,
23 what questions have been learned in the
24 course of action that was taken by St.
25 Joe's University and this project stacked

1 5/30/07 - RULES - BILL 070386, ETC.
2 against St. Joseph's expansion three,
3 four, five years ago and how the
4 interface with the community took place?

5 MR. RIDLEY: You mean what has
6 been learned previously as opposed to
7 now?

8 COUNCILWOMAN BROWN: What
9 things did you do differently?

10 MR. RIDLEY: I mean, one of the
11 things that has been real important for
12 us and has probably been implemented
13 since I came on board was really enhanced
14 communication. We want to make sure that
15 we are letting the community know exactly
16 what we're doing and how we're doing it,
17 which is probably why we increased our
18 publication of that particular
19 newsletter, as well as sent out
20 individual letters that continually
21 update the community of what's happening.

22 The other thing is that we're
23 looking to form an Advisory Council, and
24 we've been meeting regularly with members
25 of the Wynnefield Residents Association,

1 5/30/07 - RULES - BILL 070386, ETC.

2 as well as Overbrook Farms and Overbrook
3 Farms East Residents Association. So we
4 want to be very active and proactive in
5 sharing information so that people will
6 know what's happening in advance.

7 COUNCILWOMAN BROWN: And the
8 Advisory Council will be composed of
9 neighbors from all those associations you
10 just mentioned --

11 MR. RIDLEY: Yes.

12 COUNCILWOMAN BROWN: -- coupled
13 with St. Joseph University?

14 MR. RIDLEY: Well, actually,
15 there's a couple groups that we did not
16 mention that will probably be a part of
17 that as well. Wynnefield Heights Civic
18 Association, Belmont Village. What we're
19 going to look to do is kind of create a
20 comprehensive Advisory Council of all
21 those who actually touch on our campus so
22 that everyone has an opportunity to share
23 their issues, concerns and be supportive
24 where they need to be.

25 COUNCILWOMAN BROWN: Well, let

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2 me close, then, by actually commending
3 you and Ms. Kresta for your presence with
4 those community meetings, and it is an
5 improvement over years past. And if you
6 could just -- do you have a read on when
7 the Advisory Council -- will it be in
8 place prior to the completion of either
9 one of these projects?

10 MR. RIDLEY: We hope to do
11 that. We're probably going to need some
12 assistance of some members of Council for
13 that.

14 COUNCILWOMAN BROWN: Thank you
15 very much for your testimony.

16 MR. RIDLEY: Thank you.

17 COUNCILWOMAN BROWN: Thank you,
18 Mr. Chairman.

19 COUNCILMAN CLARKE: Councilman
20 Greenlee.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Chairman.

23 Mr. Ridley, I know you've been
24 through a few community meetings over the
25 years in your former job. How would you

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2 characterize these meetings? Was there a
3 lot of opposition coming in that was
4 solved or were things going smoothly,
5 would you say, generally?

6 MR. RIDLEY: I guess the short
7 answer would be that things went rather
8 smoothly. The long answer would be that
9 at the time when we started to have these
10 meetings, there was a number of different
11 things that were occurring all at once
12 that required a lot of attention and
13 detail. So I think that the community
14 was able to see a lot of effort from a
15 lot of different angles that would let
16 them know that we were serious about
17 trying to make sure that anything that
18 took place on campus would be a
19 comfortable situation.

20 COUNCILMAN GREENLEE: What was
21 the most serious question people had
22 about this particular plan, would you
23 say?

24 MR. RIDLEY: About this
25 particular project?

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2 COUNCILMAN GREENLEE: Yes.

3 MR. RIDLEY: The meetings that
4 we had, there weren't a lot of questions,
5 but the major question would be the Phase
6 III of the renovation of the Fieldhouse
7 where we would have a possible increase
8 in seating in the Fieldhouse with the
9 numbers. And I guess that was the
10 question that the community would ask, is
11 how that would actually impact on parking
12 and traffic congestion. And one of the
13 things about that is the increase was
14 probably going to serve -- more than half
15 of that increase would actually be
16 serving the student population.

17 One of the things that a lot of
18 people didn't realize through this entire
19 transition is that the students that go
20 to St. Joe's University could go through
21 four years and actually never go to a
22 basketball game, because there's a
23 lottery and there's a shortage of seats
24 for students. So this is going to allow
25 us to address that. Where if we were to

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2 have 800 seats, you're probably talking
3 about 300 seats for new people,
4 non-students, and the parking facility
5 that we are actually building will more
6 than accommodate that.

7 COUNCILMAN GREENLEE: That was
8 my last question. What is the seating
9 capacity increase, just so I'm clear on
10 that?

11 MR. RIDLEY: We don't have an
12 actual number. We're hoping that we have
13 close to 800, but that might change.
14 There are a number of things that will
15 occur that would change that once we
16 actually start talking with L&I and
17 occupancy, talking about occupancy. I
18 mean, those numbers might not be there.
19 It might not be 800.

20 COUNCILMAN GREENLEE: What's
21 your total now? What do you seat in
22 there now?

23 MR. ROBINSON: We are seating
24 about 2,950.

25 COUNCILMAN GREENLEE: Because I

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2 know that's an issue over the years.

3 I've heard a lot of people that want to

4 see the games can't get in there.

5 Thank you.

6 Thank you, Mr. Chairman.

7 COUNCILMAN CLARKE: Thank you,

8 Councilman.

9 One last question. Has there
10 been any discussion about an equal
11 opportunity plan for the construction
12 phase of the project and a neighborhood
13 participation plan, both for short and
14 long term, in terms of job opportunities?

15 MR. RIDLEY: There has been
16 discussion. It has to be revisited, and
17 we are willing to do that as well. So I
18 could not tell you any details about
19 that, but that's something that we would
20 be able to revisit.

21 Right?

22 MR. ROBINSON: Correct. The
23 contractor/construction manager is LF
24 Driscoll, and in my conversations with
25 them, that, yes, there has to be a plan

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2 and they're going to participate. The
3 University is going to participate, and
4 the neighborhood will be involved.

5 COUNCILMAN CLARKE: At what
6 point do you anticipate having that
7 agreement? Because traditionally once
8 the contract is signed, it's a lot more
9 difficult to get the appropriate
10 commitments.

11 MR. ROBINSON: Well, what we
12 have done in the past is write into the
13 contract goals which we want to reach,
14 and that's what we've done with other
15 projects at the University.

16 COUNCILMAN CLARKE: Who
17 oversees that process? And I only speak
18 of Temple. Not to compare you to Temple
19 University, but I've worked with Temple
20 University.

21 MR. ROBINSON: We'll take a
22 look at the existing zip codes and try to
23 get as much of the manpower as we can
24 through -- I'm sorry. The University
25 oversees it, the contractor oversees it,

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2 and in the past, we've used the Greater
3 Philadelphia Urban Affairs Coalition to
4 oversee it.

5 COUNCILMAN CLARKE: Will they
6 be involved in this?

7 MR. ROBINSON: Yes.

8 COUNCILMAN CLARKE: Monitor the
9 goals and assisting the solicitation of
10 contractors and employees?

11 MR. ROBINSON: Yes, with the
12 contractor and with the University.

13 COUNCILMAN CLARKE: And the
14 assumption is that you have that in
15 writing to the District Councilperson?

16 MR. ROBINSON: I'm sorry?

17 COUNCILMAN CLARKE: The
18 assumption is that you have that language
19 in writing to be available to the
20 District Councilperson?

21 MR. ROBINSON: Yes, we will.

22 COUNCILMAN CLARKE: Thank you.

23 Any other questions of these
24 witnesses by members of the Committee?

25 (No response.)

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2 COUNCILMAN CLARKE: There being
3 none, thank you all very much.

4 I know now there's a member of
5 Councilwoman's staff that would like to
6 read something into the record. Thank
7 you.

8 MR. WRIGHT: Thank you,
9 Mr. Chair, members of the Rules
10 Committee. I'm speaking on behalf --

11 COUNCILMAN CLARKE: Please read
12 your name for the record.

13 MR. WRIGHT: Edward Wright,
14 Chief of Staff for Councilwoman Carol Ann
15 Campbell, regarding Bill No. 070396.

16 Councilwoman Campbell is fully
17 in support of this bill and believes that
18 this bill is necessary for St. Joseph's
19 University to develop to its fullest
20 potential. The Councilwoman feels that
21 the community will derive a lot of
22 benefit from this project: the expanded
23 library facility, which has always been
24 available and open to the community; the
25 expanded Fieldhouse facilities, which

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2 have always played a major role in the
3 people of the surrounding communities
4 personal physical fitness where everyone
5 is welcome to use the track field.

6 Councilwoman Campbell
7 respectfully requests that the Committee
8 on Rules report this bill out with a
9 favorable recommendation so that St.
10 Joseph's University can move ahead with
11 this great project this summer.

12 Thank you.

13 COUNCILMAN CLARKE: Would you
14 prefer to have a suspension of the rules?

15 MR. WRIGHT: Yes, please.

16 COUNCILMAN CLARKE: Thank you.

17 Any questions of this witness?

18 (No response.)

19 COUNCILMAN CLARKE: There being
20 none, thank you very much for your
21 testimony.

22 MR. WRIGHT: Thank you,
23 Mr. Chair.

24 COUNCILMAN CLARKE: Any other
25 witnesses on this bill?

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2 (No response.)

3 COUNCILMAN CLARKE: There being
4 none, will the Clerk please read the
5 title of the next bill.

6 MR. MCPHERSON: Bill No.
7 070397, an ordinance amending Title 14 of
8 The Philadelphia Code, relating to
9 "Zoning and Planning," by amending
10 Chapter 14-700, entitled "Recreational
11 District," by adding new sections
12 entitled "Passive Recreation District"
13 and "Active Recreation District"; by
14 providing for district regulations and
15 controls, including permitted uses; and
16 by making other technical amendments; all
17 under certain terms and conditions.

18 COUNCILMAN CLARKE: Please
19 proceed.

20 MR. KRAMER: Good morning,
21 Mr. Chairman and members of the Rules
22 Committee. I am William Kramer, Senior
23 Zoning Planner of the Philadelphia City
24 Planning Commission. I am here today to
25 testify on Bill No. 070397, which was

1 5/30/07 - RULES - BILL 070386, ETC.

2 introduced by Councilmember O'Neill May
3 10th of 2007.

4 Bill 070397 proposes to amend
5 Section 14-700 of The Philadelphia Code
6 by adding two new types of
7 classifications under the existing zoning
8 designation of Recreational. It will
9 establish a new district entitled
10 "Passive Recreation District." The uses
11 permitted in this district will include
12 walkways and trails, community gardens
13 and sitting areas. It would also
14 establish several area regulations,
15 including conditions that allow buildings
16 to occupy no more than 600 square feet
17 and must be certified as compliant with
18 Leadership in Energy and Environmental
19 Design. No parking is to be permitted in
20 the district. The hours of operation are
21 to be limited from sunrise to sunset.
22 Trails shall be constructed of crushed
23 aggregate material. If paving is
24 required, it shall be constructed of
25 porous paving material. Roadways will be

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2 limited for access of maintenance
3 vehicles and users of the park for
4 pick-up and drop-off.

5 A second designation would also
6 be created entitled "Active Recreation
7 District." This designation would
8 include such uses as public or private
9 athletic fields and associated structures
10 and facilities, including a joint-use
11 site, park or playground. It further
12 provides that any private operation for
13 private profit within this district and
14 within 500 feet of a district boundary
15 will require a certificate from the
16 Zoning Board of Adjustment.

17 This bill is scheduled for
18 consideration by the Planning Commission
19 at its meeting of June 19, 2007. The
20 Planning Commission staff is in the midst
21 of preparing GreenPlan Philadelphia, its
22 first ever comprehensive plan for parks,
23 recreation and open space, expected to be
24 completed by the end of this year.
25 GreenPlan Philadelphia will set forth a

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2 variety of means to implement and/or
3 regulate open space recommendations
4 citywide, which may include new zoning
5 classifications or changes to the Zoning
6 Code or other mechanisms.

7 This concludes my testimony. I
8 would be pleased to answer any questions
9 you may have.

10 COUNCILMAN CLARKE: Based on
11 your testimony, it's clear that there is
12 no position by the Planning Commission on
13 this particular bill. I do have a
14 question, a couple of questions actually,
15 and the sponsor of the bill may be in a
16 better position to answer this, because I
17 know he's been working on this for some
18 time.

19 By virtue of this being a new
20 classification that would affect all of
21 the parks throughout the City of
22 Philadelphia, could you give me a sense,
23 assuming that you've done some research
24 on this bill, what parks would be
25 affected? Is there a criteria associated

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2 with size, acreage?

3 MR. KRAMER: Let me answer your
4 question this way: The way this bill was
5 constructed, it left the existing
6 Recreation classification alone, so that
7 the classification that exists today
8 continues to exist and would be applied
9 to all parks that are currently zoned
10 Recreation.

11 In order for you to be
12 designated under one of these new
13 designations, it would require an
14 ordinance of Council to specifically
15 designate a specific park. The bill does
16 not call out any specific space
17 requirements, area. That kind of stuff
18 is not necessarily indicated in that and
19 would probably be a consideration at the
20 time any individual park was considered
21 for rezoning at that time.

22 COUNCILMAN CLARKE: So it's
23 similar to the bill that we did recently,
24 the Industrial Transformation District?

25 MR. KRAMER: Correct. It would

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2 be the same --

3 COUNCILMAN CLARKE: We created
4 the classification, but the Councilmember
5 must introduce a bill to designate a
6 specific location.

7 MR. KRAMER: Correct. Yes,
8 sir.

9 COUNCILMAN CLARKE: Okay.
10 Thank you.

11 Any questions?

12 (No response.)

13 COUNCILMAN CLARKE: Thank you,
14 Mr. Kramer.

15 Anyone else to testify on this
16 bill?

17 COUNCILMAN O'NEILL: I'd like
18 to make a quick statement to complete the
19 record.

20 COUNCILMAN CLARKE: Councilman
21 O'Neill.

22 COUNCILMAN O'NEILL: This bill
23 has a companion bill that would place the
24 Benjamin Rush State Park ground at the
25 northeastern end of the City in this

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2 category.

3 The community, for about four
4 years now, has fully supported this
5 concept at this state park that, one, it
6 be a passive park; two, that it utilize
7 and undertake all of the smart green
8 building that is out there, the
9 construction, that it preserve all the
10 urban gardeners that are there. It's one
11 of the largest urban gardening sites in
12 the United States. And most of those
13 people are not from the area; they're
14 from all over the City that go up there.

15 And the state is responsible
16 for the park because it's a state park.
17 The state has agreed on several occasions
18 to do a passive park like this, which is,
19 first, unlike other state parks that are
20 much more active and, two, other than a
21 very small park in Pittsburgh, it will be
22 the only state park in an urban area in
23 Pennsylvania.

24 I thought four years ago I had
25 an agreement with the Ridge

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2 Administration and their staff to -- I
3 guess it was a little more than four. It
4 might have been five or six, counting
5 back to when Governor Rendell went in --
6 to do this kind of park. And I had to
7 strike two streets that had been on the
8 map in that park for years. I did that.
9 The state staff held a press conference
10 in my district announcing a typical state
11 park on the site about three months
12 later, and with help from the Law
13 Department, I unstruck the streets, put
14 them back on the map and had been
15 negotiating with the state under
16 Secretary DiBerardinis to get this
17 passive park done the way the community
18 has asked for it. And they are in
19 complete agreement. My problem is trying
20 to get some guarantee for the community
21 that the same thing that happened once
22 won't happen again, if Secretary
23 DiBerardinis is not around, if Governor
24 Rendell is not around. And we've really,
25 with the Law Department, had a lot of

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2 difficulty getting something that anybody
3 has confidence in would be binding. The
4 state doesn't want to do any state
5 legislation. They don't want to get that
6 involved in their parks.

7 And we are now in court. The
8 state has actually gone into court and
9 asked the Court to strike the streets,
10 saying, We're going to build this passive
11 park, don't worry, trust us. And working
12 with the Law Department and our
13 litigators, as well as our ordinance
14 writers, we think that we can settle that
15 case and walk away from this if the
16 zoning principles are in place.

17 Our legal department is very
18 confident that we can put this kind of
19 zoning on a piece of City ground that
20 would be a state park. And if the state
21 has an objection to that, they're very
22 free to object, but this will give us, I
23 think, not only the community, the
24 strongest protection possible, but I
25 think it will also enable us to end some

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2 awkward litigation we're involved with
3 with the state, where we both agree on
4 what we want to do but we can't as a city
5 seem to get the state to agree to give us
6 something we can count on five years, ten
7 years, 15 years from now.

8 This is enough for me that I
9 know I or a successor of mine will have
10 to come in and change the zoning as well
11 and have community meetings to follow
12 that. So that's pretty much where we
13 are, and I ask the Committee to support
14 it.

15 Thank you.

16 COUNCILMAN CLARKE: Councilman
17 Greenlee.

18 COUNCILMAN GREENLEE: Just a
19 quick question, Mr. Chairman. Thank you.

20 Councilman O'Neill, I know you
21 said this would be the first one in an
22 urban area in the state.

23 COUNCILMAN O'NEILL: That's my
24 understanding, yes.

25 COUNCILMAN GREENLEE: Are there

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2 other cities -- I know New York, I can
3 think of something called a quiet zone or
4 something.

5 COUNCILMAN O'NEILL: Well, this
6 was taken -- our staff in the Law
7 Department and other agencies actually
8 looked at other cities that have these
9 separate designations of this. We pulled
10 it from best practices in other areas.

11 COUNCILMAN GREENLEE: Okay.

12 COUNCILMAN O'NEILL: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 COUNCILMAN CLARKE: Thank you.

16 Anyone else to testify on this
17 bill?

18 (No response.)

19 COUNCILMAN CLARKE: There being
20 none, will the Clerk please read the
21 title of the next bill.

22 MR. McPHERSON: Bill No.
23 070398, an ordinance amending the
24 Philadelphia Zoning Maps by changing the
25 zoning designation of certain areas of

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2 land located in or in the vicinity of
3 Benjamin Rush State Park.

4 MR. KRAMER: Good morning,
5 members of the Rules Committee,
6 Mr. Chairman. I am William Kramer, the
7 Senior Zoning Planner of the Philadelphia
8 City Planning Commission. I am here
9 today to testify on Bill No. 070398,
10 which was introduced by Councilmember
11 O'Neill May 10th of 2007.

12 Bill 070398 proposes to amend
13 the Zoning Maps of the City of
14 Philadelphia by changing the zoning
15 designations of the Benjamin Rush State
16 Park from a designation of Recreation to
17 a designation of Passive Recreation
18 District. This park is located along the
19 Roosevelt Boulevard in the Far Northeast
20 section of the City and contains 238
21 acres of land.

22 The bill is scheduled for
23 consideration by the Planning Commission
24 at its meeting of June 19, 2007.

25 This concludes my testimony.

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

4 COUNCILMAN CLARKE: Thank you.

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

7 Councilwoman Miller.

8 COUNCILWOMAN MILLER: Thank
9 you.

10 Mr. Kramer or Councilman
11 O'Neill, does this park currently have
12 like playgrounds and stuff like that?

13 COUNCILMAN O'NEILL: Nothing.
14 It's basically a wooded area with a lot
15 of area that just needs to be cleaned up.
16 It was part of the old Byberry State
17 Hospital. It was designated for state
18 park purposes in 1976, and this will be
19 the first time a capital project would be
20 done on it.

21 The urban gardeners are there
22 and there's a small area in addition to
23 the urban gardeners that had model
24 airplane flyers -- they have a designated
25 area. I think they're there on Sunday

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2 afternoon -- that use it. And they will
3 be grandfathered into everything and
4 their exact locations as well.

5 COUNCILWOMAN MILLER: So the
6 park is basically for running, walking,
7 sitting, gardens?

8 COUNCILMAN O'NEILL: Actually,
9 it will be a little more than that.

10 COUNCILWOMAN MILLER: A small
11 building.

12 COUNCILMAN O'NEILL: Yeah. The
13 park will be primarily for walking
14 reflection, but also there will be a lot
15 of restoration of the horticulture
16 from -- this ties in a lot to
17 Dr. Benjamin Rush. Dr. Benjamin Rush was
18 the father of American psychiatry, but he
19 learned about survival medicine from the
20 local Indians, and he taught it to
21 Meriwether Lewis before the Lewis and
22 Clark expedition, taught it to him for
23 six months. They lost one person on that
24 entire expedition because of what they
25 had learned first from the Indians, to

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2 Dr. Rush and then to Mr. Lewis.

3 And so there's going to be a
4 lot of educational markers the state has
5 agreed to develop, teaching children and
6 others, adults, about the Indians that
7 lived in this area, American Indians,
8 long before anyone else did, and also
9 trying to bring back some of the
10 horticulture from the era that people can
11 understand, because apparently some of it
12 still exists in both the Fairmount Park
13 and the -- there's a horticultural center
14 in your district and I can't think of the
15 name of it, but apparently they're
16 willing to help out as well. Penn State,
17 Temple have agreed to help out, Lincoln
18 High School.

19 COUNCILWOMAN MILLER: Morris
20 Arboretum.

21 COUNCILMAN O'NEILL: Morris
22 Arboretum. Thank you.

23 So it will be a lot more, I
24 think, than just what you think of as a
25 place to walk around. Hopefully it will

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2 be a place where teachers will want to
3 bring children and learn things.

4 COUNCILWOMAN MILLER: All
5 right. Good. Thank you.

6 COUNCILMAN O'NEILL: And the
7 ecological and environmental aspects of
8 it will be state of the art hopefully.

9 COUNCILMAN CLARKE: Thank you,
10 Councilman. I think in the future any
11 further designation should have such a
12 wonderful historical perspective attached
13 to it. You are to be commended.

14 Thank you.

15 No other questions for this
16 witness?

17 (No response.)

18 COUNCILMAN CLARKE: Thank you
19 very much.

20 Anyone else to testify on this
21 bill?

22 (No response.)

23 COUNCILMAN CLARKE: There being
24 none, will the Clerk please read the
25 title of the next bill.

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2 MR. MCPHERSON: Bill No.

3 070386, an ordinance to amend the
4 Philadelphia Zoning Maps by changing the
5 zoning designation of certain areas of
6 land located within area bounded by
7 Burholme Avenue, Napfle Avenue, Burholme
8 Avenue, Hartel Avenue, Hasbrook Avenue,
9 Central Avenue and Shelmire Avenue.

10 COUNCILMAN CLARKE: Please
11 proceed, Mr. Kramer.

12 MR. KRAMER: Good morning,
13 Mr. Chairman and members of the Rules
14 Committee. I am William Kramer, Senior
15 Zoning Planner for the Philadelphia City
16 Planning Commission. I am here today to
17 testify on Bill No. 070386, which was
18 introduced by Councilmember O'Neill May
19 10th of 2007.

20 Bill No. 070386 amends the
21 Zoning Maps of the City of Philadelphia
22 by changing the zoning designation of the
23 Fox Chase Cancer Center from a
24 designation of R-3 Residential to a
25 designation of IDD Institutional

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2 Development District. The Center is
3 located in the block bounded by Napfle
4 Avenue, Burholme Avenue, Hartel Avenue,
5 Hasbrook Avenue, Central Avenue and
6 Shelmire Avenue and encompasses 20.58
7 acres of land. The campus of the Fox
8 Chase Cancer Center contains over a
9 million square feet of gross floor area
10 and occupies over 363,000 square feet.

11 The purpose of the change in
12 the zoning designations is twofold.
13 First, it will allow the construction of
14 a six-story patient care facility with
15 117,000 square feet of gross floor area
16 and an eight-story garage, which will
17 contain parking for a thousand vehicles.

18 Second, it represents the first
19 step in the Center's long-range
20 development plans for this site. It is
21 expected that future growth of the cancer
22 research facility will require both
23 zoning changes as well as amendments to
24 the IDD Master Plan.

25 Bill No. 070386 was considered

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2 and approved by the Planning Commission
3 at its meeting of May 22, 2007. At the
4 same meeting, a Master Plan of
5 development for the institution was also
6 adopted. At the request of the Law
7 Department, copies of the Master Plan are
8 to be added to Bill No. 070386 as an
9 exhibit.

10 This concludes my testimony. I
11 would be happy to answer any questions
12 you may have. And these are the exhibits
13 that need to be added.

14 COUNCILMAN CLARKE: Thank you
15 very much, Mr. Kramer.

16 Any questions of this witness
17 by members of the Committee?

18 (No response.)

19 COUNCILMAN CLARKE: Anyone else
20 to testify on this bill?

21 MR. PATTERSON: Good morning.
22 My name is Ronald Patterson. I'm with
23 the law firm of Klehr, Harrison, Harvey,
24 Branzburg and Ellers in Philadelphia.
25 With me is Dr. Robert Young, who is the

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2 President, and Mr. Thomas Garvey, who is
3 the Vice-President of Fox Chase Cancer
4 Center.

5 Fox Chase Cancer Center has
6 existed for about a hundred years and at
7 this location since 1949 on 17 acres, and
8 so, therefore, it predates the Zoning
9 Code. This property, along with Jeanes
10 Hospital that's located on the adjacent
11 parcel, is, as Mr. Kramer stated, located
12 in an R-3 Residential zoning district.
13 Hospital uses in R-3 are not permitted by
14 right, but you have to go to the Zoning
15 Board to get a use certificate for any
16 expansion, including any change in use or
17 even one square foot of additional floor
18 area of a building. And it also does not
19 permit multiple structures on the lot.
20 It also does not permit buildings greater
21 than three stories and has also setbacks
22 and zoning and dimensional requirements
23 that are more akin for housing there.

24 The Cancer Center has grown in
25 the last 15 years, and most recently,

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2 they're able to secure funding for
3 long-term expansion, because patients
4 have increased twice fold and science and
5 technology has been moving at a fast
6 pace. Most currently, we're seeking to
7 expand on the existing building and on
8 our property to create a cancer research
9 pavilion, a clinical expansion and a
10 parking garage having about 605 parking
11 spaces, for a total of about 300,000
12 square feet of additional floor area at a
13 cost of about 70 million and which will
14 also create 300 new high-tech jobs.

15 Again, however, in light of
16 this expansion and the future expansions,
17 we think it no longer makes sense, as
18 well as the Planning Commission, to have
19 this zoning district still designated as
20 R-3 and we believe this should reflect
21 the hospital use, and the IDD would be
22 the perfect zoning district designation
23 for that. I don't think that anyone
24 would argue that there probably no longer
25 would be houses built on this R-3

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2 location.

3 So, accordingly, Councilman
4 O'Neill introduced this ordinance. It
5 encompasses the boundary perimeters of
6 the Fox Chase Cancer Center, as well as a
7 portion of the Jeanes Hospital property,
8 on which the garage will be constructed
9 and connected with the Fox Chase Cancer
10 Center.

11 And with that said, if
12 Dr. Young has anything to add.

13 DR. YOUNG: Well, we appreciate
14 the opportunity to present this and talk
15 about it. Fox Chase Cancer --

16 COUNCILMAN CLARKE: State your
17 name for the record, please.

18 DR. YOUNG: I'm sorry. I'm
19 Dr. Robert Young, President of Fox Chase
20 Cancer Center.

21 Fox Chase now cares for about
22 7,000 new patients a year, about 70,000
23 outpatient visits, and the volumes are
24 growing about five to seven percent a
25 year, and we're trying to keep up with

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2 the need that patients in this region and
3 in this community have for cancer care
4 and also maintain the standard of
5 excellence for discovery-related science
6 that's been a part of Fox Chase Cancer
7 Center for over a hundred years.

8 This expansion will all take
9 place on land currently owned by Fox
10 Chase and having been owned since 1949,
11 except for a small portion that will
12 include the garage, which has been
13 long-term leased from Jeanes Hospital.
14 This will not involve any aspect of
15 Burholme Park.

16 MR. PATTERSON: Dr. Young, when
17 you say "long term," we're talking long
18 term?

19 DR. YOUNG: We're talking about
20 120 years.

21 MR. PATTERSON: Is it fair to
22 say that none of this proposed expansion
23 encompassed by this ordinance will
24 encroach anywhere near the Burholme Park?

25 DR. YOUNG: That's correct.

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2 MR. PATTERSON: Or into the
3 park, I should say.

4 DR. YOUNG: Correct.

5 MR. PATTERSON: Thank you.

6 COUNCILMAN CLARKE: Thank you
7 for your questioning, Mr. Patterson.

8 MR. PATTERSON: Thank you. I
9 thought to make it clear.

10 COUNCILMAN O'NEILL:
11 Mr. Patterson, could you mention the
12 original intent was to do one large IDD
13 hopefully, which is now at best scheduled
14 for September, with some work to be done
15 over the summer?

16 MR. PATTERSON: Correct.

17 COUNCILMAN O'NEILL: But that
18 you and the hospital had planned and did
19 actually go to the Zoning Board with
20 support from both civic associations, Fox
21 Chase Homeowners and Burholme Civic and
22 Town Watch, and my office. Could you
23 explain the variance procedure that you
24 went through and are in the midst of and
25 what the impact of this bill will be?

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2 MR. PATTERSON: Sure. That
3 application was filed last year to
4 construct a six-story addition to the
5 existing building for use as a radiology
6 outpatient treatment center as part of
7 the cancer research pavilion, which is
8 what we're designating here on this
9 exhibit. Because, again, it was located
10 in an R-3 Residential zoning district and
11 because, as I said, one square foot of
12 expansion or expansion of this use
13 triggered a zoning review, that we had to
14 go to the Zoning Board for both a use
15 certificate and for variance relief.

16 And in summary -- I'll look at
17 the refusal here.

18 We received a referral for the
19 extension of the existing use hospital,
20 which requires a use certificate granted
21 by the Zoning Board after a public
22 hearing. There is an open space
23 requirement that you had to have a 70
24 percent maximum -- or minimum. We were
25 at 53 percent. There is a building

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2 height limitation of 60 feet. We were
3 proposing 74 feet. And there were a
4 number of story limitations of three
5 feet, and we were proposing six.

6 We did go to the Zoning Board.
7 The Zoning Board granted a variance, and
8 certain members of an organization that
9 is supposedly affiliated with Burholme
10 Park filed an appeal of that Zoning Board
11 decision.

12 At the same time, we've also
13 filed the application to construct the
14 garage having 600 spaces. That is within
15 the Department of Licenses and Inspection
16 right now. And we would expect that if
17 the IDD is not passed, that that would
18 generate a similar refusal and we'd have
19 to go to the Zoning Board for variance
20 relief for the garage as well.

21 COUNCILMAN O'NEILL: I want to
22 make the record clear, Mr. Chairman, that
23 when those appeals were filed, I asked
24 the hospital if they were going to be
25 fighting those appeals, both the standing

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2 issues and the legal issues. They said
3 yes. I asked them to have the Planning
4 Commission prepare above Shel mire Avenue,
5 which is that cut-off line between the
6 City ground and their own, as the IDD and
7 make it a Part A and a Part B, because I
8 didn't think it was fair that people who
9 were clearly and legitimately, they have
10 their democratic rights to oppose the
11 larger expansion that will be discussed
12 at some future time, and we've always
13 said we don't care what they do on their
14 own ground, to stop the will not only of
15 Fox Chase Hospital but also two community
16 organizations that overwhelmingly
17 supported this on the ground of Fox Chase
18 Hospital. There is a general contractor
19 who is ready to go. There's a \$55
20 million patient care pavilion. There's a
21 \$15 million parking lot. And this has
22 been going on now in delay mode since
23 about February.

24 So I told them if their legal
25 hands were tied time-wise -- and they

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2 are -- then nothing will happen until the
3 fall at least on the zoning variances,
4 that I thought this was the right thing
5 to do. And I've been to both civic
6 associations with this legislation and
7 they have overwhelmingly supported it
8 almost unanimously, very close to it.

9 MR. PATTERSON: And I may add
10 or clarify that the Zoning Board hearing
11 date and the date of the decision was
12 November 20, 2006, and since that time,
13 we've had our hands tied.

14 COUNCILMAN CLARKE: Thank you.
15 Let the record reflect
16 Councilman Kelly has joined the
17 Committee.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman.

21 Dr. Young, how many employees
22 are at Fox Chase?

23 DR. YOUNG: About 2,100.

24 COUNCILMAN KENNEY: Could you
25 describe some of the types of work that

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2 they do, other than the physicians?

3 DR. YOUNG: Well, there are
4 physicians and nurses. There are
5 laboratory technicians. There are basic
6 scientists. There are maintenance people
7 and grounds people and mechanical
8 individuals who support the
9 infrastructure of the Center.

10 COUNCILMAN KENNEY: Are you
11 able to determine the average salary?

12 DR. YOUNG: It's about 60 to 65
13 thousand dollars overall.

14 COUNCILMAN KENNEY: And you
15 have a couple Nobel laureates, I believe,
16 there, too, also?

17 DR. YOUNG: We have two Nobel
18 laureates, yes.

19 COUNCILMAN KENNEY: I don't
20 know of any other entity or company in
21 the City that has any Nobel laureates,
22 let alone two.

23 What's your alternative to
24 expansion?

25 DR. YOUNG: Well, our

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2 alternative to expansion primarily is to
3 have to seek a long-term strategy to move
4 the Center. It's critical for there to
5 be an interaction between the scientific
6 discovery aspects of what we do and the
7 patient care delivery aspects of what we
8 do. We can't split those two. No major
9 cancer center in the United States splits
10 those two and we're not going to be the
11 first. They need to interact in order to
12 produce the synergy that benefits
13 patients.

14 COUNCILMAN KENNEY: Could you
15 talk a little bit about the number of
16 positions that the expansion will bring?

17 DR. YOUNG: It will bring about
18 400 positions, and it will be across the
19 spectrum that I mentioned earlier.

20 COUNCILMAN KENNEY: And the
21 same average salary?

22 DR. YOUNG: Correct.

23 COUNCILMAN KENNEY: Thank you.

24 DR. YOUNG: There will also be
25 obviously construction positions as a

1 5/30/07 - RULES - BILL 070386, ETC.

2 result of this.

3 COUNCILMAN KENNEY: Right.

4 Thank you very much.

5 COUNCILMAN O'NEILL: Doctor,
6 are you referring to what's in front of
7 us today or the larger expansion in the
8 future?

9 DR. YOUNG: No. I'm talking
10 just about this expansion, the 400
11 people.

12 COUNCILMAN O'NEILL: And if you
13 would just give a preview for what has
14 been in the news for two years now,
15 your --

16 DR. YOUNG: Well, the full
17 expansion over a 20 to 25 period of time
18 will create about 4,000 new jobs for the
19 City.

20 COUNCILMAN CLARKE: Thank you,
21 Doctor.

22 COUNCILMAN O'NEILL: And how
23 much development is contemplated if the
24 whole plan --

25 DR. YOUNG: Well, over that

1 5/30/07 - RULES - BILL 070386, ETC.

2 25-year period, about a billion dollars
3 worth of expansion.

4 COUNCILMAN O'NEILL: I'd be
5 remiss at this time if I didn't thank the
6 Council Chairman of the Committee on
7 Parks and Recreation who took a morning
8 out of her life last year -- I don't know
9 if she's still here, Councilwoman
10 Blondell Reynolds Brown -- and she had
11 breakfast with me up at our favorite
12 diner and did a nice tour of the whole
13 area to get a real good feel for what the
14 issues were, both pro and con, and what
15 we would be looking at when it finally
16 gets to Council.

17 Thank you.

18 COUNCILMAN CLARKE: Thank you,
19 Councilman.

20 One last question. You
21 referenced construction jobs and
22 long-term jobs. Is there a plan to
23 create a diversity program and a
24 residential component to ensure that
25 there are opportunities for people in

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2 that community and people in the City of
3 Philadelphia?

4 DR. YOUNG: Yes. The long-term
5 agreement we established with the City of
6 Philadelphia actually contains that
7 written language.

8 COUNCILMAN CLARKE: Is that
9 with MBEC? You said the City of
10 Philadelphia. What department?

11 MR. GARVEY: My name is Tom
12 Garvey, Vice-President at Fox Chase. And
13 that was worked with -- I forget the
14 proper name of the committee, but it was
15 with Cheryl Gaston.

16 MR. PATTERSON: City Solicitor.

17 COUNCILMAN CLARKE: MBEC?
18 Okay. And you've submitted a plan that
19 reflects those commitments?

20 DR. YOUNG: Correct.

21 COUNCILMAN CLARKE: Okay.

22 Thank you.

23 MR. PATTERSON: Do you want us
24 to supplement the record; is that what
25 you're asking?

1 5/30/07 - RULES - BILL 070386, ETC.

2 COUNCILMAN CLARKE: That would
3 be helpful, yes.

4 Councilman Kelly.

5 COUNCILMAN KELLY: Yes. Thank
6 you, Mr. Chairman. I just have a comment
7 to make.

8 I know that there are probably
9 a lot of people that use your facilities.
10 In fact, I've had some family members who
11 unfortunately had to use your services.
12 And I'll tell you right now that you
13 provided an excellent care that I think
14 of any facility or any institution in
15 this country, and I think that I would
16 love to see you not only stay there but
17 expand. And I think that your services
18 and your care is tremendous for not only
19 the community in the Northeast but the
20 entire city or the entire state.

21 Thank you.

22 DR. YOUNG: Thank you,
23 Councilman.

24 COUNCILMAN CLARKE: Thank you,
25 Councilman.

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2 Councilwoman Brown.

3 COUNCILWOMAN BROWN: Thank you,
4 Mr. Chairman.

5 I'd be remiss not to comment on
6 Councilman Brian O'Neill's offer for me
7 to have an up-close-and-personal look and
8 tour of that area well over a year ago.
9 So I need to comment, all of the
10 stakeholders who started early on to work
11 through and work out legitimate community
12 concerns regarding this initiative and to
13 see where you've ended up is commendable.

14 Thank you, Mr. Chairman.

15 COUNCILMAN CLARKE: You're
16 welcome.

17 Any other questions of these
18 witnesses?

19 COUNCILMAN O'NEILL: No,
20 Mr. Chairman, but I would like to submit
21 a letter from Paul Andris of the Burholme
22 Town Watch and Civic Association, which
23 explains their yes vote on this and
24 overwhelming positive response. And I'm
25 looking for the Fox Chase letter. I know

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2 I have it. I'll have it by the end of
3 the hearing.

4 Thank you.

5 COUNCILMAN CLARKE: Thank you.

6 No other questions?

7 (No response.)

8 COUNCILMAN CLARKE: Thank you
9 very much.

10 MR. PATTERSON: Thank you.

11 COUNCILMAN CLARKE: Anyone else
12 to testify on this bill?

13 Please come forward.

14 MR. NAKOWSKI: Good morning.

15 My name is Mike Nakowski. I'm a 22-year
16 resident of the Fox Chase area.

17 My older sister, Dori, is one
18 of the success stories of Fox Chase
19 Cancer Center. My kids play organized
20 sports and organized sports on Burholme
21 property. We play football, baseball.
22 They sled there in the wintertime.

23 Fox Chase, in my opinion,
24 Cancer Center is a success story for the
25 neighborhood. The grounds are

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2 immaculate. The property is kept
3 immaculate. They're going to put a
4 thousand car garage, I hear, there.

5 I don't know anybody of my
6 immediate neighbors that would be against
7 it. They're all for it. I'm speaking
8 for this proposal. I think it's great
9 for the City. There's going to be no
10 impact where my kids go play football,
11 baseball and sled. I see it's a
12 win-win-win for everybody in the City of
13 Philadelphia.

14 Thank you.

15 COUNCILMAN CLARKE: And you're
16 speaking as a resident?

17 MR. NAKOWSKI: Absolutely.

18 Yeah, 22-year resident.

19 COUNCILMAN CLARKE: Thank you.

20 MR. GRIGGS: Thank you, Mr.

21 Chairman. Good morning, Council. My
22 name is Bernard Griggs. I'm a
23 representative of the Building Trades
24 Council. I work for Pat Gillespie.

25 Basically I'm here to testify

1 5/30/07 - RULES - BILL 070386, ETC.

2 today because the Building Trades Council
3 represents many men and women that live
4 in the Fox Chase area and really, quite
5 honestly, when we look at the issue here,
6 it's unfortunate when you're in the
7 construction industry that every day that
8 our men and women go to work, they're
9 basically working themselves out of a
10 job. So one of the many things that we
11 do as Building Trade representatives and
12 representatives of other unions is create
13 the next job for our members. So we see
14 this as an opportunity to create more
15 jobs for local people and see Fox Chase
16 Cancer Center expand.

17 But just as equally important
18 to the jobs that it would create, for Fox
19 Chase Cancer Center to remain on the
20 cutting edge of both cancer research and
21 treatment, I mean, they desperately need
22 this proposal to go through here. So I
23 just wanted to say on behalf of the
24 Building Trades Council that we fully
25 support it and that we would really like

1 5/30/07 - RULES - BILL 070386, ETC.

2 to see this get done.

3 Thank you.

4 COUNCILMAN CLARKE: Excuse me,
5 sir. There's a question.

6 MR. GRIGGS: Sure.

7 COUNCILWOMAN BROWN: Good
8 afternoon. What is your full name again?

9 MR. GRIGGS: Oh, I'm sorry.
10 Bernard Griggs.

11 COUNCILWOMAN BROWN: And how
12 long have you been a member of the
13 Building Trades?

14 MR. GRIGGS: A member 11 years
15 of the Building Trade unions. I've been
16 with the Building Trades Council for a
17 little over four years.

18 COUNCILWOMAN BROWN: And what
19 was your entry into the Building Trades?
20 Where were you prior to the opportunity
21 to be a member of the Building Trades?

22 MR. GRIGGS: I was a tradesman
23 in the field working for the Bricklayers
24 Union.

25 COUNCILWOMAN BROWN: And

1 5/30/07 - RULES - BILL 070386, ETC.

2 process for entry was what? A test?

3 Just walk me through how you were able to
4 get an opportunity --

5 MR. GRIGGS: Well, there's an
6 apprenticeship process that you fill out
7 an application, you get accepted into the
8 program and then -- I think back then
9 when I did my apprenticeship program, it
10 was 2,000 hours of training you had to
11 complete to receive your journeyman card.

12 COUNCILWOMAN BROWN: And so you
13 were an apprentice -- the procedure or
14 process is apprentice, then journeyman?

15 MR. GRIGGS: Yes.

16 COUNCILWOMAN BROWN: Then?
17 Help me out.

18 MR. GRIGGS: I'm sorry. Well,
19 yeah, you're an apprentice and then as
20 you progress, you ultimately reach the
21 journeyman status, which is a qualified
22 person to be a master at your trade.

23 COUNCILWOMAN BROWN: I see.
24 Okay. Thank you for your testimony.

25 COUNCILMAN CLARKE: And I

1 5/30/07 - RULES - BILL 070386, ETC.

2 assume that as a member of the Building
3 Trades Union you will work diligently
4 with the development team to ensure that
5 we have the appropriate participation and
6 residential participation?

7 MR. GRIGGS: Absolutely.

8 That's one of the things that we
9 ultimately spearhead and make sure that
10 it's done.

11 COUNCILMAN CLARKE: And the
12 assumption is you'll also be involved in
13 the St. Joseph project?

14 MR. GRIGGS: Absolutely.

15 COUNCILMAN CLARKE: Thank you
16 for your testimony.

17 MR. GRIGGS: Thank you.

18 COUNCILMAN CLARKE: Any other
19 witnesses?

20 Good morning.

21 MS. GAVIN: Good morning.

22 COUNCILMAN CLARKE: Please
23 proceed. State your name for the record.

24 MS. GAVIN: Good morning. I'm
25 Jean Gavin. I'm a resident of Fox Chase

1 5/30/07 - RULES - BILL 070386, ETC.

2 and a user of Burholme Park. And I'm
3 reading my experience since last fall
4 with Fox Chase Cancer Center Court of
5 Common Pleas suit that I wrote on March
6 14th, '07.

7 First of all, I support the Fox
8 Chase Cancer Center expansion on its own
9 land. Save Burholme Park does, too, and
10 encourages expansion on the Fox Chase
11 Cancer Center land. We object to the
12 taking of Burholme Park land, and we
13 intend to defend our inherited Burholme
14 Park.

15 This suit is not about Burholme
16 Park. This suit is about changing the
17 zoning laws without notifying the
18 involved communities. This suit is about
19 the Fox Chase Cancer Center communicating
20 with our Councilman and our community
21 presidents, but not with us. This is the
22 cause of the suit and the result of
23 another, quote, "done deal," unquote.

24 Talking with the local
25 politicians but not with the voters does

1 5/30/07 - RULES - BILL 070386, ETC.

2 not cut mustard when we have regular
3 resident meetings and should be advised
4 and informed and included in the
5 decision-making process.

6 Now here is my story: Last
7 September 21st, '06, William Rice, a
8 reporter for the Northeast Breeze,
9 reported on, quote, "a four-level parking
10 garage able to fit 600 cars," unquote,
11 and, quote, "the homeowners voted for the
12 expansion through," unquote.

13 He also reported about an,
14 quote, "opponent," unquote, who wanted,
15 quote, "architectural drawings," unquote,
16 not, quote, "water color pictures,"
17 unquote.

18 At the same meeting, Councilman
19 O'Neill told of hiring, quote, "a Dr.
20 No," unquote, to do a traffic study.

21 On Sunday afternoon from 3 to 4
22 o'clock, I give tours at the Ryerss
23 Mansion in Burholme Park. I live on
24 Rhawn Street, so naturally I pass Jeanes
25 Hospital on my way to the Ryerss Museum.

1 5/30/07 - RULES - BILL 070386, ETC.

2 In late November of '06, I spotted an
3 orange zoning notice at the bus stop on
4 Central Avenue and the water tower road,
5 which is also called Shelmire Avenue.
6 Curious, I stopped and read what SEPTA
7 was up to, but lo and behold, it wasn't
8 SEPTA. It was the Fox Chase Cancer
9 Center asking for a change in zoning.
10 They stated on the appeal that, among
11 other things, the change in zoning,
12 quote, "will not adversely affect traffic
13 in the area," unquote. Really? Where
14 was the traffic report? I hadn't seen
15 it. I still haven't seen it.

16 Further on, they state, quote,
17 "reduction in off-street parking from 997
18 spaces to 993 spaces," unquote. Now,
19 this is four fewer spaces after the
20 building of a 600-car garage than before.
21 So where is this additional parking
22 garage? Something was very fishy here.

23 After my tours, I copied that
24 zoning notice, went home and wrote a
25 petition. My petition said, quote, "We,

1 5/30/07 - RULES - BILL 070386, ETC.

2 the immediate neighbors of the Fox Chase
3 Cancer Center, reject any present Fox
4 Chase Cancer Center plans for building
5 anything but a total parking garage.
6 This community has been patient long
7 enough. This is a second new building in
8 about as many years that suddenly is not
9 a parking garage. Do consider our
10 community. We have no street parking
11 available to us. We need space, too,"
12 unquote.

13 I walked Burholme Avenue and
14 Hartel Avenue for one page of signatures.
15 That was 26 signatures. The
16 conversations along this route convinced
17 me that another petition was needed. So
18 I went home and wrote a second petition.
19 My second petition states, quote, "We,
20 the immediate neighbors of Burholme Park,
21 insist that no future buildings be
22 constructed that obscure the panoramic
23 view of the park grounds of the Ryerss
24 Mansion/Museum and Library. Furthermore,
25 we demand that a three-dimensional model

1 5/30/07 - RULES - BILL 070386, ETC.
2 of the existing and proposed buildings be
3 available for our approval." Thirty
4 people signed this petition who live on
5 Central Avenue, Hasbrook Avenue and
6 Cottman Street. I delivered copies of
7 these two signed petitions to Councilman
8 O'Neill's office on the Monday preceding
9 the Wednesday, December 6th Zoning Board
10 hearing.

11 Walking Jazzy, my all-American
12 Burholme-loving Women's Humane rescue
13 dog, I noticed that the Fox Chase Cancer
14 Center had neglected to post a zoning
15 notice at their main entrance at 333
16 Cottman Avenue. I phoned the Zoning
17 Board to alert them that there was no
18 posting on the Cottman Avenue area.

19 At the Zoning Board hearing on
20 12/6/06, I was informed that Cottman is
21 not Fox Chase Cancer Center's legal
22 zoning address. Shelmire Avenue is their
23 legal zoning address and so is 7701
24 Burholme Avenue, so Fox Chase Cancer
25 Center didn't need to post a zoning

1 5/30/07 - RULES - BILL 070386, ETC.

2 notice at their main entrance, 333

3 Cottman Avenue.

4 I wrote a new petition, which I
5 delivered to Councilman O'Neill and the
6 Council-at-Large, Dr. Young, Chairman
7 Auspitz, President Nix, stating, quote,
8 "At the Zoning Board meeting on 12/6/06,
9 we learned that the Fox Chase Cancer
10 Center did not need to place zoning
11 notices at the 333 Cottman Avenue address
12 because that is not their legal zoning
13 address. If this is not Fox Chase Cancer
14 Center's legal zoning address, does that
15 mean that this is not a legal entrance?
16 If so, then why is it open to through
17 traffic? Therefore, we, the inheritors
18 of Burholme Park, demand that the Fox
19 Chase Cancer Center signs at the 333
20 Cottman Avenue entrance to our park be
21 removed and replaced with Burholme Park
22 signage. Also, we demand that the locked
23 open gates at the top of 333 Cottman
24 Avenue entrance be locked closed
25 immediately. We want this stolen park

1 5/30/07 - RULES - BILL 070386, ETC.

2 returned to us. We want control of our
3 inheritance," unquote.

4 Then at the zoning hearing
5 itself, the Fox Chase Cancer Center
6 displayed architectural renditions of
7 their property and the surrounding area
8 that I hadn't seen at the Fox Chase
9 Homeowners meetings or at the Burholme
10 Civic Association meetings. There were
11 no architectural drawings displayed of
12 any garage, old or new, at any of the
13 meetings. The Chairman directed Fox
14 Chase Cancer Center to bring garage plans
15 to their next zoning meeting.

16 The Fox Chase Cancer Center did
17 note that the water tower is higher than
18 their requested variance. Do they mean
19 to build that high? The Board found that
20 the Fox Chase Cancer Center because --
21 the Board found for the Fox Chase Cancer
22 Center because Chairman Auspitz said that
23 he had favorable letters from the two
24 resident group presidents and the Board
25 usually finds for the Councilperson, and

1 5/30/07 - RULES - BILL 070386, ETC.

2 that Councilperson had two people
3 representing him there that day.

4 Later, by United States mail, I
5 received a Zoning Board of Adjustment
6 notice, RE: Decision No. 06-1514,
7 12/7/06, 7701 Burholme Avenue, and it
8 said "granted," unquote. At the bottom
9 of this notice was this direction:
10 Quote, "All appeals from this decision
11 are to be taken to the Court of Common
12 Pleas of Philadelphia within 30 days from
13 the date of this decision, Zoning Board
14 of Adjustment," unquote.

15 The First Amendment to the
16 Constitution gives me the right to
17 petition and to appeal. The Zoning Board
18 notice even told me that I can appeal
19 their decision. Therefore, I was and am
20 insulted by this, in my opinion,
21 unethical attack by the Fox Chase Cancer
22 Center against me personally. And
23 exactly where do each of these
24 responsible Fox Chase Cancer Center
25 people live? Certainly not on Rhawn

1 5/30/07 - RULES - BILL 070386, ETC.

2 Street or any other address in Fox Chase
3 or Burholme, I'd bet.

4 During this time, I requested a
5 copy of all the Fairmount Park
6 Commission's agreements concerning
7 Burholme Park. From that information I
8 learned that the Fox Chase Cancer Center
9 had agreed to many things, some of which
10 I could check upon and readily see that
11 they were not following through on their
12 agreements.

13 Our request is that the Fox
14 Chase Cancer Center is to comply fully
15 with all past commitments with Fairmount
16 Park regarding Burholme Park and
17 including, but not limited to, signs,
18 paths, landscaping and gate closings.
19 All proposed buildings will be
20 environmentally sensitive and constructed
21 with materials that will enhance the
22 facade facing the park. All construction
23 will be capped at 74 feet 6 inches and
24 conform with setback lines. Shelmire
25 will become a legal street. Air

1 5/30/07 - RULES - BILL 070386, ETC.

2 conditioning and heating units will be
3 centralized in one building, not on
4 individual rooms.

5 I want my side of the story
6 told in the paper and published that --
7 that publish the Fox Chase Cancer
8 Center's story. I believe that I deserve
9 a public apology from the Fox Chase
10 Cancer Center, a cancellation of this, in
11 my opinion, slanderous suit and
12 follow-through on the issues raised for
13 change in the park. I want that traffic
14 study report explained to us by Dr. No,
15 no matter what his conclusions.

16 Finally, a 3D rendition of the
17 complete plans for the future Fox Chase
18 Cancer Center into Burholme Park is to be
19 displayed at the entrance window where
20 the hand-made quilt usually hangs of the
21 Fox Chase Library at the librarian's
22 pleasure for all to inspect and form
23 their own opinions based on actual fact.

24 Sincerely reported, Jean Gavin.

25 COUNCILMAN CLARKE: Thank you

1 5/30/07 - RULES - BILL 070386, ETC.

2 very much for your testimony.

3 Are there any questions of this
4 witness?

5 (No response.)

6 COUNCILMAN CLARKE: Thank you.

7 Any other witnesses?

8 MS. EXLINE: Hi. My name is
9 Wanda Exline and I'm a member of the Save
10 Burholme Park. And you are the Rules
11 Committee?

12 COUNCILMAN CLARKE: Yes, ma'am.

13 MR. EXLINE: Members of the
14 Save Burholme Park strongly oppose Bill
15 070386 that has been introduced by
16 Councilman Brian O'Neill. Members of
17 Save Burholme Park appealed the zoning
18 issued to Fox Chase Cancer Center with 50
19 signatures that surround the park, and
20 that was confirming to stop the building
21 because it didn't conform with R-3
22 zoning.

23 Fox Chase Cancer Center in
24 retaliation filed a slap suit for \$110
25 million against two members and Save the

1 5/30/07 - RULES - BILL 070386, ETC.

2 Park organization. Brian O'Neill now
3 sees fit to reward the Fox Chase Cancer
4 Center with Bill 070386 for spot zoning,
5 which would create an industrial medical
6 center.

7 Before 2004, Fox Chase Cancer
8 Center has used what I call window
9 dressing and fiction before the truth of
10 their plans became known. I would like
11 City Councilmembers to heed the words of
12 President Eisenhower, who said "Beware of
13 the industrial medical center complex."
14 This bill, 070386, would create such a
15 place. The area surrounding the park is
16 a traffic nightmare, and to introduce
17 more cars and people would just compound
18 a really bad situation.

19 Thank you.

20 COUNCILMAN CLARKE: Thank you,
21 ma'am.

22 Any other testimony?

23 UNIDENTIFIED SPEAKER: This is
24 testimony before City Council Rules
25 Committee on Bill 070386, was given

1 5/30/07 - RULES - BILL 070386, ETC.

2 Wednesday, May 30, 2007 by Tim Kearney.

3 He says, "What do the Fox Chase Cancer

4 Center and the old Women's Medical

5 College have in common? One wants to

6 expand and the other is empty and looking

7 for a medical industry tenant. And the

8 East Falls community is waiting with open

9 arms for a hospital tenant. This keeps

10 the projected 4,400 new jobs in the City.

11 It saves federal tax money by avoiding

12 unnecessary new building and it reuses

13 and recycles Women's Medical College.

14 Problem solved, case closed.

15 "For my next trick I get the

16 Phillies and the Eagles to pay for their

17 own stadiums rather than the state and

18 local taxpayers.

19 "I oppose Bill 070386 for

20 numerous reasons. I ask that it be held

21 by the sponsor. First, it is

22 unnecessary. It is attempting to swat a

23 fly with a sledgehammer. The slight

24 variance needed by the Fox Chase Cancer

25 Center Corporation should have been

1 5/30/07 - RULES - BILL 070386, ETC.

2 avoided by lowering the height of the
3 building slightly and then repositioning
4 the building a little further away from
5 the boundary of the park and the museum,
6 Ryerss Museum. This mansion/museum is a
7 National Historic Site and should not
8 have hospital research and parking
9 buildings pushed so close to it. To live
10 within the current R-3 zoning would be so
11 easy for the FCC Corporation, the
12 developer.

13 If the FCC Corporation had
14 lived within the requirements of R-3,
15 then their two or three proposed
16 buildings would be half built by now. It
17 is their stubbornness that is holding
18 them up, not community opposition. The
19 Save Burholme Park supports their new
20 buildings when built within the R-3
21 requirements. The necessary adaptations
22 to their building plans are easy and
23 still available on their ample 17-acre
24 grounds.

25 An IDD Institutional

1 5/30/07 - RULES - BILL 070386, ETC.

2 Development District requires much more
3 community input, community awareness and
4 a comprehensive plan. This area has been
5 residentially zoned as far back as people
6 can remember. We do not need an IDD
7 designation to make a slight variation to
8 meet the requirements of R-3.

9 So why such a major proposed
10 zoning change to one of the nicest
11 residential areas in the Northeast?
12 Because Councilman O'Neill introduced
13 Bill 070386 as an end run around
14 Philadelphia Court of Common Pleas Judge
15 Glazer's decision that Save Burholme
16 Park's appeal of the Zoning Board of
17 Adjustment's variance would proceed. The
18 Zoning Board gave the Fox Chase Center
19 Corporation a variance to the R-3 height
20 and setback requirement. Save Burholme
21 Park appealed the variance. Then the FCC
22 Corporation tried to get Judge Glazer to
23 throw out the appeal. Judge Glazer
24 refused to do so. The court hearing date
25 on the appeal is August 2007.

1 5/30/07 - RULES - BILL 070386, ETC.

2 The FCCC Corporation is fearful
3 of losing the appeal, thus they got
4 Councilman O'Neill to introduce an entire
5 zoning change. And here we are with the
6 Councilman attempting a completely
7 unnecessary and illegal spot zoning for
8 the Cancer Corporation.

9 The IDD will open up cheek by
10 jowl medical industrial complex building
11 rendering Fox Chase to Penn, Jefferson
12 and Hahnemann's cement and macadam urban
13 industrial landscape. The IDD will open
14 and broaden Shelmire Street, running it
15 through to Abington Township and far
16 greater amounts of traffic right past the
17 children's playground and the picnic
18 area. The IDD will then be expanded to
19 include Jeanes Hospital's 34 acres and
20 Center City will have come to Fox Chase.

21 We need responsible development
22 that protects and preserves the natural
23 beauty of Burholme Park, the FCCC site,
24 the Jeanes Hospital site, the historic
25 value of the museum/mansion. We need

1 5/30/07 - RULES - BILL 070386, ETC.

2 smart growth properly placed and in
3 conformity with the local historic
4 zoning. We do not need to up end a
5 neighborhood to cure and treat cancer.
6 In fact, smart growth is the opposite of
7 cancer. Some of the FCCC corporate
8 proposals have been described by some
9 local people as a cancer in Fox
10 Chase-Burholme area, growing wildly and
11 out of control, not following the rules.

12 What Dr. Robert Young, CEO of
13 the FCCC Corporation, is proposing in Fox
14 Chase and Burholme he could never get
15 away with in his neighborhood in Chestnut
16 Hill. Does he think Burholme and Fox
17 Chase are working and lower middle-class
18 neighborhoods that we cherish our parks
19 any less than Chestnut Hill cherishes
20 Pastorius Park, Winston Park and the
21 Morris Arboretum?

22 The variance should never have
23 been granted. The FCCC Corporation has
24 no hardship. They have 17 underutilized
25 acres. They have the space to build

1 5/30/07 - RULES - BILL 070386, ETC.

2 within the R-3 zoning requirements. They
3 do not have to do what they are
4 proposing. They are an award-winning
5 non-profit which can continue on at the
6 same size they have now. Any necessary
7 expansion can be handled elsewhere or by
8 another federally designated cancer
9 corporation. There is no requirement by
10 government that expansion be on site.

11 By avoiding Judge Glazer with
12 passage of Bill 070386, the FCCC
13 Corporation invites a spot zoning lawsuit
14 which will just set them even further
15 behind in a court battle, because we will
16 have to start all the way back at the
17 beginning again. Instead of an impending
18 court hearing in August 2007, it will be
19 January 2008.

20 The Cancer Center has been
21 offered free land at at least two
22 locations by elected government
23 officials, probably more. They are
24 greedy. If they cannot have their first
25 choice, then they want no choice.

1 5/30/07 - RULES - BILL 070386, ETC.

2 The Cancer Center and Jeanes
3 Hospital have benefited from being in
4 such beautiful surroundings for years.
5 Both have beautiful Burholme Park running
6 down the side of their properties. The
7 community has benefited from the two
8 hospitals with health services and jobs.
9 Now the FCCC Corporation seems hellbent
10 on paving paradise, putting up another
11 parking lot, literally. I expect Joni
12 Mitchell to testify next.

13 Years ago, the communities let
14 the Cancer Center build a driveway
15 through Burholme Park. It cuts the park
16 up badly. Then they proposed building
17 new 13 buildings over 20 years in 19.5
18 acres out of 60 acres out of the middle
19 of Burholme Park. Now they want to drop
20 an IDD right smack in the middle of Fox
21 Chase and Burholme's residential zoning
22 because they refuse to make minor changes
23 to be in compliance. Many members of the
24 community are tired of giving so much to
25 the Cancer Center.

1 5/30/07 - RULES - BILL 070386, ETC.

2 And we haven't even started on
3 the issue of traffic.

4 A psychiatrist will say they
5 are their own worst enemies. Perhaps the
6 new CEO coming this summer will with the
7 whole community, rather than just those
8 who will rubber stamp the FCCC
9 Corporation plans.

10 COUNCILMAN CLARKE: Thank you
11 so much for your testimony, ma'am.

12 MR. MAUER: My name is Fred
13 Mauer.

14 COUNCILMAN CLARKE: Good
15 morning.

16 MR. MAUER: And I have a copy
17 with exhibits for the Clerk. So if you
18 want to take that from me now, you can
19 distribute it. I think there's five of
20 my testimony and ten for some of the
21 other -- Councilman, ten are the exhibits
22 I'll be talking about.

23 Now, this ordinance is a major
24 change to the Fox Chase community at the
25 borderline with Burholme Park, and I want

1 5/30/07 - RULES - BILL 070386, ETC.

2 to testify on its ramifications.

3 I have a long-term relationship
4 with the Friends of Burholme Park and
5 Ryerss Museum and Library, with their
6 mission to preserve and protect this
7 public park for the public welfare
8 against any encroachments or nuisance by
9 our adjacent property owners.

10 We have had 100 years of good
11 neighbors with Jeanes Hospital Land
12 Trust. This exhibit right here is total
13 land of Jeanes Trust, not Fox Chase
14 Cancer Center. This is the whole
15 property that's owned and administered by
16 the Jeanes Will.

17 We have had 100 good years
18 relationship with the Trust and had no
19 conflicts until Fox Chase Cancer Center's
20 newest expansion plans that disturb the
21 park quality at our borderline and with
22 this new zoning district proposal.

23 For Exhibit-1, I present this
24 pamphlet that's here from the Friends of
25 the Park to demonstrate how they serve

1 5/30/07 - RULES - BILL 070386, ETC.

2 the public welfare with a quality park
3 and historical mansion in the Northeast,
4 as the first free library and Museum
5 house located at the park borderline with
6 Jeanes Will Trust.

7 While Fox Chase Cancer
8 residential community was City planned in
9 1910, it was centered and developed
10 around Burholme Park, with good public
11 planning and residential zones. The park
12 was developed by the WPA in 1939, and the
13 City Plan wanted a borderline Shelmire
14 Avenue 80 feet wide.

15 The back of this pamphlet shows
16 how the City Planning Bureau bounded
17 Burholme Park inside a square of public
18 streets. That evidence is in the back of
19 this map. That's what's been published
20 for years and years. Shelmire Street
21 does not exist except as a City plan.

22 The right-of-way on Shelmire
23 had existed as a property line fence and
24 a horse carriage path only to the Ryerss
25 Museum stable before the Water Department

1 5/30/07 - RULES - BILL 070386, ETC.

2 installed an elevated water tank for the
3 area.

4 Shelmire Avenue was not
5 developed, because there was no private
6 or public needs at the time and because
7 the two lot holders had legal frontage on
8 Central Avenue. The two Shelmire Avenue
9 lot holders are Burholme Park and the
10 Jeanes Will Trustees.

11 The will of Robert Waln Ryerss
12 and widow Mary Baum deeded Burholme Park
13 and it was placed under the Fairmount
14 Park Commission and it was zoned REC,
15 Recreation District. And we will be
16 affected when this adjacent land is
17 changed from R-3 Residential into a
18 Development District.

19 I'll put an aside. R-3 does
20 allow hospital usage. It is not a
21 prohibited use in an R-3 district. All
22 it does, it says you have to accommodate
23 to the reasonable zoning qualities. It
24 is not a prohibition. There was a
25 mistake on the testimony earlier about

1 5/30/07 - RULES - BILL 070386, ETC.

2 that. Correct that.

3 The benefactor of this
4 ordinance is Fox Chase Cancer Center, who
5 is not a Shel mire Avenue lot owner. In
6 fact, neither do they border on the park.

7 This poster exhibit I show the
8 City surveyor plan of the full Jeanes lot
9 and the trustees, which is the basic map
10 plan for all development. With my
11 exhibit, I enclosed inside here a folded
12 paper, a simplified diagram of the
13 borderline as my Exhibit No. 2. This is
14 a simplification of the situation for
15 your information.

16 The City ordinance Exhibits A
17 and B are not accurate and they omit many
18 details that the Rules Committee should
19 examine before deciding.

20 Fox Chase Cancer Center has two
21 of five leases on the Will Trust land.
22 One other leaseholder is the City Water
23 Department, and this lease holding is not
24 shown on the exhibit map, Exhibit A or B
25 maps.

1 5/30/07 - RULES - BILL 070386, ETC.

2 This ordinance plans to split
3 the Jeanes Will Trust into two zoning
4 districts. I think any land division on
5 Jeanes plot must have the consent of the
6 Jeanes Will Trustees on how they want
7 their land developed.

8 I think this ordinance
9 functions as an eminent domain taking. I
10 think this ordinance constitutes a land
11 subdivision, and it is not in compliance
12 with Code 14.2100.

13 This poster exhibit will
14 exhibit that whole area for you. My
15 Exhibit No. 2 adds more details at the
16 property line.

17 This Jeanes Will was divided by
18 selling off two sides for residential
19 housing on Hartel Street and Burholme
20 Avenue. They were the two legal
21 divisions that have already occurred.

22 So local district impacts on
23 this ordinance will be felt when the
24 corporation is granted permission to
25 oversize on Hartel Street and Burholme

1 5/30/07 - RULES - BILL 070386, ETC.

2 Avenue residential backyards, and no one
3 has notified these residents of the
4 reasons and effects of what is happening
5 about them. The negative effects of more
6 developments at the park border will be
7 even greater.

8 We only know what was reported
9 in the Northeast Times on May 17th, the
10 newspaper that said Councilman O'Neill
11 introduced a bill to change the zoning of
12 the hospital ground from Residential to
13 Institutional Development District and
14 said approval will come quickly and this
15 will, in effect, nullify a pending
16 appeal.

17 I repeat his real purpose, that
18 this will, in effect, nullify an appeal.

19 Councilman O'Neill talked about
20 a building and a garage project of 70
21 million but not about any Institutional
22 Development District Master Plan facts.
23 It looks like that Councilman O'Neill has
24 substituted the Fox Chase Cancer Center
25 20-year \$1 billion Master Plan into a 70

1 5/30/07 - RULES - BILL 070386, ETC.

2 million IDD zone. If this is so, then
3 the Councilman may have resolved one
4 matter, if it was done right.

5 If Councilman thinks IDD zoning
6 will nullify the present zoning appeals,
7 then I think he has stumbled.

8 Judge Glazer was already
9 crafting a settlement with all parties
10 and was waiting for the City survey
11 office to resolve major facts, and this
12 unwelcome interference harms more parties
13 after we all agreed to wait.

14 During the Judge Glazer trial,
15 Fox Chase Cancer Center claimed that they
16 owned four feet inside of Burholme Park
17 and were entitled to build at the park
18 line with no setbacks. When you examine
19 the City ordinance exhibit maps, they
20 show IDD contact at Burholme Park, with
21 no Fox Chase Cancer Center street
22 frontage or setbacks.

23 This exhibit map shows Shel mire
24 extended. I did not find the term
25 "extended" in the City Code and I don't

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2 know what it means. This Shel mire
3 extended ordinance seems to make a small
4 driveway into a legal street. However,
5 the 1961 City agreement to lease a parcel
6 of Jeanes Trust for the City Water
7 Department to build an elevated water
8 tank agreed that the City will not take
9 more parkland.

10 I think the introduction of
11 this ordinance is very bad faith with the
12 Jeanes Will Trustees. I think this IDD
13 ordinance has many procedural flaws.

14 An IDD district required much
15 careful planning and a slow track
16 process. The introduction of this
17 ordinance before City Council was not
18 timely, and it cannot be implemented
19 immediately, as the ordinance writes.
20 Councilman O'Neill introduced the bill on
21 May 10 and had it approved on the City
22 Planning Commission agenda of May 19, 19
23 days after it was officially introduced.

24 There are many mistakes. Fault
25 one is on Code 14-1107(a), that no IDD

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2 shall be established unless accompanied
3 with a development plan. I note the May
4 10 introduction did not have the required
5 plan, and no plans were made available to
6 the City Council Clerk for public review
7 in the legal public notice.

8 Fault No. 2, Code 14-1107(a),
9 requires recommendation of the Planning
10 Commission and Streets Department with
11 traffic pattern, parking, plan and
12 driveways. I note these mandates were
13 not done before or at introduction time.

14 Fault No. 3, Code 14-1107(b),
15 development plan must be submitted at
16 least 45 days before the bill
17 introduction. I note the City Planning
18 action on May 19 was not presented
19 timely, and the action of approval behind
20 the introduction date was not proper and
21 it was too late. This looks like a
22 pay-to-play scheme to avoid an honest and
23 fair review of the IDD development plan.

24 Fault No. 4, Code
25 14-1107(b)(1), plans for the entire and

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2 not a parcel basis. I noted in my poster
3 exhibit the existing district of Jeanes
4 Will Trust is zoned R-3 and all parcels
5 are contained in one single code. That's
6 R-3. This new ordinance will split the
7 entire district into parcel zoning as
8 non-legal spot zoning.

9 Fault 5, Code 14-1107(c), which
10 I call public policy, no change shall be
11 approved which is contrary to the
12 criteria set forth. Since the listed
13 criteria have not been studied in the
14 mandatory 45-day waiting period, this
15 safety rule was violated.

16 Conclusion: I think the Rules
17 Committee should honor the good
18 principles of City planning and follow
19 the Zoning Code in the public record.
20 There are many faults in this project,
21 and it should be withdrawn or tabled
22 until any legal cases are concluded. And
23 I suggest an outside review of the
24 Development Master Plan without the
25 current dirty-hand participants.

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2 And if you give me just a
3 moment so I can demonstrate to you what's
4 on the -- all those items that I talked
5 about.

6 Here's the whole plan of Jeanes
7 Will. I got this in the City survey, so
8 it's the official map. These two parcels
9 here -- I got it upside down.

10 That's a little better. No,
11 it's not. I had it right the first time.

12 In here is Hartel Street.
13 These two parcels here were split off
14 from Jeanes Hospital.

15 I think it would be better if I
16 turned it upside down. Let me turn it
17 upside down.

18 COUNCILMAN CLARKE: Mr. Mauer,
19 I think we get the point. We get the
20 point. Because we have other witnesses.

21 MR. MAUER: Well --

22 COUNCILMAN CLARKE: We get the
23 point. We've seen the map.

24 MR. MAUER: I think --

25 COUNCILMAN CLARKE: We get the

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2 point. We've been hearing this testimony
3 for about an hour now. Thank you.

4 MS. SELLERS: Further
5 testimony?

6 COUNCILMAN CLARKE: Yes,
7 please.

8 MS. SELLERS: This is my
9 written testimony. Thank you.

10 COUNCILMAN CLARKE: Please
11 state your name for the record.

12 MS. SELLERS: It's rather
13 short. I know you've heard our
14 testimony, but I thank you very much --

15 COUNCILMAN CLARKE: No problem.

16 MS. SELLERS: -- for listening
17 to our testimony. We, of Save Burholme
18 Park, thank you, and we do think it is
19 very important, so please have patience
20 as we speak to you about our testimony
21 and our concerns.

22 This is addressed, of course,
23 to --

24 COUNCILMAN CLARKE: State your
25 name, please.

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2 MS. SELLERS: My name is
3 Marlene Sellers of Save Burholme Park,
4 and this is addressed to City Council and
5 the Rules Committee.

6 We, of Save Burholme Park,
7 support the Fox Chase Cancer Center. We
8 understand the remarkable work that they
9 have done. We support their goals to
10 prevent, detect and treat cancer. We
11 agree that it is a remarkable
12 institution. But the fight against
13 cancer must not allow the destruction of
14 Burholme Park, which is a national
15 treasure in our City, which is listed in
16 the National Historic Register. We have
17 people coming from all over to see this
18 treasure, which is in the heart of
19 Burholme Park.

20 We insist that the Fox Chase
21 Cancer Center respect the integrity of
22 the park, respect our local residential
23 neighborhoods surrounding this entire Fox
24 Chase Cancer Center, with consideration
25 of our boundaries, which are still in

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2 dispute; setback lines; open space;
3 height limits; reduction of noise and
4 pollution into the park; traffic control.
5 These issues have not been resolved at
6 all. Adequate parking facilities. These
7 issues have not been resolved. Exterior
8 appearance of the buildings facing the
9 park.

10 The next page, in regard to the
11 court sessions and Judge Glazer, we ask
12 that the designation of the Fox Chase
13 Cancer Center as an Institutional
14 Development District be tabled or
15 withdrawn until further studies are
16 considered and until we go through our
17 other court process with Judge Glazer.
18 Our appeal of the zoning variance is
19 before the courts now and we ask that
20 consideration be given while the court
21 case is in process. We ask that due
22 process be allowed to continue as
23 citizens in a free society.

24 A complex Institutional
25 Development District will have a negative

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2 impact on the residential neighborhood
3 and will destroy the character of this
4 national recognized park.

5 We have a sacred duty as
6 citizens to protect the park, its
7 boundaries and beauties. It is our
8 inheritance which was given to us over
9 100 years ago by the will of Robert
10 Ryerss to the citizens of Philadelphia,
11 quote, in his will, "free to the people
12 forever," unquote.

13 COUNCILMAN CLARKE: Thank you.
14 Thank you for your testimony.

15 MR. SCHIRMER: Good afternoon,
16 members of Council. My name is Hal
17 Schirmer.

18 I wanted to quick point out one
19 of the things which has come up over and
20 over again is -- you have heard Fox Chase
21 initially mention that this was not about
22 Burholme Park. Tangential to this there
23 is a current lawsuit. Burholme
24 Park (sic) has sued the neighbors and
25 Save Burholme Park for approximately \$110

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2 million. As part of that lawsuit, they
3 have stated that this garage and this
4 pavilion are part of the expansion plan.
5 So it's a little bit disingenuous for
6 them to come before City Council and then
7 state, No, this is not part of the plan.

8 Part of the reason for this
9 concern is that Fox Chase does good
10 business, so everyone believes that they
11 have a great business plan, they're in
12 doing a good job. However, sometimes
13 large businesses do dumb things.
14 Sometimes you have this entire
15 development district which is focused on
16 one property, one owner and one 14-foot
17 building. This is a sledgehammer for a
18 flea. There is no need to go through
19 with this Institutional Development
20 District. This Institutional Development
21 District for one owner, one piece of
22 property bypasses the adjacent hospital.
23 If you're going to do an Institutional
24 Development District, think about
25 actually developing the district,

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2 actually look through the area, do a
3 development and do an ordinance which is
4 of the correct scope, do an ordinance
5 which is not rushed through. There is
6 actually no need for this ordinance.

7 On May 4th in front --

8 actually, just down the hall in Courtroom
9 426, the zoning appeal, which was the
10 focus and apparently the reason for this
11 ordinance, went before Judge Glazer. The
12 attornies for both sides went into the
13 back, came back and said, Yes, we can
14 come up with a settlement in good faith.
15 Fox Chase's good faith suddenly
16 disappeared, because instead we now have
17 this ordinance to rezone everything.
18 This is unusual. It's a lot more than is
19 necessary. I believe the parties were
20 already on the record discussing
21 information and trying to put down
22 boundaries. So it's unusual to have this
23 ordinance, one, in only two or three
24 weeks. There's no background for the
25 scope of this location -- there's no

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2 reason for this rush to avoid the zoning
3 variance legislation.

4 The question which was put to
5 Judge Glazer is, Hey, have the neighbors
6 brought a frivolous lawsuit? The
7 decision from Judge Glazer was no, it's a
8 valid lawsuit, it should go forward.

9 Immediately Fox Chase comes
10 through, Okay, fine, we aren't winning
11 first, we're going to change the rules in
12 the middle of the second quarter.

13 This idea of rethinking what
14 Fox Chase should grow into is a good
15 idea. The location is a good location.
16 Oddly, the Councilman may have come up
17 with the best solution, since we have
18 seen people concerned about the expansion
19 of Fox Chase. The concern previously was
20 that Fox Chase would be expanding out
21 into Burholme Park and eating away at the
22 park. Now that you have an Institutional
23 Development District, you have the
24 opportunity to think about maybe they
25 should go up. How high they go up and

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2 whether there should be setbacks, but
3 considering that you're currently
4 stripping away the three-story height
5 limit, that opens up a win-win situation
6 if this is done correctly.

7 Don't just consider a garage.

8 The Planning Commission paperwork
9 specifically showed highlighted one
10 pavilion, one garage. You don't
11 legislate for two buildings and for two
12 floors out of two buildings.

13 This is something that City
14 Council should table, should think about.
15 There is no rush. And as far as the
16 building trades and as far as growing the
17 City and making this a good medical
18 campus and making it a good medical city,
19 as the letter from Tim Kearney pointed
20 out, Philadelphia currently has a medical
21 research campus sitting empty, empty,
22 over on Route 1, with great
23 transportation, great infrastructure,
24 looking for people to come and move into
25 it. There is a clear reason for Fox

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2 Chase -- or a clear out for Fox Chase.

3 Go use the existing hospital while you're

4 rebuilding this hospital. While you're

5 taking the chance to consolidate

6 everything and instead of sprawling

7 across your campus, plus the park,

8 rethink this. Do this correctly. Hey,

9 talk to Jeanes Hospital, see if they're

10 interested in putting together some kind

11 of comprehensive plan.

12 We're looking at a 20- to

13 25-year plan, according to Fox Chase's

14 own admission. Instead of waiting 20 to

15 25, 30 years for Fox Chase to start

16 curing cancer, do it tomorrow. Take the

17 millions of dollars that you have now,

18 rent out the other campus and start

19 working. While you're working over at

20 the East Falls campus, you can -- they're

21 15, 20 minutes apart. While you're

22 setting up to begin doing the work now

23 and thinking about a real master plan

24 over the next six months to a year, then

25 you can go through and also start to

1 5/30/07 - RULES - BILL 070386, ETC.
2 rebuild the Fox Chase Cancer Center.
3 Instead of building it out and eating up
4 the park, start building it up. Start
5 making it a LEED-certified building.
6 Start making it a showcase building for
7 Philadelphia and for Fox Chase and start
8 making it some kind of win-win situation
9 instead of an attempt to change the rules
10 in the third inning because you aren't
11 getting what you want.

12 Fox Chase is not a bad
13 corporate citizen. CSX was not a bad
14 corporation citizen. They had certain
15 problems listening to the people. In
16 this case, especially given the 20 days
17 since this bill has gone through to the
18 point that we're sitting here, there
19 needs to be some communication with the
20 residents. There needs to be some
21 thought about a master plan. There needs
22 to be some background for this
23 legislation before it goes forward. So
24 I'd ask the Committee to table this
25 resolution pending some input from the

1 5/30/07 - RULES - BILL 070386, ETC.

2 neighbors.

3 Thank you.

4 COUNCILMAN CLARKE: Thank you
5 for your testimony.

6 (Applause.)

7 COUNCILMAN CLARKE: Anyone else
8 to testify on this bill?

9 (No response.)

10 COUNCILMAN CLARKE: There being
11 none --

12 MR. PATTERSON: If I could
13 briefly rebut.

14 COUNCILMAN CLARKE: No.

15 MR. PATTERSON: No? Okay.

16 COUNCILMAN CLARKE: Thank you.

17 This concludes the public
18 hearing of the Committee on Rules and we
19 will now go into the public meeting.

20 I'd like to call on Councilman
21 O'Neill for a motion on Bill 070386.

22 COUNCILMAN O'NEILL:

23 Mr. Chairman, I'd like to make a motion
24 on Bill No. 070386 that it be reported
25 out of Committee with a favorable

1 5/30/07 - RULES - BILL 070386, ETC.

2 recommendation and that the rules of
3 Council be suspended so as to allow first
4 reading at our next --

5 MR. MCPHERSON: Wasn't there an
6 amendment on this one?

7 COUNCILMAN O'NEILL: Let's ask
8 Mr. Kramer.

9 Was there an amendment on this
10 one, Mr. Kramer?

11 MR. KRAMER: The Law Department
12 asked for the introduction of an exhibit,
13 which was the master plan.

14 COUNCILMAN O'NEILL: It was
15 placed in the record.

16 COUNCILMAN CLARKE: It was in
17 the record. Okay.

18 COUNCILMAN O'NEILL: So I
19 recommend a rules suspension, as well as
20 a reporting out.

21 (Duly seconded.)

22 COUNCILMAN CLARKE: There's
23 been a motion on Bill No. 070386. All
24 those in favor?

25 (Aye.)

1 5/30/07 - RULES - BILL 070386, ETC.

2 COUNCILMAN CLARKE: Those
3 opposed?

4 (No response.)

5 COUNCILMAN CLARKE: Bill No.
6 070386 will be reported out of Committee
7 with a favorable recommendation with a
8 rules suspension as to allow reading at
9 the next session of Council.

10 Councilwoman Brown, can you
11 give me a motion on Bill No. 070396?

12 COUNCILWOMAN BROWN: Sure,
13 Mr. Chairman. I make a motion that Bill
14 No. 070396 be reported out of Committee
15 with a favorable recommendation and
16 further move that the rules of Council be
17 suspended so as to permit first reading
18 at the next scheduled session of City
19 Council.

20 (Duly seconded.)

21 COUNCILMAN CLARKE: There's
22 been a motion on 070396. All those in
23 favor?

24 (Aye.)

25 COUNCILMAN CLARKE: Those

1 5/30/07 - RULES - BILL 070386, ETC.

2 opposed?

3 (No response.)

4 COUNCILMAN CLARKE: The ayes
5 have it. Bill 070396 is reported out of
6 Committee with a favorable recommendation
7 with a rules suspension as to allow
8 reading at the next session of Council.

9 Councilman Kenney, a motion on
10 Bill No. 070397.

11 COUNCILMAN KENNEY:
12 Mr. Chairman, I move that Bill No. 070397
13 be reported out of this Committee with a
14 favorable recommendation and a request
15 for a rules suspension to be made to
16 allow for first reading at our next
17 Council session.

18 (Duly seconded.)

19 COUNCILMAN CLARKE: Being moved
20 and seconded, those in favor?

21 (Aye.)

22 COUNCILMAN CLARKE: Those
23 opposed?

24 (No response.)

25 COUNCILMAN CLARKE: The ayes

1 5/30/07 - RULES - BILL 070386, ETC.

2 have it. Bill No. 070397 is reported out
3 of Committee with a rules suspension as
4 to allow reading at the next session of
5 Council.

6 Councilman Greenlee, give me a
7 motion on Bill No. 070398.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Chairman. I move that Bill
10 070398 be reported out of this Committee
11 with a favorable recommendation and that
12 the rules of Council be suspended to
13 allow for first reading at the next
14 session of Council.

15 (Duly seconded.)

16 COUNCILMAN CLARKE: It being
17 moved and seconded, those in favor?

18 (Aye.)

19 COUNCILMAN CLARKE: Those
20 opposed?

21 (No response.)

22 COUNCILMAN CLARKE: The ayes
23 have it. Bill No. 070398 is reported out
24 of Committee with a favorable
25 recommendation with a rules suspension as

1 5/30/07 - RULES - BILL 070386, ETC.

2 to allow reading at the next session of
3 Council.

4 This concludes the Committee on
5 Rules public meeting. Thank you very
6 much.

7 (Committee on Rules adjourned
8 at 12:15 p.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 May 30, 2007, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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