

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 7, 2011, 10:11 a.m.

*BILL 110185 - Richmond St. Entertainment Venue
*BILL 110302 - Chestnut Hill College Zoning
BILL 110377 - Chestnut Hill College IDD Changes
BILL 110306 - Outdoor Advertising
BILL 110312 - West Poplar Rezoning
BILL 110344 - Haddington Urban Renewal Area
BILL 110345 - West Parkside Urban Renewal Area
*BILL 110347 - Cash for Gold
BILL 110348 - Model Cities Urban Renewal Area
BILL 110381 - 5th & Master Cruz Rec Ctr Rezoning
BILL 110382 - DuPont Street Rezoning
*BILL 110678 - I-95 Condemnation Corridor
*BILL 100720 - Market Street East

(*Amended Bills)

(Bills' full text, amendments included herein.)

COMMITTEE MEMBERS PRESENT:

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

Also Present: Councilman Curtis Jones, Jr.

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1 6.7.11 RULES - BILL 110382

2 COUNCILMAN KENNEY: Good
3 morning, ladies and gentlemen. The
4 Committee on Rules is now in session. We
5 have a quorum present with Councilmembers
6 Rizzo, Clarke, Greenlee, Goode, and
7 DiCicco.

8 (Excessive ambient noise and
9 personal conversations in chamber.)

10 COUNCILMAN KENNEY: Could I
11 please have your attention? We have a
12 long list of bills today, 13, and some
13 will require a lot of discussion, so we
14 want to get moving as fast as we can.

15 The first bill on our list for
16 today is Bill No. 110382, which is an
17 ordinance to amend the Philadelphia
18 Zoning Maps by changing the zoning
19 designations of certain areas of land
20 located within an area bounded by Dupont
21 Street, Lawnton Street, Green Lane, and
22 Ridge Avenue.

23 (Witness comes forward.)

24 COUNCILMAN KENNEY: Sir, would
25 you please identify yourself for the

1 6.7.11 RULES - BILL 110382

2 record.

3 MR. KRAMER: Good morning,
4 Councilman Kenney and members of the
5 Rules Committee.

6 COUNCILMAN KENNEY: Good
7 morning.

8 MR. KRAMER: I am William
9 Kramer, Division Director of the
10 Development Division of the Philadelphia
11 City Planning Commission. I am here
12 today to testify on Bill No. 110382,
13 which was introduced into City Council on
14 May 12, 2011.

15 Bill No. 110382 will change the
16 zoning designations of certain parcels of
17 land generally bounded by DuPont Street,
18 Lawton Street, Green Lane, and Ridge
19 Avenue from the existing designation of
20 R-5 residential to a new designation of
21 R-9A.

22 The mid-block rezoning would
23 affect the properties known as new 551 to
24 555 DuPont Street. The developer
25 proposes eight new semi-detached

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2 structures for use as single-family
3 dwellings. While the current zoning
4 would permit the building type, it would
5 not permit the lot size as proposed.

6 The Philadelphia City Planning
7 Commission will consider Bill No. 110382
8 at its meeting of June 14, 2011.

9 COUNCILMAN KENNEY: Any
10 questions for Mr. Kramer?

11 (No questions.)

12 COUNCILMAN KENNEY: Is there
13 anyone else here to testify on this bill?

14 (Witness comes forward.)

15 COUNCILMAN KENNEY: You want to
16 testify on this bill? Please take a
17 seat.

18 MR. POLLACK: My name is Steven
19 Pollack.

20 COUNCILMAN KENNEY: You can
21 sit.

22 MR. POLLACK: And if you'll
23 just give me a minute to get my exhibits
24 and handouts together?

25 COUNCILMAN KENNEY: Yeah.

1 6.7.11 RULES - BILL 110382

2 MR. POLLACK: Thanks.

3 COUNCILMAN KENNEY: Is there
4 anyone else in the room that's going to
5 testify on this bill?

6 (No response.)

7 COUNCILMAN KENNEY: Thank you.

8 MR. POLLACK: May I approach?

9 COUNCILMAN KENNEY: Yes,
10 please.

11 (Mr. Pollack distributes
12 handout materials.)

13 MR. POLLACK: I hope I can
14 brief.

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record and
17 proceed.

18 MR. POLLACK: Steven Pollack,
19 on behalf of the owners, DuPont Street
20 Development, LLP.

21 Mr. Chairman and members of the
22 committee, we are seeking a rezoning and
23 remapping to R-9A.

24 This property, as you can see
25 from the front sheet that I gave you, is

1 6.7.11 RULES - BILL 110382

2 burdened with something that's out --
3 that stands out within this neighborhood
4 of -- in central Roxborough. It's
5 burdened with a industrial auto body shop
6 with a paint booth; and also, it has a
7 steep slope from DuPont back down to
8 Green Lane.

9 We are going to develop this
10 property. You need to build basically
11 four boxes with retaining walls because
12 we're going to have about a 12-foot high
13 retaining wall between the two -- the
14 front and back.

15 And what we're trying to do is,
16 on the second sheet, you'll see where our
17 site is located, and we have a colored
18 map that shows that there are many
19 single-family twin homes in the
20 neighborhood. And one of the reasons why
21 we suggested R-9A was that we weren't
22 going to introduce duplexes or
23 multifamily units into this single-family
24 neighborhood.

25 But we feel that this site is

1 6.7.11 RULES - BILL 110382

2 special in the sense that it's different
3 and has -- sort of with the R-5 zoning,
4 has been created as an island, and it
5 needs to be set free, or we're else not
6 going to have a redevelopment or a
7 recycling of the housing stock in this
8 neighborhood in central Roxborough. So
9 that's why we're asking for you to
10 consider -- and why Councilman Jones was
11 willing to introduce -- the ordinance to
12 change this to R-9A.

13 We do have a sample of what the
14 homes would look like, the set of twins.
15 I do have a site plan if this panel would
16 like to see it -- the committee would
17 like to see the site plan, with regard to
18 this.

19 I do have letters of support I
20 can hand out from Lewis Aiker who is the
21 21st Ward and Brian C. Foley, who lives
22 next door, at 549 DuPont Street, who are
23 in support of the remapping.

24 As I said, this still an -- it
25 could be an active industrial auto body

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2 shop. We feel that because of that and
3 also because it would -- there is a
4 non-conformity created even with the
5 existing zoning because there's been a --
6 in 2002, there was a change in the
7 ordinance that made the R-5 semi-detached
8 needs to be 29 feet wide.

9 And if you look at some of the
10 housing stock in this area, you'll find
11 that there are very few homes that meet
12 the 25-foot width -- or 29-foot width.
13 And, therefore, basically, the existing
14 zoning has rendered practically the
15 entire neighborhood nonconforming so that
16 anybody would have to have that.

17 What we're trying to do, given
18 that this is the only industrial site
19 still existing in all of the residential
20 block, we're trying to revitalize it by
21 allowing these three properties -- and
22 it's three separate properties -- to be
23 able to fit with something, given that
24 it's Wissahickon Watershed, had to go
25 through a lot of storm water management,

1 6.7.11 RULES - BILL 110382

2 with storm water tanks in the front of
3 each property; that's why the properties
4 are being set back 22 feet instead of the
5 8 feet that are required by the Zoning
6 Code.

7 And so, that's some of the
8 different aspects of it without getting
9 into more technical details, 'cause I
10 know you're burdened with a lot of things
11 today.

12 COUNCILMAN KENNEY: Okay.

13 Anything for this witness?

14 (No questions.)

15 COUNCILMAN KENNEY: Thank you
16 very much.

17 MR. POLLACK: Thanks.

18 COUNCILMAN KENNEY: Anyone else
19 here to testify on this bill?

20 (No response.)

21 COUNCILMAN KENNEY: Thank you.

22 MR. POLLACK: Could I ask for a
23 suspension of the rules?

24 COUNCILMAN KENNEY: Yes.

25 MR. POLLACK: Thank you.

1 6.07.11 RULES - BILL 110381

2 COUNCILMAN KENNEY: And are
3 there any amendments to the bill? Are
4 there any proposed amendments to the
5 bill?

6 MR. POLLACK: Not that I know
7 of.

8 MR. KRAMER: No.

9 COUNCILMAN KENNEY: Okay,
10 great. Thank you.

11 The next bill on our list is
12 Bill No. 110381, which is an ordinance to
13 amend the Philadelphia Zoning Maps by
14 changing the zoning designations of
15 certain areas of land located within an
16 area bounded by Fifth Street, Master
17 Street, Sixth Street, and Jefferson
18 Street.

19 Please identify yourself for
20 the record.

21 MR. KRAMER: Good morning,
22 Councilman Kenney and members of the
23 Committee on Rules.

24 COUNCILMAN KENNEY: Good
25 morning.

1 6.07.11 RULES - BILL 110381

2 MR. KRAMER: I am William
3 Kramer, Division Director of the
4 Development Division of the Philadelphia
5 City Planning Commission. I am here
6 today to testify on Bill No. 110381,
7 which was introduced into City Council
8 May 12, 2011.

9 Bill No. 110381 will change the
10 zoning designations of certain parcels of
11 land generally bounded by Fifth Street,
12 Master Street, Sixth Street, and
13 Jefferson Street from the existing
14 designations of G2-General Industrial and
15 C2-Commercial to a new single designation
16 of C2-Commercial.

17 This block, which is the
18 location of the Cruz Recreation Center,
19 houses baseball and multi-use fields, a
20 multipurpose building, an outdoor pool, a
21 pool house, and other passive-recreation
22 facilities.

23 Bill No. 110381 will permit the
24 Ludlow Youth Community Center, a
25 neighborhood nonprofit organization, to

1 6.07.11 RULES - BILL 110381

2 run an after-school-care program from the
3 multipurpose building the Philadelphia.

4 The City Planning Commission
5 will consider Bill No. 110381 at its
6 meeting of June 14, 2011, with a staff
7 recommendation for approval.

8 COUNCILMAN KENNEY: Councilman
9 Greenlee.

10 COUNCILMAN GREENLEE: Just
11 quickly. Thank you, Mr. Chairman.

12 Mr. Kramer, I'm just wondering.
13 I certainly have no problem with this
14 bill and what the youth community center
15 wants to do, but what is the problem with
16 how it is now? I guess is like what --

17 MR. KRAMER: It's that the G-2
18 classification would require the
19 community center to go to the Zoning
20 Board of Adjustment.

21 COUNCILMAN GREENLEE: Mm-hmm.

22 MR. KRAMER: So by changing it
23 to a single classification of
24 C2-Commercial, it is permitted under the
25 code and would permit the proposed use as

1 6.07.11 RULES - BILL 110381

2 a matter of right.

3 COUNCILMAN GREENLEE: Because

4 it's the dual --

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

7 MR. KRAMER: Because it's a
8 split-zone parcel, it's partly G-2. Yes,
9 sir.

10 COUNCILMAN GREENLEE: Okay, all
11 right. Thank you.

12 COUNCILMAN KENNEY: Any other
13 questions for this witness?

14 (No further questions.)

15 COUNCILMAN KENNEY: And let the
16 record show that Councilwoman Donna Reed
17 Miller is also in attendance at the
18 hearing.

19 Anyone else to testify on this
20 bill?

21 (No response.)

22 COUNCILMAN KENNEY: Seeing
23 none, we will now to move to Bill No.
24 110312, which is an ordinance to amend
25 the Philadelphia Zoning Maps by changing

1 6.7.11 - RULES - BILL 110312

2 the zoning designations of certain areas
3 of land located within an area bounded by
4 Girard Avenue, Ninth Street, Fairmount
5 Avenue, Tenth Street, Wallace Street, and
6 Broad Street.

7 Please identify yourself for
8 the record.

9 MR. KRAMER: Good morning,
10 Councilman Kenney and members of the
11 Rules Committee.

12 COUNCILMAN KENNEY: Good
13 morning.

14 MR. KRAMER: I am William
15 Kramer, Division Director of the
16 Development and Planning Division of the
17 Philadelphia City Planning Commission. I
18 am here today to testify on Bill No.
19 110312, which was introduced by
20 Councilmember Clarke on April 28, 2011.

21 Bill No. 110312 amends the
22 Philadelphia Zoning Maps by rezoning an
23 area bounded by Girard Avenue, Ninth
24 Street, Fairmount Avenue, Tenth Street,
25 Wallace Street, and Broad Street. This

1 6.7.11 - RULES - BILL 110312

2 was a community-based remapping
3 encompassing 25 square blocks of land
4 southeast of Broad Street and Girard
5 Avenue in the West Poplar neighborhood.

6 The existing zoning consists of
7 a mix of commercial, general, and limited
8 industrial in small areas of residential
9 zoning classifications. The proposed
10 rezoning will introduce the R-9A
11 single-family residential district to
12 reflect the current use of the
13 neighborhood.

14 The primary development of this
15 area was the Nehemiah Homes, which was
16 developed for single-family
17 homeownership, where the homes are also
18 limited to residential use by their deed
19 restrictions. This was accomplished
20 using redevelopment law and controls,
21 which are expiring. The area had relied
22 on these controls, and they had not
23 updated the existing zoning designations
24 to ensure that land use matched the
25 zoning. The provisions of this bill will

1 6.7.11 - RULES - BILL 110312

2 rectify that situation.

3 The Philadelphia City Planning
4 Commission considered Bill No. 110312 at
5 their meeting of May 17, 2011, and
6 recommended that it be approved.

7 This concludes my testimony. I
8 appreciate the opportunity and I would be
9 happy to answer any questions you may
10 have.

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

13 Any questions for this witness?

14 (No questions.)

15 COUNCILMAN KENNEY: Anyone else
16 to testify on this bill?

17 (No response.)

18 COUNCILMAN KENNEY: Seeing
19 none...

20 I assume there's a suspension
21 for all of these?

22 MR. KRAMER: I would assume,
23 sir.

24 COUNCILMAN KENNEY: Okay, all
25 right.

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2 Bill No. 110377, an ordinance
3 amending Title 14 of The Philadelphia
4 Code relating to "Zoning and Planning" by
5 amending Chapter 14-1100, entitled
6 "Institutional Development District," by
7 amending certain provisions of the
8 Institutional Development District
9 concerning permitted uses, minimum
10 district area, gross floor area, and
11 occupied area by placing additional
12 limitations to those provisions for the
13 Institutional Development Districts
14 located within a certain area of the City
15 and by providing for exceptions from
16 certain provisions of the Wissahickon
17 Watershed regarding impervious
18 ground-cover limitations and construction
19 on steep slopes, under certain terms and
20 conditions.

21 (Additional witnesses come
22 forward.)

23 MR. KRAMER: Councilman, did
24 you want me to take Bill 110302 at the
25 same time, sir? It is also --

1 6.7.11 - RULES - BILL 110377, 110302

2 COUNCILMAN KENNEY: I hear you.

3 All right. We'll get testimony on these.

4 These two bills go together.

5 The other bill is Bill No.

6 110302, which is an ordinance to amend

7 the Philadelphia Zoning Maps by changing

8 the zoning designation of certain areas

9 of land located within an area bounded by

10 Northwestern Avenue, Meadowbrook Avenue,

11 Stenton Avenue, Hillcrest Avenue,

12 Germantown Avenue, Bells Mill Road, and

13 Wissahickon Turnpike.

14 Please identify yourself for

15 the record.

16 MR. KRAMER: Good morning,

17 Councilman Kenney and members of the

18 Rules Committee.

19 COUNCILMAN KENNEY: Good

20 morning.

21 MR. KRAMER: I am William

22 Kramer, Division Director of the

23 Development Division of the Philadelphia

24 City Planning Commission. I am here

25 today to testify on Bill No. 110302,

1 6.7.11 - RULES - BILL 110377, 110302
2 which was introduced into City Council on
3 April 28, 2011, and Bill 110377, which
4 was introduced into City Council on May
5 12th of 2011.

6 Bill No. 110302 will rezone
7 certain parcels of land in the area
8 bounded by Northwestern Avenue,
9 Meadowbrook Avenue, Stenton Avenue,
10 Hillcrest Avenue, Germantown Avenue,
11 Bells Mills Road, and Wissahickon
12 Turnpike from the existing zoning
13 designations to the proposed designation
14 of IDD, Institutional Development
15 District.

16 Bill No. 110302 proposes to
17 change the zoning of the Chestnut Hill
18 College, including the Sugarloaf Campus,
19 from existing residential and
20 recreational zoning to a new zoning
21 designation of IDD, Institutional
22 Development District.

23 Bill No. 110302 will also adopt
24 a new Master Plan of Development that was
25 approved by the City Planning Commission

1 6.7.11 - RULES - BILL 110377, 110302
2 at its meeting of April 19, 2011.

3 The College will have its
4 existing facilities approved on this
5 Single IDD Master Plan as well that the
6 new facilities proposed on their -- on
7 both their Main Campus and on the
8 Sugarloaf Campus.

9 The new Campus Center, located
10 centrally on the Main Campus, will house
11 academic and recreational facilities as
12 well as housing a parking garage for 550
13 cars. Additionally, to the existing
14 Clement Hall, to be used for both
15 academic and residential purposes, are
16 proposed. The new Sugarloaf Campus will
17 house residential halls, academic and
18 recreational facilities, and a parking
19 garage for 450 cars.

20 These new structures will be
21 set back from Germantown Avenue
22 approximately 300 feet in efforts to
23 retain the bucolic nature of the site.
24 The proposed zoning change will affect
25 74.3 acres of land for the campus and

6.7.11 - RULES - BILL 110377, 110302

have a Main Campus as well as a Sugarloaf Campus. Today, the existing structures occupy a total of 197,000 square feet, 173,000 of which are located in the upper, or Main Campus, area.

The proposed new development will continue approximately 434,000 square feet of development. This represents an overall occupied area of 13.5 percent of this site. The existing gross floor area is 664,000 feet and is proposed to become 1,267,000 square feet. Represented as a floor area ratio, this is 39.1 percent overall.

Given the current zoning designation of R-2 residential, none of the proposed uses are permitted as a matter of right. Therefore, any development by the College requires relief from the Zoning Board of Adjustment.

The IDD zoning designation will permit the College to move and expand some uses while limiting the expansion of

1 6.7.11 - RULES - BILL 110377, 110302

2 the campus to the provisions of the
3 Master Plan. The Master Plan is intended
4 to provide some assurance to the
5 community regarding the proposed
6 development.

7 Any future additions or new
8 buildings proposed by the College and not
9 shown on the adopted Master Plan must
10 obtain approval from the City Planning
11 Commission and approval from City Council
12 in the form of an ordinance.

13 The City Planning Commission,
14 at its meeting of April 19, 2011,
15 recommended that the rezoning occur and
16 that the Master Plan of Development be
17 approved. On May 17, 2011, the
18 Philadelphia City Planning Commission
19 recommended approval for Bill No. 110302
20 specifically as an item in accord with
21 previous policy.

22 Bill No. 110377 amends the
23 Philadelphia Zoning Code by changing the
24 provisions of the Institutional
25 Development District for properties zoned

1 6.7.11 - RULES - BILL 110377, 110302
2 IDD that have frontage on Germantown
3 Avenue from Northwest Avenue to Bells
4 Mills Road. Currently, the only IDD
5 zoning proposed is for the Chestnut Hill
6 College. The City Planning Commission
7 approved the Master Plan for the College
8 in April of 2011.

9 The provisions for IDD's in this
10 area will be changed in order to further
11 restrict potential development. This
12 list of prohibited uses has been expanded
13 and now includes such uses as fraternity
14 or sorority houses, retail sales of
15 department-store merchandise as a main
16 use, and medical and surgical hospitals,
17 amongst others.

18 Bill No. 110377 also restricts
19 physical development of any IDD's in this
20 area by placing additional limitations on
21 the size of IDD's permitted, the occupied
22 area permitted, and the gross floor area
23 allowed.

24 In each of these cases, the
25 restrictions to the IDD's in this area are

1 6.7.11 - RULES - BILL 110377, 110302
2 significant only to the special
3 environmental and ecological sensitivity
4 of the area and the low-density pattern
5 of development in this part of Chestnut
6 Hill.

7 Lastly, Bill No. 110377
8 relieves some of the requirements set
9 forth in the Wissahickon Watershed
10 Controls. This bill, under certain terms
11 and conditions, will permit new
12 development on slopes greater than 25
13 percent, allow impervious coverage to
14 exceed 20 percent, and permit new road
15 construction where there will be a net
16 decrease in the amount of impervious
17 coverage. This relief would only apply
18 to property zoned IDD in the area
19 described; no other properties would be
20 affected.

21 Currently, the Chestnut Hill
22 College is also required to obtain a
23 variance from the Zoning Board of
24 Adjustment for almost any physical
25 development that is proposed.

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2 Bill No. 110377 will permit
3 matter-of-right development in accord
4 with the approved Master Plan only if
5 proper engineering countermeasures are
6 used to offset any impacts on the storm-
7 water management system.

8 It is the City Planning's
9 belief that with these countermeasures in
10 place, the storm-water runoff and soil-
11 erosion situation at the College will be
12 better after their proposed development
13 than it is today.

14 The Philadelphia City Planning
15 Commission, at its meeting of May 17,
16 2011, recommended that Bill No. 110377 be
17 approved.

18 That concludes my testimony.
19 I'd be happy to answer any questions you
20 may have.

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Perhaps we'll hear the other
24 testimony first.

25 MR. KRAMER: Yes, sir.

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2 COUNCILMAN KENNEY: Whoever's
3 going to testify on behalf of the
4 institution, please identify yourself for
5 the record.

6 MR. KELSON: Good morning,
7 Councilman Kenney and members of the
8 Rules Committee.

9 COUNCILMAN KENNEY: Good
10 morning.

11 MR. KELSON: I'm William
12 Kelson, on behalf of Chestnut Hill
13 College.

14 COUNCILMAN KENNEY: Could you
15 pull the microphone a little closer to
16 you.

17 MR. KELSON: Thank you.

18 COUNCILMAN KENNEY: Thank you.

19 MR. KELSON: If I may, the
20 Master Plan that is being presented today
21 is unique and, I think it's fair to say,
22 unprecedented in its level of detail. It
23 represents a consensus plan created with
24 the benefit of intense community input
25 over an 18-month period of time.

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2 The plan, which will be
3 presented in a few moments to you by
4 Peter Saylor, reflects a sensitive,
5 site-specific development plan which
6 allows for the future development and
7 expansion of the Chestnut Hill College
8 while, at the same time, is extremely
9 protective of the site and neighboring
10 properties.

11 As Mr. Kramer indicated, the
12 Master Plan District Area covers
13 approximately 74 acres. It includes the
14 existing campus, located at Germantown
15 and Northwestern Avenues, and the
16 Sugarloaf Hill Campus, located directly
17 adjacent to the existing campus across
18 Germantown Avenue.

19 The Master Plan, which you'll
20 see in a few moments, has been carefully
21 designed to reflect the environmental and
22 locational sensitivities of the site
23 while, at the same time, allowing the
24 College to grow and continue its mission
25 to educate our student population over

1 6.7.11 - RULES - BILL 110377, 110302

2 the next several decades.

3 This is truly a long-term
4 Master Plan of Development, which is
5 intended to support college, which has
6 existed in this area since 1924.

7 It should be noted that the
8 Master Plan and the accompanying request
9 for Institutional Development District
10 zoning classification call for a level
11 development which is well below the
12 density, height, and coverage ratios
13 normally available in the Institutional
14 Development District, and that was done
15 purposely.

16 Only 13.5 percent of the
17 Sugarloaf Campus will be occupied by
18 buildings. Maximum gross floor areas
19 established through the plan are well
20 below those levels set forth in the
21 zoning classification itself. And this
22 is accomplished through the proposed
23 amendments for the IDD that Mr. Kramer
24 mentioned a few minutes ago.

25 The gross floor areas proposed

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2 for the Master Plan are approximately
3 39 percent. This is approximately
4 10 percent of that which normally would
5 be allowed in an Institutional
6 Development District.

7 The occupied area is well below
8 the 70 percent, which is laid out in the
9 Institutional Development District, and
10 this has been done purposely and done to
11 recognize the sensitivity of the site.

12 Not only have we asked that the
13 site be approved for an Institutional
14 Development District; we ask in
15 recognition to the fact that it's located
16 in a sensitive area, that the amendments
17 outlined in Bill 77, which provide for
18 limitations on that gross floor area and
19 developability, be enacted at the same
20 time.

21 The plan contemplates the
22 creation of approximately 1300 vehicular
23 spaces on both campuses. The parking
24 structures will be located and configured
25 so as to minimize traffic issues. It's

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2 been reviewed by the Streets Department,
3 and they have approved the plan of
4 development.

5 I should note that significant
6 portions of both campuses will remain
7 permanently open and undeveloped under
8 the plan and under agreements being
9 structured with the community.

10 The College has publicly and
11 emphatically committed to creating open
12 space perpetual easements on the
13 Sugarloaf Campus that will basically
14 restrict development to the areas shown
15 on the plan in perpetuity.

16 The amendments proposed for the
17 IDD District reflect the College's
18 commitment to protect the Wissahickon
19 Watershed. There will be full compliance
20 with Water Department, Planning
21 Commission, and other agency review and
22 approval of storm-water management for
23 this development.

24 Make no mistake, members of
25 Council: There will be absolutely no

1 6.7.11 - RULES - BILL 110377, 110302
2 reduction in watershed engineering
3 standards associated with this plan of
4 development with the legislation proposed
5 today. In fact, the Master Plan and the
6 engineering associated with it will
7 actually constitute a betterment of the
8 engineering standards currently in place,
9 and you will see the impacts and
10 betterment to the watershed in our
11 presentation in a few minutes.

12 Let me also address the fact
13 that the College has committed to, and
14 has submitted as part of this
15 legislation, an Economic Opportunity
16 Plan.

17 The Economic Opportunity Plan
18 is unique as well. Why? Because it
19 covers the development which will occur
20 over a multi-phase period, over many,
21 many years. The goals set forth in the
22 Economic Opportunity Plan are as follows:

23 Contract opportunities. We
24 will have participation goals of at least
25 35 percent: 25 percent MBE and 10

1 6.7.11 - RULES - BILL 110377, 110302

2 percent participation by WBE.

3 Architectural, engineering, and
4 professional service goals have been set
5 at 25 percent, allocated as follows: 17
6 participation by MBE, 6 percent
7 participation by WBE, and 2 percent
8 participation by DSBE.

9 Finally, demolition and
10 construction total goals of 35 percent:
11 25 MBE, 8 WBE, and 2 percent DSBE.

12 These apply to the total dollar
13 value of all contracts selected by the
14 College or general contractor and include
15 exchange orders and scope adjustments.

16 As I said, this is
17 unprecedented because it will follow the
18 project as it develops out over the
19 course of years, giving meaningful
20 employment opportunities to the public
21 and to those individuals that deserve it,
22 as well as creating \$300-plus million of
23 investment in the City of Philadelphia
24 over the course of several decades.

25 In support of the proposed

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2 Master Plan, we've also arranged for
3 traffic studies; I will not present them
4 today in the interest of time. They have
5 been reviewed by Planning, they have been
6 reviewed by Streets, but we have
7 testimony if you would so desire.

8 I would respectfully request a
9 suspension of the rules. We really need
10 to get moving on this to begin our
11 fundraising activities and our
12 commitments to the financial future of
13 the College.

14 With that, let me introduce
15 Peter Saylor to make a brief presentation
16 to the committee. I also have handout
17 booklets for the committee.

18 COUNCILMAN KENNEY: If you
19 could, please identify yourself for the
20 record and then proceed with your
21 presentation.

22 MR. SAYLOR: My name is Peter
23 Saylor. I'm with SaylorGregg Architects,
24 creator of the Master Plan.

25 We have a brief number of

1 6.7.11 - RULES - BILL 110377, 110302
2 slides that we want to illustrate the
3 plan, and you have copies in front of
4 you.

5 Shown on the screen on your
6 left is the two parcels of the Master
7 Plan. On the upper portion is that
8 original portion of the Chestnut Hill
9 College. Shown between that and the
10 lower portion, which is the Sugarloaf
11 site, separated by the Wissahickon Creek
12 that runs between the two parcels under
13 the Germantown Avenue Bridge.

14 The plan anticipates the
15 restoration of the flood plan areas below
16 the existing campus and preservation and
17 enhancement of the existing landscape
18 woodlands and contributions to the
19 Wissahickon Watershed below, on the
20 Sugarloaf site.

21 Next side, please.

22 As presented, the strategic
23 plan envisions the growth of the College
24 to 1500 full-time students and the
25 importance of developing that as a

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2 vibrant campus and a strategic size to be
3 viable. It also has objectives of more
4 than a million square feet of space, over
5 1200 beds on campus as a goal, and the
6 importance of a significant amount of
7 parking, which is placed under the
8 buildings and heeled into the site.

9 Next slide.

10 Of importance is that the
11 existing campus along the Wissahickon, as
12 shown by these slides, has been severely
13 handicapped by the flood plain and the
14 flooding of the existing flat flood areas
15 where parking now exists under those
16 waterways in severe rain storms. And the
17 College has already engaged in a program
18 to restore the Wissahickon on this
19 portion of their site that they currently
20 are occupying.

21 Next slide.

22 And you can see in this slide
23 some adjacent areas. Our firm's been
24 working with Andrew Pogan, which worked
25 at the Morris Arboretum. The restoration

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2 of the wetlands and the flood plain areas
3 at the Arboretum are, in fact, what are
4 intended to take place on the Main Campus
5 in the coming years.

6 Next slide.

7 Of importance in the Master
8 Plan is the presentation of the concept
9 of zoning envelopes. These have been
10 developed in conjunction with the
11 community. In developing what we've
12 called essentially aquariums, the two
13 blue blocks that you see in this slide on
14 the Main Campus, define the only areas on
15 the campus where any new construction can
16 be built, within those boxed areas of
17 zoning envelopes.

18 The one you see in the
19 foreground is for the campus Master Plan.
20 It has a parking garage heeled in under
21 the existing surface area in front of
22 Fournier Hall, provides for over 500
23 cars, and provides a platform upon which
24 the new building can be built. This will
25 enable us to restore the flood plain and

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2 to remove much of the surface parking
3 that's now in the flood plain.

4 Further back, there's another
5 box envelope for expansion of Fournier
6 Hall and Clement Hall for other growth of
7 classrooms and student housing.

8 Next slide.

9 Similarly, on looking at
10 Sugarloaf, a lot of the concerns the
11 community has have been developed around
12 how much of the site should be remain
13 open and be restored.

14 You're seeing a sort of blue
15 footprinted area on the slide, which
16 indicates areas which this site has had
17 development upon for the past 100 to 125
18 years, either through two mansions on the
19 site, parking, or, when Temple had it as
20 a conference center, expansive parking
21 areas.

22 It was determined that if we
23 could retain all building to within this
24 area of previous construction and
25 disturbance that we would succeed in

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2 maximizing the amount of open space and,
3 as you can see from the dimensions, a
4 setback of 300 to 350 feet from
5 Germantown Avenue.

6 Next slide.

7 It's important to notice that
8 the actual overall coverage of the site
9 has been aided by the commitment of the
10 College to create ten acres of the thirty
11 acres to a growing greener deed grant to
12 the Commonwealth and has further pledged
13 to put perpetual easements on an
14 additional 33 or 29 percent of open
15 space.

16 The actual building
17 construction on the site is limited to
18 only 13 percent of the total site so that
19 the site will remain largely as it has
20 been known for the past several hundred
21 years.

22 Next slide.

23 Similarly, on this site, there
24 are some zoning envelopes which delineate
25 the areas where the construction can take

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2 place. No new construction will be built
3 outside of these zoning envelope areas,
4 thereby aiding and further perpetuating
5 the open space view corridors and natural
6 landscapes that will be restored.

7 Next slide.

8 It's important that these two
9 sites, which embrace the Wissahickon,
10 each contribute to the natural and
11 important ecology of the site. The
12 College has committed to the restoration
13 of the woodlands, the reforestation of
14 the understories, and the severe open
15 space easements, as described

16 This campus, on two hills, will
17 unify the existing campus scene on the
18 top right and the new Sugarloaf Campus on
19 the left. What you're seeing on the left
20 are the new buildings built upon the
21 parking garage, which creates the new
22 construction areas and hides the cars
23 below green roofs.

24 Next slide.

25 This sketch indicates the green

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2 space between two of the academic
3 buildings proposed, and the parking
4 structure lies below this, thereby
5 allowing us to have virtually no cars
6 visible on this site, and the bulk of the
7 land between the construction and
8 Germantown Avenue open and restored.

9 Next slide.

10 This series of three images
11 shows summer and winter views, the
12 setback from Germantown and Bells Avenue
13 essentially never being changed from what
14 everyone has grown to love as an open
15 estate lawn.

16 Next.

17 Views along the Germantown
18 Avenue siting of the site showing the
19 density of the existing woodlands and,
20 even in the winter, without the
21 understory replaced, of the setback of
22 any new construction from Germantown
23 Avenue.

24 Next slide.

25 And, lastly, as a gateway, a

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2 great concern of the community here at
3 the end of the new bridge that was put in
4 on Germantown Avenue some years ago. The
5 maintenance of the wooded forestland as
6 it conjoins with the Wissahickon Park and
7 the building setback in the winter view
8 largely out of view.

9 Next slide point.

10 So it's important that this
11 campus on two hills be perceived as a
12 single entity for the College and that
13 both of these sites will be developed
14 with the ecology and the restoration of
15 the landscape and the importance of
16 protecting of the Wissahickon.

17 Thank you.

18 COUNCILMAN KENNEY: Thank you
19 very much. It's a shame you didn't come
20 better prepared.

21 (Laughter.)

22 COUNCILMAN KENNEY: It's that
23 Catholic-school upbringing.

24 (Laughter.)

25 COUNCILMAN KENNEY: Sister, if

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2 you have something to add, please

3 identify yourself for the record.

4 SISTER VALE: I'm Sister Carol
5 Jean Vale. I'm a sister of St. Joseph.
6 I've been President of Chestnut Hill
7 College for the past 19 years, and I am
8 very grateful for this opportunity to
9 speak to you today.

10 Within the past eight years,
11 the College has successfully transitioned
12 from a women's college to a coeducational
13 institution, nearly tripling our
14 undergraduate population. This growth
15 necessitates the expansion of existing
16 facilities to accommodate our increasing
17 student population.

18 Established in 1924 as an
19 undergraduate liberal arts college for
20 women, we expanded in 1969 to meet the
21 needs of area adults to either begin or
22 complete a college education. Once
23 again, in 1980, as it became evident that
24 there was a need for additional masters
25 programs, the College inaugurated its

1 6.7.11 - RULES - BILL 110377, 110302
2 graduate school.

3 The College is a founding
4 member of Graduate! Philadelphia, the
5 Mayor's initiative to educate adults in
6 Philadelphia who have not completed
7 college. Chestnut Hill ranks fourth
8 among area institutions welcoming
9 students to this program.

10 The College also participates
11 in the City's Returning to Learning
12 program, offering City employees a 25
13 percent tuition discount in the School of
14 Continuing and Professional Studies.
15 Further, the College gives a 30 percent
16 discount to Philadelphia police officers
17 and accepts 30 credits from their studies
18 in the Police Academy toward their
19 degree.

20 More than 1,000 Philadelphia
21 residents attended one of our three
22 schools this past year. Every year, the
23 College provides millions of dollars in
24 financial and scholarship aid to needy
25 and worthy students; 2.3 million of these

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2 dollars go to Philadelphia students, and
3 more than one half million dollars go to
4 students in our council district.

5 We are committed to making
6 college affordable for area students, as
7 shown by the fact that more than 77
8 percent of the Philadelphia residents in
9 our traditional undergraduate school
10 received college funding this past year.

11 Our commitment to
12 Philadelphia's young people extends
13 beyond those who enroll at Chestnut Hill.
14 Students in Emlen Elementary and Fitler
15 Academics Plus have benefited directly
16 from the efforts of Dr. Jessica Kahn,
17 Professor of Education and Technology at
18 Chestnut Hill College. Because of her
19 tenacity, each school now has a
20 functioning library of books -- all
21 donated and/or purchased by College
22 faculty, staff, and students as well as
23 the wider community.

24 Education students are placed
25 in Philadelphia public schools for

1 6.7.11 - RULES - BILL 110377, 110302

2 student teaching and practica.

3 Philadelphia public schools are schools

4 of choice for our education program.

5 Our commitment to diversity is

6 evident in the student population

7 enrolled at Chestnut Hill. Our campus

8 boasts a healthy diversity of over 33

9 percent across the three schools; 26

10 percent African-American students, 4

11 percent Latino, and 2 percent Asian.

12 Diversity among faculty and

13 staff fluctuates, with greater

14 representation at different periods of

15 time. Faculty diversity currently stands

16 at 14 percent, and staff development at 7

17 percent. Diversity among our full-time

18 vendors is at 68 percent.

19 The development of our campus

20 will provide millions of dollars of jobs

21 in construction to Philadelphia both now

22 and in the future.

23 As in the past, so in the

24 present, and in the future, we are

25 committed to working successfully with

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2 union labor in Philadelphia to achieve
3 the build-out plan for our physical
4 plant.

5 As the campus grows, additional
6 tax dollars will be added to the
7 Philadelphia wage-tax base, with a
8 projected 159 percent in faculty and 18
9 percent or more in staff. Moreover, a
10 greater number of jobs will be provided
11 for outside services such as
12 housekeeping, food service, maintenance,
13 and security.

14 The growth and development of
15 Chestnut Hill College will directly
16 benefit not only the northwest corner of
17 Philadelphia but the entire city.

18 Thank you for the consideration
19 you will give to our request for
20 rezoning, and thank you for your
21 commitment to public service.

22 COUNCILMAN KENNEY: Thank you
23 very much for your testimony and for your
24 wonderfully prepared testimony and
25 presentation.

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2 Before I recognize Councilwoman
3 Miller, I'd like to acknowledge the fact
4 that Councilwoman Blondell Reynolds-Brown
5 is in attendance and a member of the
6 committee.

7 And the Chair recognizes
8 Councilwoman Miller.

9 COUNCILWOMAN MILLER: Thank
10 you. Thank you, Mr. Chair.

11 Good morning, everyone.

12 PANEL MEMBERS: Good morning.

13 COUNCILWOMAN MILLER: You know,
14 I just want to have a few comments and
15 just recognize how I believe -- I've
16 worked with you now for 15 years, and
17 I've always believed you were a good
18 neighbor, you cared about what you were
19 doing in your part of town, and I think
20 you're just a good education and economic
21 partner to Philadelphia.

22 And I totally understand the
23 need for expansion. And I think that
24 when you made the decision to go coed, it
25 was a good decision. You know, at first,

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2 I was like, Oh, you know, will men really

3 want to come to Chestnut Hill College?

4 But they do.

5 So I just wanted to make these

6 brief comments. And it's to see you here

7 this morning. We've been working on this

8 now for 18 months. It's a long time of

9 meeting with the community group, and I

10 think that both groups, both, you know,

11 the community coalition and Chestnut Hill

12 has been honorable and has really tried

13 to do the right thing for the

14 neighborhood.

15 So with that, thank you.

16 Thank you, Mr. Chair.

17 MR. KELSON: Thank you,

18 Councilwoman.

19 COUNCILMAN KENNEY: Thank you

20 very much.

21 Any other questions for these

22 witnesses?

23 Councilwoman Brown, do you have

24 a comment you'd like to make?

25 COUNCILWOMAN BROWN: Yes.

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2 Thank you, Mr. Chairman.

3 Good morning. Good morning.

4 PANEL MEMBERS: Good morning.

5 COUNCILWOMAN BROWN: Let me
6 underscore the observation made by
7 Chairman Kenney on the comprehensiveness
8 of your presentation and the details,
9 which we try to pay a lot of attention
10 to.

11 I do not want it to go
12 unrecognized about the relationship you
13 are actively engaging the area of
14 Philadelphia public schools; that matters
15 to us in this body. And to see that you
16 have created a bridge there is
17 commendable.

18 I would like for you to
19 elaborate on that portion of your
20 testimony where you spoke about -- and
21 I'll try to take the quote as given:
22 Devoted to working with union labor. I
23 don't want to misrepresent your
24 statement.

25 So just elaborate on what that

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2 means, because that is still a pervasive
3 unresolved issue for us as a city to
4 encourage, persuade members of our labor
5 community to help make construction sites
6 look like Philadelphia.

7 So is there anything additional
8 you have in mind to change that reality?

9 MR. KELSON: Councilwoman, if I
10 may, the purpose of the Economic
11 Opportunity Plan that is a companion to
12 this legislation, should it pass, is
13 intended to create diversity in the
14 construction sector of this project as
15 well as in the design sector and
16 contracting of this project.

17 COUNCILWOMAN BROWN: Which
18 speaks to the professional opportunities.

19 MR. KELSON: Exactly. I will
20 let Sister speak to the operational
21 aspects, but I didn't want to address the
22 fact that the construction of the campus,
23 as proposed, will be done with trades,
24 but recognizing that the general
25 contractor and the trades must obligate

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2 themselves to the provisions and the
3 parameters set forth in the Economic
4 Opportunity Plan in the construction
5 sector as well as the design sector.

6 COUNCILWOMAN BROWN: Okay,
7 then. Thank you.

8 Please, Madam President?

9 SISTER VALE: All of our major
10 projects to date have been conducted with
11 the participation of union labor, and I'm
12 simply stating that we will continue that
13 practice.

14 The major buildings -- Martino
15 Hall, Fitzsimmons Hall, the renovation of
16 the lodge, the new elevators that we're
17 putting in right now. When we retiled
18 our considerably large amount of
19 terracotta roofs, when we put in a new
20 boiler plant, all of that was done with
21 union labor.

22 So I am simply indicating that
23 that practice will not change.

24 COUNCILWOMAN BROWN: Okay. And
25 I should not be misunderstood. We

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2 support that.

3 The additional issue, in
4 addition to supporting union labor, is
5 what stipulations, what provisions do you
6 have in your EOP plan that makes it plain
7 that we want members of the construction
8 teams to be diverse?

9 SISTER VALE: I believe
10 Mr. Kelson testified that we're looking
11 to include 35 to 25 percent of the labor
12 hired: 25 MBE, 8 percent WBE, and 2
13 percent DSBE.

14 COUNCILWOMAN BROWN: Okay, all
15 right. So that's on the record.

16 SISTER VALE: That's right.
17 And that's in the plan that we submitted.

18 COUNCILWOMAN BROWN:
19 Additionally for the record, are there
20 monitoring checkpoints in place to ensure
21 that what's in writing will ultimately
22 exist?

23 SISTER VALE: That would come
24 under the responsibility vested in the
25 Vice President for Financial Affairs and

1 6.7.11 - RULES - BILL 110377, 110302
2 the Physical Plant Committee of the Board
3 of Directors.

4 COUNCILWOMAN BROWN: Oh, okay.

5 MR. KELSON: In addition,
6 Councilwoman, the Economic Opportunity
7 Plan does have reporting requirements,
8 and they are set forth in the plan, using
9 third-party agencies for compliance
10 monitoring.

11 COUNCILWOMAN BROWN: Okay,
12 then. Thank you for that.

13 My final question is, you
14 mentioned how you have a process whereby
15 student-teachers can have experiences in
16 urban schools. Is there, in the
17 curriculum of the education diploma at
18 Chestnut Hill College, a course that
19 talks about urban education? which is a
20 very different curriculum and experience
21 in teaching and training than is
22 education as a global concept.

23 SISTER VALE: Part of teacher
24 education in Chestnut Hill College is a
25 seminar that students must take as

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2 they're involved in student-teaching, and
3 those various issues would be addressed
4 through that seminar to help them through
5 the process when they're actually
6 involved in urban schools or suburban
7 schools.

8 COUNCILWOMAN BROWN: Okay. I
9 raise that because, too often, in our
10 public schools, we have young people,
11 recent college grads, who show up eager
12 and enthusiastic, and want to contribute,
13 and then they're hit with the realities
14 of urban education, which has another
15 additional set of challenges; and, thus,
16 they leave the system.

17 So to the extent that schools
18 can prepare young people, armed before
19 they leave the college campus with what
20 those realities are, the School District
21 and parochial schools as well do a better
22 job at holding on to those young
23 professionals.

24 SISTER VALE: Thank you for
25 that observation. It's very important.

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2 COUNCILWOMAN BROWN: Thank you
3 for you testimony.

4 MR. KELSON: Thank you.

5 COUNCILWOMAN BROWN: Thank you,
6 Mr. Chairman.

7 COUNCILMAN KENNEY: Thank you
8 very much.

9 Any other questions for these
10 witnesses?

11 I know Councilwoman Miller has
12 some questions when all of the folks
13 involved have testified, but are there
14 any other questions for these particular
15 witnesses?

16 (No questions.)

17 COUNCILMAN KENNEY: Seeing
18 none, thank you so much for your good
19 work that you've done over the years.

20 PANEL MEMBERS: Thank you very
21 much.

22 COUNCILMAN KENNEY: Mr. Robert
23 Vance, Larry McEwan, and Carol
24 Fitzgerald, please.

25 And I assume, Mr. Kelson, that

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2 you -- your folks will stay around in

3 case we have any --

4 MR. KELSON: Yes. We'll be

5 sitting right over year.

6 COUNCILMAN KENNEY: Okay,

7 great. Thank you.

8 (Witnesses come forward.)

9 COUNCILMAN KENNEY: Good

10 morning. Ms. Fitzgerald, could you

11 please identify yourself for the record

12 and proceed. And please pull that

13 microphone very close to you. Thank you.

14 MS. FITZGERALD: Good morning.

15 COUNCILMAN KENNEY: Good

16 morning.

17 MS. FITZGERALD: Councilman

18 Kenney and members of the Rules

19 Committee, my name is Carol Fitzgerald.

20 I reside in Chestnut Hill and have

21 resided there for most of my life, since

22 1970, at 201 Rex Avenue, just about five

23 blocks away from Chestnut Hill College.

24 I'm a board member of Chestnut

25 Hill College, and I am here today to

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2 testify in support of Bill No. 110302 and
3 Bill No. 110377, both of which would
4 allow for the development of the Master
5 Plan of Chestnut Hill College, which has
6 been presented to you so well this
7 morning.

8 The Master Plan for the College
9 that has been presented today proposes a
10 significant number of changes and
11 improvements to our campus. Our plan was
12 revised and redesigned, with the benefit
13 of detailed community input over an
14 18-month period of time.

15 While it is certainly true that
16 our plan promotes the expansion and
17 growth of Chestnut Hill College, it also
18 reflects a sensitive treatment of our
19 campus that respects the use and
20 enjoyment of neighboring properties.

21 While new buildings will be
22 constructed on the campus over the life
23 of the plan, as you can see from our
24 presentation, significant portions of the
25 site will remain or be returned to their

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2 natural state as an important part of the
3 development of the Master Plan.

4 These improvements as well as
5 the limitations on development imposed in
6 the legislation respect the fact that the
7 College is not located in a dense urban
8 setting, and the good neighbor policy of
9 Chestnut Hill College is reflected
10 therein.

11 Chestnut Hill College has been
12 an important and active member of the
13 Chestnut Hill community since 1924. We
14 expect to remain engaged in the community
15 as we grow and as we continue our mission
16 into the foreseeable future. But in
17 order for Chestnut Hill College to
18 continue as a viable educational
19 institution, we must expand our
20 educational housing and student-activity
21 facilities.

22 The improvements indicated in
23 the Master Plan allow the College to
24 thrive and to compete with other
25 similarly-situated educational

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2 institutions. It is also important to
3 recognize that the expansion of our
4 educational housing and student-activity
5 facilities will also benefit the
6 community in that this expansion will
7 generate additional employment
8 opportunities as the new buildings are
9 completed.

10 Many educational institutions
11 in the City of Philadelphia have
12 constructed new campus facilities over
13 the past several years in an effort to
14 provide new or better opportunities for
15 their student populations. These
16 institutions have come before City
17 Council to seek your approval for various
18 aspects of campus improvements.

19 It's time for Chestnut Hill
20 College to follow their lead. The
21 approval of the legislation before
22 Council today is an important early step
23 in our efforts. Chestnut Hill College
24 must evolve, and we need your support of
25 this legislation to do so.

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2 Thank you.

3 COUNCILMAN KENNEY: Thank you
4 for your testimony.

5 Either of you gentlemen like to
6 proceed please identify yourself for the
7 record.

8 MR. McEWAN: Good morning
9 Councilman Kenney and members of the
10 committee.

11 COUNCILMAN KENNEY: Good
12 morning.

13 MR. McEWAN: I'm Lawrence
14 McEwan, Chair of the nine voting-member
15 seven organization coalition negotiating
16 group created through a resolution of the
17 Chestnut Hill Community Association Board
18 of Directors.

19 Our charge over the past 18
20 months has been to negotiate Chestnut
21 Hill College's development of their new
22 Sugarloaf Campus and existing Main Campus
23 in a manner appropriate for Chestnut
24 Hill's national historic district located
25 within the beautiful and sensitive

1 6.7.11 - RULES - BILL 110377, 110302
2 natural environment of the Wissahickon
3 Valley.

4 Concentrating first on the
5 College's Master Plan for the Sugarloaf
6 Campus, we intervened to enact desired
7 changes that have led to plan, which was
8 recently approved by the Planning
9 Commission and which has served as the
10 basis of the bills before you today.

11 While our negotiating group has
12 not voted on an official position
13 regarding these bills and while certain
14 of our member organizations may speak
15 against them today, I am accompanied by
16 and/or speaking for seven voting
17 representatives in five member
18 organizations who support the
19 unprecedented revisions to the IDD
20 Ordinance, Bill 110377, which have been
21 outlined by Mr. Kelson and which were, as
22 he stated, crafted in a collaborative
23 manner with members of our negotiating
24 group.

25 These voting members of the

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2 negotiating group in support of these
3 bills today and of moving approvals
4 forward before Council recesses for
5 summer are:

6 Richard Snowden, Board Member
7 of the Chestnut Hill Business
8 Association;

9 Frank Niepold, Board President
10 of the Chestnut Hill Historical Society;

11 James Keiss, Representative for
12 the Houston family;

13 Maura McCarty, Executive
14 Director of the Friends of the
15 Wissahickon;

16 Joyce Linhard, Board Member of
17 the CHCA;

18 Craig Schelter, Representative
19 of the CHCA;

20 And myself, Chair of this
21 committee and of the Development Review
22 Committee of the CHCA.

23 Now I'd like to introduce
24 Robert Vance, Board President of the
25 Friends of the Wissahickon, and an

1 6.7.11 - RULES - BILL 110377, 110302
2 invaluable member of our negotiating
3 group, to more fully discuss the status
4 of our negotiations from his
5 organization's perspective.

6 Thank you.

7 COUNCILMAN KENNEY: Thank you.

8 MR. VANCE: Good morning.

9 COUNCILMAN KENNEY: Good
10 morning.

11 MS. VANCE: I'm Robert Vance,
12 President of the Board of Directors of
13 the Friends of the Wissahickon, an 86-
14 year-old organization with over 1600
15 members that is the largest of the
16 nonprofit volunteer groups active in the
17 Fairmount Park system.

18 The bills before you today
19 concern Chestnut Hill College's proposed
20 development of the Sugarloaf property and
21 its Main Campus, the largest development
22 project in Chestnut Hill in over 50 years
23 and the largest development project in
24 decades that will have a significant
25 impact on the Wissahickon Valley and the

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2 Wissahickon Watershed.

3 That being said, it is
4 important that the committee know that
5 this project does not concern just
6 Chestnut Hill; rather, this project is of
7 extreme importance to all Philadelphians
8 because the Wissahickon contributes
9 drinking water to about one-third of the
10 City, including all of the northwest and
11 some of Center City. So given this
12 reality, it is our responsibility to
13 ensure that this project proceeds in the
14 most environmentally sensitive manner
15 possible.

16 As you all know, the
17 Wissahickon Watershed ordinance, which is
18 a part of the Zoning Code, imposes
19 controls on development within the
20 Wissahickon Watershed. The College is
21 located entirely within the Wissahickon
22 Watershed.

23 The principal purpose of the
24 Wissahickon Watershed ordinance is to
25 minimize storm-water runoff by, among

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2 other means, limiting development on
3 steep slopes and limiting the amount of
4 impervious cover. The ordinance was
5 adopted in 1975, and subsequent to its
6 adoption, the Planning Commission and the
7 Water Department adopted regulations that
8 address some but not all of the areas
9 covered by the ordinance, as did the
10 Pennsylvania Department of Environmental
11 Protection.

12 For the last 18 months, as
13 Mr. McEwan has stated, a coalition of
14 neighborhood groups has negotiated with
15 the College in an effort to arrive at a
16 global settlement that would allow the
17 College to develop Sugarloaf and the Main
18 Campus consistent with the community's
19 desire to ensure environmentally
20 sensitive development and the protection
21 and enhancement of Chestnut Hill's
22 identity and historic fabric. And this
23 global settlement will consist of four
24 parts:

25 An approved Master Plan;

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2 A modified IDD Ordinance;

3 A community development
4 agreement among the College and the
5 negotiating parties that contain specific
6 rights and responsibilities related to
7 development;

8 And perpetual conservation
9 easements over more than 50 percent of
10 Sugarloaf.

11 The first two components of
12 this global settlement are reflected in
13 the two bills that are before you today.

14 Negotiations with respect to
15 the CDA are proceeding extremely well,
16 and agreements on its terms is imminent.
17 It is the fourth component, however, that
18 is problematic. Because of the four
19 components, the perpetual conservation
20 easements are the most important for this
21 reason:

22 Both the Master Plan and the
23 modified IDD Ordinance contemplate
24 construction in limited areas of
25 Sugarloaf that would require deviation

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2 from the Wissahickon Watershed
3 requirements regarding building on steep
4 slopes and impervious cover. The quid
5 pro quo for accepting these limited
6 deviations from the requirements of the
7 ordinance with the further modifications
8 to the IDD Ordinance that I have in the
9 document that was distributed to you is
10 that the College place perpetual
11 conservation easements on designated
12 portions of Sugarloaf.

13 The College has committed to do
14 so; let me be clear about that. However,
15 the College cannot grant those easements
16 unless its bank, Wells Fargo, gives its
17 consent to the College to place the
18 perpetual conservation easements because
19 Wells Fargo holds the mortgage on the
20 property, and allowing perpetual
21 conservation easements to be placed on
22 Sugarloaf would mean that Wells Fargo's
23 mortgage lien would be subordinated to
24 the easements.

25 We understand that Wells Fargo

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2 has informed the College that it will let
3 the College know about its decision about
4 whether it will give consent for the
5 easements on June 17th. Given this
6 uncertainty, the negotiating parties are
7 in the process of negotiating a
8 supplemental agreement with the College
9 that will hopefully resolve this easement
10 issue.

11 Nevertheless, the bottom line
12 is that until Wells Fargo informs the
13 College of its position with respect to
14 those easements, it is unclear whether
15 this quid pro quo that the community has
16 demanded can be given by the College.

17 Despite all of this, the
18 Friends of the Wissahickon and the other
19 organizations mentioned by Mr. McEwan
20 have no objection to the bills being
21 reported out of committee with a
22 favorable recommendation.

23 We request that Councilwoman
24 Miller -- and we discussed this with her
25 prior to the hearing -- hold the bills

1 6.7.11 - RULES - BILL 110377, 110302
2 for final passage until the Council's
3 June 23rd meeting. That will give the
4 negotiating parties sufficient time,
5 depending upon Wells Fargo's position on
6 the easements, to negotiate the terms of
7 the supplement and to ensure that the
8 College will commit to treat the
9 designated portions of Sugarloaf as if
10 they were subject to perpetual
11 conservation easements regardless of
12 whether Wells Fargo gives its consent to
13 place the easements.

14 Now, the amendment to that FOW
15 proposes, which is contained in the sheet
16 that I hope was distributed to you,
17 reflects the fact that in connection with
18 the purchase of Sugarloaf, Chestnut Hill
19 College received a grant from the
20 Pennsylvania Department of Conservation
21 and Natural Resources as part of that
22 organization's Growing Greener Grants
23 program. One of the conditions of that
24 grant was that the College would place a
25 perpetual conservation easement on a

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2 10.1-acre portion of the 32-acre

3 Sugarloaf property.

4 Again, I want to reiterate that
5 the College has agreed to do so but
6 cannot make good on that promise unless
7 it receives consent from Wells Fargo. We
8 believe that amending Bill No. 110377 by
9 adding the whereas clause suggested is
10 important to obtaining that consent from
11 Wells Fargo.

12 I want to emphasize that FOW is
13 not attempting to prevent the College
14 from expanding and has no interest in any
15 action litigation whatsoever related to
16 the passage of these two bills. We would
17 much rather devote our organization's
18 time and resources to doing the work on
19 the ground in the Wissahickon that has
20 been the hallmark of the FOW; for
21 example, our Sustainable Trails
22 initiative, which, over a seven-year
23 period and at a cost of between 5 to
24 \$10 million, will make the 50 miles of
25 natural-surface recreation trails in the

1 6.7.11 - RULES - BILL 110377, 110302
2 Wissahickon environmentally and socially
3 sustainable for everyone.

4 But we take our role as a
5 steward of Wissahickon Valley seriously,
6 and we will not rule out any reasonable
7 option to ensure the protection of the
8 Wissahickon Valley and the Wissahickon
9 Watershed.

10 We are confident, however, that
11 an amicable, full resolution of these
12 issues can be achieved, and we simply
13 request the committee's assistance in
14 getting there.

15 Thank you.

16 COUNCILMAN KENNEY: Thank you
17 very much for your testimony.

18 Councilwoman Miller.

19 Oh, I'm sorry. Mr. Previdi,
20 please.

21 (Witness comes forward.)

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

24 MR. PREVIDI: I'm Paul Previdi.
25 I live at 8002 Winston Road, in Chestnut

1 6.7.11 - RULES - BILL 110377, 110302
2 Hill. And thank you, Councilman Kenney
3 and members of the committee.

4 Chestnut Hill is a great
5 neighborhood, but like so many in the
6 nation, it is suffering economically.
7 Yet while the country is facing one of
8 the worst economic downturns since the
9 depression of the '30s, we have been
10 presented with some very good economic-
11 development projects.

12 Unfortunately, we have lost two
13 of these projects and are endangering a
14 third if we don't speak up. Too often,
15 we underline our development review
16 process in Chestnut Hill and allow
17 bullies and naysayers to take control.

18 It's time for the community and
19 our community leaders to take charge and
20 speak out about the future of Chestnut
21 Hill development. While some in the
22 community are fortunate enough not to
23 feel the pain of this economy, the
24 reality is that Chestnut Hill needs to
25 reinvent itself to stay relevant in the

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2 21st century global economy. We can do
3 this by supporting such developments as
4 Woodmere, Grayloch, Chestnut Hill
5 College, and the former McGarrity site
6 and the Good Food Market.

7 While the views of the near
8 neighbors are important to consider, they
9 must not completely defeat and derail the
10 process.

11 As the former executive
12 director of the Business Improvement
13 District and the Business Association and
14 a former board member of the CHCA, I have
15 seen projects consistently mishandled
16 publicly and watched vitriolic hostility
17 instead of facts control the discussion.
18 I have seen neighbors employ bully
19 tactics and threaten lawsuits and scream
20 and shout at meetings like children. It
21 is uncivil and should not be tolerated.
22 We need not be own worst enemies in
23 Chestnut Hill.

24 Since proposing the project two
25 years ago, Sister Carol Jean, the College

1 6.7.11 - RULES - BILL 110377, 110302

2 President, has changed the design based
3 on the near-neighbor input. When the
4 approval process was installed, a
5 separate task force with representatives
6 from the College, the CHCA, and the near
7 neighbors was formed to negotiate a
8 solution for all sides.

9 This group has been meeting for
10 over 18 months, redesigning the project
11 to concentrate the development to the
12 middle of the property, preserving open
13 space around the perimeter. In addition,
14 the College has spent more than a half a
15 million dollars providing technical
16 support to this task force in the form of
17 architects and engineers and
18 environmental designers.

19 Still, the near neighbors
20 continue to bad-mouth the College and
21 fail to give any credit to this gesture.
22 Instead, they spread false rumors and
23 half-truths to scare the people into
24 thinking that this half-a-billion-dollar
25 project is a bad thing for the community.

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2 For instance, a full-page
3 advertisement taken about by a few near
4 neighbors appearing in the May 12th
5 edition of the Chestnut Hill Local stated
6 emphatically that a parking garage is
7 going to face Germantown Avenue.

8 But what they conveniently left
9 out is that the garage has been reduced
10 by 150 spaces and has been moved
11 underground and is 350 feet into the
12 property away from Germantown Avenue.
13 That's larger than a football field.
14 Nobody will see the parking garage
15 through the trees.

16 In the same ad, the public was
17 invited to attend an open community
18 meeting to join for a discussion of the
19 issues at St. Paul's Church on May 16th,
20 and this is a very important point I
21 think I want to make here.

22 So they have this meeting at
23 St. Paul's Church on the 16th, and
24 according to the story in the May 18th
25 issue of the Chestnut Hill Local, members

1 6.7.11 - RULES - BILL 110377, 110302
2 of the negotiating group were asked not
3 to speak. Here's the group that's
4 supposed to talk, you know, and discuss,
5 and they asked the people from the
6 negotiating committee not to speak.

7 This should raise a huge red
8 flag about what the motivations are from
9 those who are against the project.

10 I think that's enough said
11 right there. I just want to leave it at
12 that.

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

15 Any questions for this
16 witnesses?

17 (No questions.)

18 COUNCILMAN KENNEY: Anyone else
19 in the room to testify on this bill?
20 Please come forward.

21 (Witness comes forward.)

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

24 MR. LAMB: My name is William
25 Lamb, and I have been a near neighbor of

1 6.7.11 - RULES - BILL 110377, 110302

2 Chestnut Hill College for the better part
3 of three generations. I live at 9501
4 Meadowbrook, which borders the Morris
5 Arboretum, and grew up and spent most of
6 my youth at 9500 Wheel Pump Lane, the
7 adjacent property to that.

8 I have come to know the Sisters
9 of St. Joseph over my lifetime and have
10 witnessed the expansion and development
11 of their college as it has happened
12 mostly during my tenure as an adult in
13 Chestnut Hill. Sister Carol Jean has
14 proven herself to be a very dynamic
15 leader and vital to our community.

16 Not only that, but the
17 negotiations that have occurred over the
18 last 18 months have been carried out at
19 great expense by Chestnut Hill College in
20 an effort to make my neighbors satisfied
21 with a plan that is essential to the
22 development not only of Chestnut Hill
23 College but the further economic growth
24 and sustainability of Chestnut Hill's
25 community.

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2 For too long, our near
3 neighbors have failed to recognize that
4 the only way Chestnut Hill can sustain
5 itself as the bucolic northwest section
6 of Philadelphia that it is, is to support
7 the two main institutions that we have at
8 our disposal: Chestnut Hill Hospital and
9 Chestnut Hill College.

10 It is incumbent on me to come
11 here today. I respectfully address the
12 committee and ask for your approval of
13 this bill.

14 I feel very passionate about
15 our faith in Chestnut Hill as a
16 community, but, more importantly, about
17 Chestnut Hill College as a vital
18 contributor to the success of that
19 community.

20 Thank you very much.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Sir, please come forward.

24 (Witness comes forward.)

25 COUNCILMAN KENNEY: Please

1 6.7.11 - RULES - BILL 110377, 110302

2 identify yourself for the record.

3 MR. THOMAS: I am George
4 Thomas. I am a resident of 9515
5 Germantown Avenue in the sort of center
6 of this zone. And I am the Vice
7 President of the Northwest Wissahickon
8 Conservancy, Inc. I am also speaking
9 today on behalf of the North Chestnut
10 Hill Neighbors, Inc., another community
11 association comprised of members of the
12 north Chestnut Hill community.

13 I am here in opposition to the
14 two proposed bills, number 110302 and
15 number 110377.

16 In the interest of time, I have
17 handed in my comments for the record. I
18 am also including copies of our group's
19 statements to the Philadelphia Planning
20 Commission on 19 April and 17 May.

21 I am speaking only on behalf of
22 these two organizations. Although I am a
23 member of the negotiating group that is
24 comprised of representatives from a
25 number of Chestnut Hill organizations,

1 6.7.11 - RULES - BILL 110377, 110302

2 and it is negotiated with Chestnut Hill
3 College for the past 18 months, I am not
4 speaking on behalf of that group.

5 Moreover, I am not speaking in my
6 capacity as a member of that group.

7 I am respectfully advising
8 Council that no votes have been taken by
9 the negotiating group authorizing any
10 individual to speak on its behalf, and no
11 other person is authorized to speak on
12 behalf of our groups, the Northwest
13 Wissahickon Conservancy or the North
14 Chestnut Hill Neighbors.

15 Each of the other organizations
16 retains its right to make its own
17 statement, but we will object to any
18 testimony or statement that purports to
19 represent positions of the negotiating
20 group.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you
23 very much for your testimony.

24 Anyone else? Come on down.

25 (Witness comes forward.)

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2 COUNCILMAN KENNEY: Please
3 identify yourself for the record.

4 MR. MARTIN: Good afternoon
5 Mr. Chairman.

6 COUNCILMAN KENNEY: Good
7 afternoon.

8 MR. MARTIN: My name is William
9 Martin, of the Fox Rothschild law firm,
10 2000 Market Street, 20th floor,
11 Philadelphia.

12 I appear before you on behalf
13 of my client Professor Eleanor Morris,
14 owner of her home and adjoining carriage
15 house with an address of 31 West Bells
16 Mills Road. Professor Morris is
17 currently out of the country and has
18 asked me to appear before you today on
19 her behalf.

20 I speak to you in opposition to
21 both Ordinance No. 110302 and 100377. My
22 client, Professor Morris, owns property
23 which is immediately adjoining the
24 property which is the subject of these
25 ordinances and is among the small number

1 6.7.11 - RULES - BILL 110377, 110302
2 of individuals who will be most directly
3 impacted by the proposed development of
4 Chestnut Hill College. I'll speak to the
5 two ordinances separately.

6 First, as to Ordinance No.
7 110302, the rezoning and associated
8 Master Plan approval will result in
9 massive development, including
10 development of a 450 parking garage
11 facility within approximately 100 feet of
12 the edge of my client's property.

13 I understand that significant
14 efforts have been made to negotiate a
15 community development agreement and
16 related easements, which, in theory, will
17 place additional controls upon the extent
18 of permitted development on the subject
19 parcel. However, these negotiations have
20 not yet reached conclusion.

21 And in approving Ordinance No.
22 110302, Council will be rezoning without
23 appropriate consideration given to the
24 significant concerns of many neighbors of
25 the neighboring Chestnut Hill community.

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2 I want to note in particular
3 one item that has not been raised yet
4 today, which is, my client enjoys an
5 easement over a portion of the subject
6 property. While the College has proposed
7 to relocate the easement, my client has
8 not yet agreed to the relocation. So the
9 Master Plan, which is attached to the
10 ordinance, may not be able to proceed in
11 accordance with its terms.

12 As to Ordinance No. 110302, I
13 believe that a much better approach would
14 be for the committee to table it in order
15 to allow continued negotiations to occur
16 through the summer so that the community
17 development agreement, new easements, and
18 the relocation of the existing easement
19 can be finalized. And only then will
20 members of the community receive
21 assurance that only appropriate
22 development with appropriate controls
23 will occur on the parcel.

24 As to Bill No. 110377, I have
25 much graver concerns regarding certain

1 6.7.11 - RULES - BILL 110377, 110302
2 portions of the ordinance which propose
3 to amend Section 14-1109(e)(6) through
4 (8) of the Philadelphia Code. These
5 sections propose to alter the existing
6 environmental controls for the
7 Wissahickon Watershed so that certain
8 roads can be expanded, development may
9 occur on previously disturbed slopes in
10 excess of 25 percent, and development may
11 occur, which results in impervious ground
12 coverage in excess of 20 percent in
13 Category 1 portions of the Wissahickon
14 Watershed.

15 I want to point out two things
16 that came up in testimony. Mr. Kramer
17 talked about, quote, the ecological
18 sensitivity of the area, and Mr. Saylor
19 talked about the important ecology of the
20 site.

21 Despite the important ecology
22 of the site, these sections clearly
23 constitute illegal spot zoning. In a
24 decision of the Pennsylvania Commonwealth
25 Court last year, it was defined as,

1 6.7.11 - RULES - BILL 110377, 110302

2 quote, the singling out of one lot or a
3 small area for different treatment from
4 that according to similar surrounding
5 land indistinguishable from it in
6 character, the economic benefit or
7 detriment of the owner of that lot.

8 There is no distinction between
9 the portion of the Wissahickon Watershed
10 located, quote -- and I am quoting from
11 the ordinance now -- on the south side of
12 the Germantown Avenue between
13 Northwestern Avenue and Bells Mill Road.
14 There is no distinction between that
15 small portion of the watershed and its
16 balance.

17 My client's property is located
18 within the watershed, and she
19 appropriately has relied upon the
20 protections granted to the watershed by
21 the Philadelphia Code.

22 There are ways to change this.
23 The legal steps that can be taken to
24 impact these restrictions are securing a
25 variance through the steps that are

1 6.7.11 - RULES - BILL 110377, 110302
2 provided for in the code or amending the
3 zoning code in a way which uniformly
4 impacts the watershed.

5 To amend in a piecemeal fashion
6 through an ordinance like the one you
7 have for your consideration is clearly
8 not permitted by existing Pennsylvania
9 precedent. It leaves the City exposed to
10 the very long and expensive litigation.
11 And given the infirmity of the ordinance,
12 i would urge you to reject it.

13 I'm happy to answer any
14 questions.

15 COUNCILMAN KENNEY: Thank you
16 very much for your testimony.

17 Anyone else to testify on this
18 bill?

19 (No response.)

20 COUNCILMAN KENNEY: Seeing
21 none, we will now move to Bill No.
22 110347, which is an ordinance amending
23 Title 14 of the Philadelphia Code,
24 entitled "Zoning and Planning," by
25 amending Section 14-1605(2)(1) to add

1 6.7.11 - RULES - BILL 110347

2 cash-for-gold establishments to the
3 definition of "pawnshop."

4 We do handle a wide range of
5 issues, don't we?

6 (Witness comes forward.)

7 MR. KRAMER: Good morning,
8 Councilman Kenney and members of the
9 Rules Committee.

10 COUNCILMAN KENNEY: Good
11 morning.

12 MR. KRAMER: I am William
13 Kramer, Division Director of the
14 Development and Planning Division of the
15 Philadelphia City Planning Commission. I
16 am here today to testify on Bill No.
17 110347, which was introduced by
18 Councilmember Clarke May 5th of 2011.

19 Bill No. 110347 amends the
20 Philadelphia Zoning Code by amending
21 Section 14-1605 to, one, add cash-
22 for-gold establishments to the definition
23 of "pawnshop."

24 The definition, as introduced,
25 will read: "The purchase of personal

1 6.7.11 - RULES - BILL 110347

2 property either from an individual or
3 another pawn business, with the expressed
4 intent of offering the property for
5 resale, including cash for gold or
6 similar operations."

7 The bill was introduced in
8 order to regulate the new type of
9 business, cash for gold, that does not
10 easily fit into an existing definition.
11 The language in the legislation, upon
12 review by the Department of Licenses and
13 Inspections, was felt to have the
14 unintended consequence of applying to all
15 new jewelry stores in the City.

16 The staff of the Philadelphia
17 City Planning Commission has worked with
18 the Department of Licenses and
19 Inspections to recommend a revision to
20 the bill to read as follows:

21 "The purchase of personal
22 property either from an individual or
23 another pawn business, with an expressed
24 intent of offering the property for
25 resale."

1 6.7.11 - RULES - BILL 110347

2 And another definition would be
3 added: "The purchase of precious metals
4 such as a cash-for-gold type operation,
5 excluding the purchase of precious metals
6 conducted at wholesale."

7 The intent of the new language
8 will impact stores engaging in the buying
9 of precious metals for cash while
10 exempting legitimate businesses engaged
11 primarily in the selling of jewelry.

12 The proposed amendment has been
13 vetted through the City's Law Department,
14 and I respectfully submit it for your
15 consideration.

16 At its meeting of May 17, 2011,
17 the Philadelphia City Planning Commission
18 considered Bill No. 110347 and
19 recommended that it be approved with the
20 proposed amendments.

21 That concludes my testimony,
22 and I'd be happy to answer any questions
23 you may have.

24 COUNCILMAN KENNEY: Thank you.

25 Have you vetted the amendments

1 6.7.11 - RULES - BILL 110347

2 with the sponsor of the bill? Have you
3 had a discussion with him?

4 MR. KRAMER: I personally have
5 not, and I'm not sure if my staff did or
6 not. We've had a few issue in the
7 office.

8 COUNCILMAN KENNEY: Okay.

9 MR. KRAMER: Unfortunately, we
10 lost a member recently and it's made a
11 bit of a mess of things.

12 COUNCILMAN KENNEY: Okay, all
13 right. Thank you for your testimony.

14 Any questions for this witness?

15 (No questions.)

16 COUNCILMAN KENNEY: Is there
17 anyone else to testify on this bill?

18 (No response.)

19 COUNCILMAN KENNEY: Seeing
20 none, the next bill for consideration is
21 Bill No. 110185, which is an ordinance
22 amending the Philadelphia Zoning Maps by
23 changing the zoning designation of
24 certain areas of land located within the
25 area bounded by Richmond Street,

1 6.7.11 - RULES - BILL 110185

2 Cumberland Street, Beach Street and
3 Schirra Drive; and amending Section
4 14-506 of the Philadelphia Code, entitled
5 "L4-Limited Industrial District," all
6 under certain terms and conditions.

7 Mr. Kramer, please identify
8 yourself for the record.

9 MR. KRAMER: Good morning,
10 Councilman Kenney and members of the
11 Rules Committee.

12 COUNCILMAN KENNEY: Good
13 morning.

14 MR. KRAMER: I am William
15 Kramer, Division Director of the
16 Development Division of the Philadelphia
17 City Planning Commission. I am here
18 today to testify on Bill No. 110185,
19 which was introduced into City Council
20 March 10, 2011.

21 Bill No. 110185 will amend the
22 Philadelphia Zoning Maps by rezoning the
23 area bounded by Richmond Street,
24 Cumberland Street, Beach Street, and
25 Schirra Drive from the existing

1 6.7.11 - RULES - BILL 110185

2 designation of G2-General Industrial to a
3 proposed zoning designation of L-4
4 limited industrial.

5 The bill also proposes to amend
6 the Zoning Code so that within these
7 boundaries, nightclubs and dance halls
8 would be permitted and allow for parking
9 to be provided onsite or within a
10 thousand feet from the lot at a ratio of
11 one space for every 125 square feet of
12 gross floor area, with no landscaping
13 required.

14 The purpose of this bill is to
15 allow for the rehabilitation of an
16 existing 76,000-square-foot warehouse
17 located at 2055 Richmond Street into an
18 entertainment venue. The venue will have
19 a capacity of 2600 to 3,000 people and be
20 operated by Live Nation, Incorporated.

21 The intent is to hold events
22 such as bands, comedy shows, theater
23 performances, corporate events, and
24 private events. The ground floor of
25 28,000 square feet will contain a box

1 6.7.11 - RULES - BILL 110185

2 office, retail store, lounge, stage,
3 concession area, back of stage, and
4 artist areas.

5 There will also be a
6 6,000-square-foot mezzanine to house a
7 wraparound balcony, restrooms, additional
8 concession areas, and luxury boxes.

9 There will be 130 parking
10 spaces onsite as well as an additional
11 520 parking spaces under lease on a
12 separate parcel within the area bounded
13 by Richmond, Cumberland Street, Beach
14 Street, and Schirra Drive.

15 The Philadelphia City Planning
16 Commission, at its meeting of April 19,
17 2010, considered Bill No. 110185 and
18 recommended that it be approved. The
19 Commission views Cumberland as a line of
20 demarcation between the industrial uses
21 to the north and the transitioning uses
22 to the south such as the entertainment
23 venue proposed here.

24 The proposed L4-Industrial
25 zoning classification recognizes this

1 6.7.11 - RULES - BILL 110185

2 transition zone by permitting a mix of
3 industrial and commercial uses.

4 The City's Law Department has
5 requested a technical amendment to the
6 language of this bill, and I respectfully
7 submit it for your consideration.

8 That is the conclusion of my
9 testimony. If there are any questions,
10 I'd be happy to answer them.

11 COUNCILMAN KENNEY: Has the
12 Commission taken a position on the bill?

13 MR. KRAMER: Yes, they have,
14 and they have approved it. Yes, sir.

15 COUNCILMAN KENNEY: Thank you.

16 Any questions for Mr. Kramer?

17 (No questions.)

18 (Witnesses come forward.)

19 COUNCILMAN KENNEY: Please
20 identify yourself for the record and
21 proceed, whoever's going to offer
22 testimony.

23 MR. PATTERSON: Thank you.
24 Good morning.

25 COUNCILMAN KENNEY: Good

1 6.7.11 - RULES - BILL 110185

2 morning.

3 MR. PATTERSON: Ronald

4 Patterson, attorney with Klehr Harrison

5 law firm, here on behalf of Grasso

6 Holdings. With me today is David Grasso

7 and Mike Grozier from Live Nation.

8 This ordinance was originally

9 proposed to change the zoning district

10 from G2-General Industrial to

11 C3-Commercial, with relief from the north

12 Delaware Avenue overlay. But as we

13 conferenced with the Planning Commission

14 and as Mr. Kramer mentioned, it was more

15 appropriate to go to L-4, which allows

16 both the mix of industrial and

17 commercial.

18 With that in mind, it allows

19 the existing industrial uses to remain on

20 that block as well as allow what our

21 proposed entertainment venue would be as

22 well as other commercial uses.

23 It also lifts the North

24 Delaware Avenue Overlay to allow for the

25 entertainment use, which uses are

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2 permitted along this corridor, which
3 Councilman DiCicco had imposed years ago
4 to rid the block of so-called nightclubs.

5 We seek this ordinance to allow
6 for the development of a first-class
7 entertainment venue run by Live Nation.
8 It would have 2600 seats approximately.

9 We believe that this is a
10 perfect location. It's located and
11 bordered to the west by I-95 and to the
12 east by 30 vacant acres, which were
13 recently rezoned in 2009 from G-2 to C-3.

14 I don't know if there's any
15 proposed development for that no-man's
16 land property, but there is an existing
17 permit for warehousing on the property,
18 but it was rezoned to C-3. And I believe
19 the owner of that property is here in
20 opposition to this ordinance.

21 Our entire site spans two-
22 thirds of the entire block, about 12
23 acres. It's bounded by Richmond Street,
24 Cumberland Street, Beach Street, and
25 Schirra Drive.

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2 There are three lots.

3 Basically, Lot 1 would be our main
4 entertainment venue; it will house the
5 entertainment. It's an existing building
6 that would be cut back to provide for a
7 front yard area to allow for drop-off and
8 pickup of patrons, a box office, and some
9 other commercial uses.

10 It would create 34,000 square
11 feet of a concert hall, that you'll see
12 through our slide presentation that you
13 have, that has the ability to change in
14 seating based upon what type of event is
15 being proposed. It's a concert hall with
16 one floor and a mezzanine wrapped around.

17 It is by no means a nightclub,
18 as you may hear, the sense of what
19 everyone has feared years ago and was the
20 basis for the overlay. It is for sure an
21 entertainment venue having live
22 performances.

23 The other two lots, one of
24 which we own and the other of which we
25 will lease, will add to the ability to

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2 provide off-street parking to accommodate
3 the facility. So in total, we have
4 approximately 650 parking spaces onsite,
5 off the street.

6 The ordinance provides that we
7 are required to provide one space for
8 every 125 square feet of gross floor
9 area. And based on our 34,000 square
10 feet, our requirement under the code
11 would be 227. And as I mentioned, we are
12 providing 650 parking spaces.

13 And although we haven't
14 factored it in, actually, on Beach
15 Street -- and we need to recognize it --
16 there are approximately 250 spaces that
17 are available on the street. Again, we
18 didn't factor that into our operation but
19 we recognize it and we would incorporate
20 that into the operations.

21 As to traffic circulation, we
22 recognize that we are at the base of the
23 I-95 interchange, and that will be
24 undergoing construction. We are taking
25 that into account and have designed

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2 around that so that we can adopt our
3 onsite traffic circulation to accommodate
4 the uses.

5 My Exhibit 5 also includes our
6 equal opportunity plan, and you have
7 other exhibits there which explain the
8 project.

9 With that said, I introduce
10 David Grasso.

11 COUNCILMAN KENNEY: Please
12 identify yourself for the record.

13 MR. GRASSO: Good morning,
14 councilman Kenney and members of the
15 Rules Committee.

16 COUNCILMAN KENNEY: Good
17 morning.

18 MR. GRASSO: My name is David
19 Grasso, G-R-A-S-S-O, and I am here to
20 speak in support of Council Bill 110185,
21 which will change the zoning of the City
22 block bounded by Richard Street, Schirra
23 Drive, Beach Street, and Cumberland
24 Street from G-2 industrial to
25 L4-Industrial.

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2 The purpose of the bill to
3 facilitate the conversion of
4 approximately 7.5 acres of the 13-acre
5 city block into a first-class live-
6 entertainment venue holding the capacity
7 of between 2600 and 3,000 people and
8 associated parking.

9 The site is ideally located in
10 an area both relatively isolated yet
11 extremely accessible. As you can see
12 from the area photographs in your
13 information package, which we presented
14 to you, the neighboring properties of the
15 site, include industrial uses, vacant
16 commercial land, and the I-95
17 interchange. In fact, the I-95 viaduct
18 acts as a natural barrier to any
19 residential neighborhoods.

20 The neighboring 30-acre
21 property to the east, along the river,
22 was the site proposed for the Pinnacle
23 Casino and has subsequently been rezoned
24 from G2-Industrial to C3-Commercial.
25 However, the owners have reserved the

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2 right to build industrial development for
3 a limited time.

4 The site sits at the foot of
5 several commercial corridors, including
6 Girard Avenue, Aramingo Avenue, Richmond
7 Street, and Delaware Avenue, and is
8 adjacent to the Girard Avenue interchange
9 of 95, which is being realigned currently
10 to provide on- and offramps, which will
11 be directly across the street from this
12 particular location.

13 Also, several trolley lines
14 travel up Girard Avenue and stop directly
15 in front of the site, connecting it to
16 the Market-Frankford El at Front
17 Street -- Front and Girard and the Broad
18 Street subway at Broad Street.

19 The site is approximately one
20 mile north of the Sugarhouse Casino and
21 would provide a northern anchor for the
22 other entertainment uses along the
23 waterfront, including Penn's Landing,
24 Festival Pier, Sugarhouse, Dave &
25 Buster's, et cetera.

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2 Our use at this location
3 provides a valid reason to extend the
4 proposed trolley line along Columbus
5 Boulevard from Penn's Landing to Girard
6 Avenue, connecting all of the
7 entertainment uses.

8 Currently, and going as far
9 back as most people can remember, the
10 public streets behind this property and
11 the entire block to the east have been
12 desolate and a dangerous place for people
13 to go and to avoid detection by the
14 police.

15 On a daily basis, people can be
16 observed drag-racing, riding ATVs along
17 the street in the vacant former Pinnacle
18 site. People throw parties back there,
19 and it is very close to being described
20 as the "Wild West," in my opinion.

21 The introduction of a well lit,
22 active use, with ample security and
23 activity on a regular basis will have the
24 effect of cleaning up that area, bringing
25 back order and greatly increasing safety.

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2 You'll note in your packet,
3 towards the end, there's a picture of the
4 rear -- of Beach Street, which was taken
5 this past weekend, showing a burnt-out
6 car and generally a pretty uninviting
7 place. It's near the back of Exhibit 3.

8 Not only will the proposed
9 entertainment venue act to clean up the
10 areas adjacent to the site, it will also
11 act as a magnet, attracting additional
12 commercial and entertainment uses to the
13 waterfront such as restaurants and
14 retail. It will be yet another positive
15 addition to the waterfront, helping
16 create the critical mass, which has been
17 lacking so long.

18 The project itself will be
19 located on 7.5 acres and will consist of
20 the conversion of an existing
21 substantially-vacant warehouse into a
22 state-of-the-art, live-performance venue
23 totaling 34,000 square feet between the
24 ground floor and a wraparound balcony.

25 As you can see from the plans

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2 included in your materials, the venue has
3 been designed around a performance stage
4 and will effectively be a theater.

5 The ground floor will include a
6 box office, concession areas, a retail
7 store, a lounge, the stage, back of
8 house, and artist areas, as well as an
9 area for premium indoor parking for VIP
10 customers.

11 The wraparound balcony will
12 include multiple luxury boxes, with
13 excellent sight lines of the stage and
14 separate restrooms and concession areas.
15 The venue will be well-appointed, with
16 high-end finishes and will be the premier
17 location to see live music in the City.

18 Notwithstanding that, the venue
19 has been designed to be extremely
20 flexible in its audience to
21 configurations, allowing for different
22 types of events. As you can see from the
23 plan included in your materials, the
24 venue can be configured as a standing-
25 room-only theater as well as a seated

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2 venue, a dinner theater, as well as other
3 configurations. This affords the venue
4 the opportunity to house multiple types
5 of events from musical acts, comedy
6 shows, dinner theater, and private
7 events, including charitable events.
8 Effectively, the venue will be the most
9 well-appointed and flexible room in the
10 City.

11 The venue will be leased to and
12 operated by Live Nation Worldwide, the
13 world's leading concert-promotion and
14 management company. In this region
15 alone, Live Nation owns and operates the
16 TLA Theater on South Street, the Tower
17 Theater in Upper Darby, the Susquehanna
18 Bank Center in Camden. Live Nation also
19 books and operates the Festival Pier,
20 which is owned by the City, at Columbus
21 Boulevard and Spring Garden Street. And
22 Live Nation also books multiple events at
23 the Wells Fargo Center as well as
24 being -- as booking the Sunoco Welcome
25 America festival on the 4th of July.

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2 What that means is that the
3 biggest and best operator in the world,
4 with experience second to none, will be
5 operating this venue.

6 Philadelphia is of enormous
7 strategic importance to Live Nation, and
8 they are making an enormous investment in
9 this property, which will add to the
10 enormous investment they already have in
11 this region.

12 Live Nation is a large taxpayer
13 and an employer in this region, as well
14 as it has a vested interest in
15 maintaining a positive reputation amongst
16 the properties it owns and operates and
17 the communities within which it operates.

18 Representatives from Live
19 Nation are here today from Los Angeles to
20 testify in support of this bill as well
21 as answer any questions you may have.

22 The bill, as recommended and
23 approved by the Planning Commission,
24 would require the venue to have
25 approximately 300 parking spaces under

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2 control. However, we have approximately
3 640 parking spaces on our property or
4 properties that we lease on a long-term
5 basis.

6 We feel confident that this
7 amount of parking will accommodate most
8 events at the venue. However, there are
9 approximately 250 unregulated parking
10 spaces on the neighboring Beach Street
11 directly behind the property and adjacent
12 to the vacant behind the venue. This
13 parking will be utilized as overflow
14 parking only and currently is never in
15 use other than for illegal activity that
16 occurs on that street on a daily basis.

17 The owner of the 30-acre former
18 Pinnacle site has raised concerns over
19 access to his property in the unlikely
20 event that he develops his property into
21 industrial uses in the near future. We
22 are committed to working with him and all
23 of our immediate neighbors to ensure
24 their access is not disrupted by our use.
25 In any event, the Streets Department of

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2 the City of Philadelphia will regulate
3 the access to his property and our
4 property and will ensure that he has
5 access.

6 And in the event that in the
7 future there is additional development
8 that puts pressure on the street parking
9 on Beach Street, we have applied and are
10 in active discussions with PennDOT to
11 lease approximately 200 spaces under the
12 I-95 viaduct from Cumberland to Lehigh.
13 PennDOT likes this idea since the parking
14 is not utilized now, and we will clean
15 and maintain it and provide security,
16 which does not exist currently.

17 Early in the process, the
18 Commission did a traffic study to assess
19 the impact of our development on the
20 surrounding intersections. The report
21 was shared with the Planning Commission
22 and was used as the basis for our
23 discussions with them.

24 The study indicates -- the
25 results indicate no negative impact on

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2 the level of service at the surrounding
3 intersection. This is primarily due to
4 the fact that the peak hours of operation
5 for the venue correspond to off-peak
6 times for normal traffic. Furthermore,
7 the study indicated that the vast
8 majority of patrons will be coming to the
9 site and leaving via I-95.

10 During the period of
11 construction of the I-95 improvements,
12 there will be periods of time when
13 detours to the I-95 ramps will be
14 initiated by PennDOT. We have been in
15 discussions with PennDOT, and they have
16 indicated their willingness to coordinate
17 their efforts with us.

18 Based upon initial discussion
19 with PennDOT, we will provide updated
20 directions to and from the venue with
21 each ticket purchase, and an updated
22 e-mail will be sent to each purchaser
23 prior to each event.

24 Also, the venue website will
25 have updated directions and maps.

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2 Directional signage will be provided at
3 parking lot exits, and we will work with
4 PennDOT and the Streets Department to
5 post way-finding signage at approved
6 locations.

7 Also, in certain circumstances,
8 exit directions to main roadways will be
9 left on all vehicles in venue lots, and
10 venue personnel will direct traffic
11 outside the venue before and after a
12 show.

13 The venue project will offer
14 many benefits to the City and community.
15 First and foremost will be the creation
16 of approximately 300 new jobs. These
17 will include 75 skilled construction jobs
18 and 200 permanent venue jobs in areas
19 such as management, operations,
20 production, booking and sales, food and
21 beverage services, security, and parking.
22 Employment will be first offered to
23 community residents through a job fair.

24 We are committed to
25 implementing an Economic Opportunity Plan

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2 so that the workforce will be comprised
3 of a diverse group of individuals
4 consistent with or better than the City's
5 goals.

6 Additionally, the project will
7 generate upwards of \$2 million per year
8 in incremental tax revenue.

9 Also, the project will help
10 clean up a blighted and dangerous part of
11 the City while attracting future positive
12 development along the waterfront, which
13 we believe is consistent with the
14 Waterfront Master Plan. The project will
15 help make this portion of the waterfront
16 an inviting destination.

17 Also, we will seek to partner,
18 where appropriate, with local businesses.

19 Lastly, several additional
20 phases of the development in the future
21 will enhance the uses currently proposed.
22 Future phases may include a significantly
23 smaller live-performance base,
24 restaurants, as well as potential mixed-
25 use development.

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Since undertaking this project in May of 2010, we have met with the following organizations and elected officials as well participated in a number of community events to discuss and introduce the proposed entertainment venue of 2055 Richmond Street.

In terms of neighborhood and civic associations, a meeting was held on August 2nd of 2010 at the New Kensington Development Corporation offices, with representatives of the New Kensington Community Development Corporation, Fishtown Neighbors, and Old Richmond Civic Association.

We met with the Girard Coalition, which is a collection of business owners and community representatives, on August 26, 2010, to discuss the venue and how to get the businesses more involved.

We met on August 31, 2010, with the Fishtown Neighbors Association, and that was held at their request -- or our

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2 request; I'm not sure.

3 The Old Richmond Civic
4 Association was provided with materials
5 on the venue prior to the September 28,
6 2010, neighborhood meeting. We requested
7 and were assured that we would receive a
8 date for our presentation to the group.
9 Numerous attempts were made to meet with
10 Old Richmond by myself as well as my
11 attorney, Ron Patterson, and we were
12 never given or phone calls returned.

13 In terms of City agencies, we
14 met with Alan Greenberger of the City of
15 Philadelphia Planning Commission
16 beginning in June 2010 and had several
17 meetings thereafter.

18 We met with PennDOT beginning
19 in July 2010 and have had continuous
20 meetings with them subsequently.

21 We have met with the Streets
22 Department from September 2010 and on and
23 the Delaware River Waterfront Corporation
24 in June 2010.

25 None of those meetings resulted

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2 in any opposition to the project.

3 In terms of elected officials,
4 multiple meetings were held with
5 Councilman DiCicco, Representative Mike
6 O'Brien, as well as Senator Larry
7 Farnese.

8 We participated in numerous
9 community events where the venue was
10 introduced to the community: Girard Fest
11 in September of last year; Philadelphia
12 Film and Music Festival; Lehigh Arts
13 Festival. At all of these events, booths
14 were set up at each one, and flyers were
15 distributed, giving information about the
16 project.

17 In conclusion, we are proud of
18 the project as it has been represented to
19 you, and we feel that we have planned it
20 properly and gone through the appropriate
21 steps to ensure that proper properties
22 were included in the process.

23 This is an economic-development
24 project that this part of the waterfront
25 has needed for many years. It will

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2 enliven a desolate part of the waterfront
3 and make it more safe and inviting while,
4 at the same time, providing much-needed
5 jobs and tax revenues to our city.

6 I would ask that you vote this
7 bill out of committee with a favorable
8 recommendation and with a suspension of
9 the rules.

10 Thank you for your time, and
11 I'd be happy to answer any questions.

12 COUNCILMAN KENNEY: Thank you
13 very much.

14 Please identify yourself for
15 the record.

16 MR. GROZIER: Yes. My name is
17 Michael Grozier. I'm the Executive Vice
18 President of Clubs and Theaters for Live
19 Nation. I'm a Philly kid running amok in
20 Los Angeles and am very excited to be
21 back here today.

22 I oversee 37 venues around the
23 country; some larger, some smaller than
24 the proposed Richmond site. We think
25 this a great opportunity both for us and

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2 for the City to continue to enhance
3 Philadelphia's reputation as one of the
4 greatest premier live-music cities in the
5 country.

6 You know, I think, as a
7 founding member of House of Blues as well
8 as my current role, we take great pride
9 in being assets to the community. We
10 work hard to be good neighbors and
11 positive additions.

12 As a matter of just comparison,
13 we have about 460 sites at the pier --
14 excuse me, about 460 parking spots at the
15 pier for 6,000 people, so we -- or at the
16 Festival Pier, excuse me. So I think the
17 parking situation is a tremendous one.
18 The barrier with 95, I think, is also a
19 great asset to this project.

20 And we think that, you know, we
21 would be great partners with the City and
22 great partners with the neighborhood and
23 look forward to the opportunity to prove
24 that to you in the future.

25 COUNCILMAN KENNEY: Thank you

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2 for your testimony.

3 Councilman Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Chairman. Just a couple quick
6 questions here just so I'm clear on
7 something.

8 Mr. Kramer, I know you said in
9 your testimony that the bill also
10 proposes to amend the Zoning Code. So
11 within these boundaries, nightclubs and
12 dance halls would be permitted. And I
13 know the description of this is that it's
14 not a nightclub.

15 But nightclubs would be how
16 allowed in this zoning classification?

17 MR. KRAMER: The way the bill
18 was constructed, it would do in fact
19 that.

20 COUNCILMAN KENNEY: I'm sorry.
21 Reidentify yourself.

22 MR. KRAMER: I'm sorry?

23 COUNCILMAN KENNEY: Just
24 reidentify yourself for the record.

25 MR. KRAMER: Yeah. William

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2 Kramer, Division Director of Development
3 and Planning for the Planning Commission
4 of the City of Philadelphia.

5 The reason for this is, there's
6 no definition for "entertainment venue"
7 as a different -- or a differentiated use
8 in the code.

9 COUNCILMAN GREENLEE: Mm-hmm.

10 MR. KRAMER: Therefore, when
11 this would be presented to the Department
12 of Licenses and Inspections for permits,
13 it would be classified as a nightclub
14 entertainment venue. There is no
15 distinction between the two.

16 So technically, in order to
17 grant relief, you have to then -- yes,
18 it's a risk that that's a possibility,
19 but the proposal on the table is what it
20 is.

21 COUNCILMAN GREENLEE: I
22 understand, mm-hmm, okay. I just wanted
23 to be clear.

24 And one other thing, and maybe
25 the Councilman can answer this. I see

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2 just on looking at this one neighborhood
3 zoning and uses and I'm looking -- I'm
4 trying to figure out where the closest
5 residence would be to this.

6 And I know everything is on the
7 other side of 95; I understand that.

8 COUNCILMAN DiCICCO: If memory
9 serves me correct, I think it was 900
10 feet to the rear of the closest
11 residence, which is on the other side of
12 I-95.

13 COUNCILMAN GREENLEE: All
14 right. Is that like Salmon Street there?
15 I'm just trying to...

16 COUNCILMAN DiCICCO: Yeah, I
17 think it's Salmon.

18 COUNCILMAN GREENLEE: Okay.
19 I'm just trying to get a picture of it.

20 MR. POLLACK: Councilman --

21 COUNCILMAN DiCICCO: Is that
22 accurate, Mr. Patterson?

23 MR. PATTERSON: I think it's
24 about a thousand feet.

25 I just wanted to mention, you

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2 know, this issue about a nightclub.

3 COUNCILMAN GREENLEE: Mm-hmm.

4 MR. POLLACK: You know, it's a
5 very broad term.

6 COUNCILMAN GREENLEE: Right.

7 MR. POLLACK: In order to try
8 and narrow and close that box, we, in
9 conjunction with Councilman DiCicco,
10 prepared a developments agreement that
11 hopefully would narrow that -- the
12 ability to use the property so that it's
13 an entertainment venue and doesn't go
14 beyond that.

15 COUNCILMAN GREENLEE: Okay.

16 Thank you.

17 Thank you, Mr. Chair.

18 COUNCILMAN KENNEY: Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Mr. Chairman.

22 I think as -- in addition to
23 that, Mr. Patterson, did we not talk
24 about a conditional license as part of
25 that benefit agreement?

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2 MR. PATTERSON: Yes, we did, a
3 conditional licensing agreement that
4 would be attached to and made part of the
5 LCB license.

6 COUNCILMAN DiCICCO: Which
7 means if they decided to change the use
8 from what is being proposed, they would
9 have to go through that entire
10 reapplication process for a liquor
11 license all over again.

12 MR. PATTERSON: So it's two
13 levels of --

14 COUNCILMAN DiCICCO: Yeah, and
15 that's something that's been very
16 successful in Old City and other places
17 where we've had some issues in the past.

18 I just have a question, and I
19 know it's going to come up, I believe,
20 with Mr. Anderson, who came to see me a
21 few weeks ago about the on-street
22 parking, the 250 or so spaces.

23 Are they essential to your
24 development project?

25 MR. GRASSO: They are not

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2 essential; they're overflow.

3 COUNCILMAN DiCICCO: All right.

4 And that came about -- that decision for
5 possibly providing for on-street parking
6 came as a result of your conversations
7 with the Planning Commission, Streets
8 Department? How did that all come about?

9 MR. GRASSO: Well, the way it
10 began was -- I mean, the parking is
11 there, and people are going to use it.
12 You know, there's no -- it's a public
13 street, and I don't have the ability to
14 restrict people from using that parking.

15 So we figure we might as -- we
16 better clean it up and make sure it's
17 safe. And that's what -- that's how it
18 began -- the discussions began with the
19 Streets Department and the Parking
20 Authority.

21 COUNCILMAN DiCICCO: Yeah. I
22 just want to establish that it is a
23 public street; there are no parking
24 restrictions currently.

25 MR. GRASSO: None.

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2 COUNCILMAN DiCICCO: So if
3 anyone wanted to parking there, even
4 today, they can park there.

5 MR. GRASSO: (Inaudible.)

6 MR. PATTERSON: That's correct.
7 And we also explored different parking
8 configurations, whether they be parallel
9 or angle parking.

10 COUNCILMAN DiCICCO: Yeah. I'm
11 familiar with that configuration.

12 Did the Planning Commission
13 have any -- I spoke to Alan Greenberger
14 last night about that on-street parking.
15 Would you, just for the record --

16 MR. KRAMER: Yes, we have.
17 William Kramer again, Division Director
18 of Planning.

19 The discussions that have held
20 with regards to this have indicated to
21 the Commission that this parking does
22 exist. However, I would add that in
23 terms of evaluation from the zoning
24 perspective, zoning sort of ends at the
25 property lines, and then the streets

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2 lines are a whole different animal
3 covered under the Streets Code and
4 subsequently not a part of the
5 consideration for providing parking.

6 So we don't on a technical
7 level consider it, but we recognize that
8 it's there, and we did present it to the
9 Commission as such. Mr. Greenberger and
10 I did discuss this yesterday. There are
11 some concerns about, as the gentlemen
12 pointed out, cleaning it up, lighting it,
13 making sure that that happens.

14 And the possibility exists --
15 and that would come under the
16 jurisdiction of the Streets Department in
17 terms of setting whatever restrictions
18 may be needed or not.

19 At the moment, it is a public,
20 open street.

21 COUNCILMAN DiCICCO: Okay.

22 Thank you.

23 I don't believe I have any
24 other questions, Mr. Chairman, at this
25 time.

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2 COUNCILMAN KENNEY: Thank you
3 very much.

4 Any more questions for these
5 witnesses?

6 Councilmember Clarke.

7 COUNCILMAN CLARKE: Thank you
8 Mr. Chairman.

9 Good afternoon. Good morning.

10 A couple of questions --
11 actually, several.

12 First, Mr. Grasso, thank you
13 for continue to be willing to develop in
14 the City of Philadelphia. You know, you
15 and I know each other from other projects
16 that you've worked on.

17 But I find myself again in a
18 situation where there's a development
19 that's in Councilman DiCicco's district
20 whom we border, and a number of the
21 residents live in the district that I
22 represent; in this case, on the other
23 side of I-95.

24 And so, I find myself in it in
25 a little different level than some of the

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2 other Councilmembers on this committee,
3 so I have to ask some questions with
4 respects to its impact.

5 During the course of the casino
6 debate, you know, I was intimately
7 involved with my colleague and friend
8 Councilman DiCicco because of the
9 closeness of the development to the
10 site -- not to suggest that, one, this is
11 a development that's of the size and
12 magnitude of the casino; it's clearly not
13 going to make as much money as the
14 casino, and I know you wish it would.

15 But as a result of that project
16 when we did the casino, there was a group
17 put together that involved community
18 people, community groups, individuals,
19 and City folks that dealt with traffic,
20 police; I see the captain here.

21 That group put people at a --
22 somewhat at a comfort level because we
23 knew, during the course of the planning
24 and then subsequently the construction
25 and then the operation, that there would

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2 be some ongoing discussion as it related
3 to its impact on the local community.

4 So my first question is: Has
5 something like that been put together or
6 been discussed, that there would be some
7 level of an entity that would walk us
8 through this process on a very, very
9 local level?

10 MR. GRASSO: When we met --
11 when I met with the Fishtown Neighbors
12 Association, that was one of the things I
13 proposed, was to form a group, a
14 coalition, if you will, of myself, the
15 venue manager, the local police captain,
16 representatives from all of the affected
17 neighborhood groups. And I proposed it,
18 and no one seemed to be interested in it.

19 COUNCILMAN CLARKE: I guess I
20 would have to ask the Councilperson.

21 COUNCILMAN DiCICCO: I was at a
22 number of the meetings that Mr. Grasso
23 spoke to earlier at the onset of this
24 bill back in May or June of last year.

25 And there was one meeting that

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2 took place, and I think it may have been
3 either the Fishtown Neighbors or the
4 Girard Coalition, a place in a church on
5 Girard Avenue. And that was proposed
6 that night.

7 What happened was, there was a
8 vote that was taken. And unless I'm
9 totally inaccurate here, there was a vote
10 that was taken by the folks who attended
11 that meeting to either support or not
12 support this project.

13 Well over a hundred people were
14 there, if memory serves me correct.
15 There was no sign-in sheet; people just
16 came in. We had no way of knowing where
17 those folks lived. I know some of them
18 personally live in Port Richmond because
19 I happen to know them, but there were
20 many people who I did not know or
21 recognize.

22 At the end of the meeting,
23 after all of these proposals and
24 conditions which the applicant was
25 willing to put to paper, pen to paper, a

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2 vote was taken. And it was 59 people in
3 favor -- opposed to the project and 39
4 against [sic].

5 During the course of the
6 meeting, at least, at least 30 people
7 left before even voting. I can interpret
8 that as though they didn't care; maybe
9 they supported and maybe they didn't.

10 So my point is that it was
11 never done in my opinion in a scientific
12 way.

13 And I think you all know that
14 I'm a process person. I take a lot of
15 time with legislation, in particular when
16 it impacts communities.

17 This bill was introduced March
18 of last year, which is well over a year
19 ago. More recently, I did a hotel
20 development at Fourth and Race, which was
21 over two years, before we were able to
22 get the legislation through Council.

23 And I say that because when I
24 asked the question of one of the
25 representatives -- I believe it was the

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2 Fishtown Neighbors -- do you have -- does
3 Fishtown Neighbors have a zoning
4 committee? because, as you know, many of
5 the civics have various committees. His
6 answer was no, they just do everything at
7 a general membership meeting.

8 Now, I'm not condemning that,
9 but it's hard to get a sense of who was
10 in that room voting when you don't have
11 the civic association who is taking a
12 major interest, sitting there with the
13 zoning committee to make a recommendation
14 to the general membership.

15 So, again, I -- there could
16 have been people who were part of the 59,
17 or even the 39, who may have lived ten
18 miles away, or maybe they didn't live
19 anywhere close.

20 So it's a long answer to your
21 question. I tried to get the folks to
22 understand that there are ways in which
23 we can give them protections; the
24 community benefits agreement, I think, is
25 that. And I have not gotten a signal to

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2 do that.

3 I am actually on my own,
4 encouraged the developer and his attorney
5 to prepare a community benefits agreement
6 because I do think that they do need
7 something in that community to give them
8 some level of comfort.

9 COUNCILMAN CLARKE: Thank you,
10 Councilman.

11 That wasn't quite the answer to
12 my question. The question was: Is there
13 a group formed, be it an advisory council
14 or an oversight committee, that is
15 comprised of Fishtown Neighbors
16 Kensington South --

17 COUNCILMAN DiCICCO: That never
18 came out.

19 (Indiscernible; parties talking
20 over each other.)

21 COUNCILMAN CLARKE: But I'm
22 saying that's --

23 COUNCILMAN DiCICCO: I
24 understand what your question is, but it
25 never came about because we couldn't get

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2 an agreement for support or even have
3 that conversation; we could never get
4 there.

5 This vote was taken; I think it
6 was either September --

7 MR. GRASSO: September.

8 COUNCILMAN DiCICCO: In
9 September. We don't want it. So there
10 was no other discussion that I was able
11 to engage in.

12 I have not gotten a call from
13 any of the political leaders or anybody
14 in those communities to say, We may be
15 against this, but tell us what this
16 community benefit agreement would do for
17 us, or could do for us.

18 I was never able to get to that
19 level of conversation.

20 COUNCILMAN CLARKE: So it
21 sounds as if you're saying -- I want to
22 make sure I understand what you're
23 saying.

24 I know you referenced the one
25 meeting, which we talked about earlier.

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2 COUNCILMAN DiCICCO: Well,
3 actually, I've been to a few of them, but
4 --

5 COUNCILMAN CLARKE: So what
6 you're saying is that you were not in a
7 position -- you or whomever was not in a
8 position to form such an oversight
9 committee just based on the fact that the
10 community groups or individuals did not
11 support the project.

12 COUNCILMAN DiCICCO: Yeah.
13 Well, again, I only can go by that
14 September meeting that was conducted
15 by -- I think it was Fishtown Neighbors;
16 if not, it was the Girard Coalition. We
17 don't want it all. And all discussion at
18 that point ended.

19 And the only discussions I've
20 had are with Mr. Grasso and his attorney
21 over the last -- since last September
22 about how we can tweak this. Do you have
23 enough parking? Show me where you're
24 going to have on- and offsite parking,
25 doing the work that normally would be

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2 done in conjunction with a civic
3 associations or a group, a coalition of
4 civics. Never had that opportunity.

5 MR. GRASSO: And we're open to
6 such a coalition, and we have been from
7 the beginning. We've made that clear.

8 COUNCILMAN CLARKE: Yeah. I
9 mean, I'm -- you know, I -- actually, I
10 think it's a nice proposal.

11 I don't live there, you know,
12 but I do represent people that live in
13 proximity, and I'm going to be supportive
14 of the people that I represent.

15 MR. GRASSO: I understand.

16 COUNCILMAN CLARKE: So on the
17 record, it sounds as if the reason for
18 not forming such a coalition is because
19 there was no community support, so I'm
20 kind of hard-pressed to say, Okay, I
21 support it.

22 MR. GRASSO: Okay. Well, I
23 think that the reason there was --

24 COUNCILMAN CLARKE: I mean, I'm
25 hearing mixed --

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2 MR. GRASSO: There was support
3 and non-support. It just so happened
4 that the individuals who are leading
5 those community groups didn't support it
6 and --

7 COUNCILMAN DiCICCO: Correct.

8 MR. GRASSO: -- they chose on
9 the their own volition to not engage in
10 the process. I think it's a leadership
11 issue rather than a community issue.

12 COUNCILMAN CLARKE: I'm kind of
13 confused 'cause I'm hearing the
14 Councilman saying one thing and --

15 COUNCILMAN DiCICCO: Well, no.
16 I think we're both saying the same thing.
17 I --

18 (Indiscernible; parties talking
19 over each other.)

20 COUNCILMAN CLARKE: But you're
21 saying that you didn't form the oversight
22 committee because there was no support.
23 That's what you --

24 COUNCILMAN DiCICCO: The
25 leadership of the various civics that are

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2 in close proximity to this venue just
3 said, "We don't want it" basically. End
4 of discussion.

5 COUNCILMAN CLARKE: Right.

6 MR. GRASSO: And "We're not
7 going to engage in any process."

8 COUNCILMAN CLARKE: So -- okay.

9 COUNCILMAN DiCICCO: That's why
10 I've taken it upon myself to engage with
11 the attorney for the applicant to create
12 a community benefits development.

13 COUNCILMAN CLARKE: And who
14 would that community benefits agreement
15 be discussed with?

16 COUNCILMAN DiCICCO: It would
17 be with Old Port Richmond...

18 MR. PATTERSON: It's frankly
19 open to anyone who wants to join in on
20 it.

21 COUNCILMAN KENNEY: Just please
22 reidentify yourself for the record.

23 MR. PATTERSON: I'm sorry.

24 COUNCILMAN KENNEY: And I
25 don't -- look, I really understand this

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2 whole discussion, but it's getting a
3 little far afield of where -- we have --
4 actually, there's folks here from the
5 community who are going to testify, so
6 they can -- I guess rather than trying to
7 figure out what they're thinking, we can
8 ask them what we're doing and --

9 COUNCILMAN CLARKE: Well, all
10 due respect, Mr. Chairman, I'm trying to
11 clarity myself --

12 COUNCILMAN KENNEY: Oh, you
13 can --

14 COUNCILMAN CLARKE: -- and I
15 understand there are residents from the
16 community.

17 COUNCILMAN KENNEY: Yeah.

18 COUNCILMAN CLARKE: So, you
19 know, we just sat through an hour-and-
20 a-half presentation on Chestnut Hill.

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

23 COUNCILMAN KENNEY: Oh, I'm not
24 saying that you can't ask questions. I'm
25 just saying that they're here, and we can

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2 probably ask them directly as opposed to
3 trying to figure out what we think they
4 think.

5 COUNCILMAN CLARKE: All right.

6 You were getting ready to say,
7 sir?

8 MR. GRASSO: I just want to
9 reiterate that we are open to having
10 those discussions and entering into the
11 development agreement -- a development
12 agreement and participating in a
13 coalition --

14 COUNCILMAN CLARKE: So you will
15 be comfortable --

16 MR. GRASSO: -- as they come
17 up.

18 COUNCILMAN CLARKE: You will be
19 comfortable in having a -- some sort of a
20 committee meeting or a committee put
21 together of representatives who chooses
22 to be involved in that?

23 'Cause it was a very similar
24 process in the casino. The official
25 position of the FNA was "We don't support

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2 it." And then another group, FAC, was
3 formed, and then, ultimately, everybody
4 got together, and we had a community
5 benefits agreement.

6 So I understand you have to
7 have somebody to talk to; I clearly
8 understand that.

9 MR. GRASSO: Right.

10 COUNCILMAN CLARKE: But you're
11 saying here that you are prepared to have
12 that level of conversation and talk about
13 the specific concerns as it relates to
14 some of these issues that may come as a
15 result, or may not come, 'cause at the
16 end of the day, the casino issues did not
17 materialize. I mean, it's -- I've never
18 seen a traffic jam down there.

19 MR. GRASSO: I'm willing to
20 enter into those discussions and meetings
21 and coalitions.

22 COUNCILMAN CLARKE: Okay.

23 MR. GRASSO: Absolutely.

24 COUNCILMAN CLARKE: And then
25 the -- well, you reference the traffic.

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2 Did you have a traffic analysis? 'Cause
3 I understand that's traditionally the
4 concern --

5 MR. GRASSO: Yes.

6 COUNCILMAN CLARKE: -- although
7 it may not be in the neighborhood, but
8 there is traffic that may come through
9 the neighborhood. Has that analysis been
10 done?

11 MR. GRASSO: Yes. As I
12 mentioned in my testimony, we had a
13 traffic study done.

14 COUNCILMAN CLARKE: All right.

15 MR. GRASSO: And that was
16 shared with the Planning Commission, and
17 that formed the basis of the zoning
18 legislation that was drafted.

19 And the study indicated no
20 negative impact on any nearby
21 intersections because the venue operates
22 off-peak to traffic normally.

23 COUNCILMAN CLARKE: Right.

24 MR. GRASSO: And, also, most of
25 the traffic going from the venue will be

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2 going right on 95.

3 COUNCILMAN CLARKE: Right.

4 COUNCILMAN KENNEY: I'm sorry.

5 Do me a favor. Either of you responding,
6 please pull the microphone closer to you.

7 MR. GRASSO: Sorry, Councilman.

8 MR. PATTERSON: We did, and
9 there was feedback.

10 MR. GRASSO: Sorry.

11 COUNCILMAN CLARKE: Okay.

12 MR. GRASSO: Does that answer
13 your question?

14 COUNCILMAN CLARKE: Yeah. Then
15 one last question. And I think there was
16 a reference in terms of -- I think the
17 Councilman talked about a conditional
18 license?

19 COUNCILMAN DiCICCO: A
20 conditional liquor license.

21 COUNCILMAN CLARKE: And that's
22 something, Planning, you're familiar
23 with, Mr. Kramer, a conditional license
24 granted, conditioned upon the operation?

25 'Cause I know one of the

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2 concerns -- and this is getting very
3 detailed. I know the name of the
4 particular venue operator hasn't been
5 established publicly yet. Well, it's
6 kind of been out there.

7 And it's clear the level of
8 potential negative impact would be based
9 on what type of music is played. And I
10 don't know legally how you can restrict
11 the type of music.

12 I mean, there's one type of --
13 I'll just reference the Councilman a
14 little earlier about a particular group
15 that could conceivably bring a crowd that
16 may not necessarily be conducive to
17 keeping a minimal level of noise versus,
18 you know, somebody that's going to do
19 opera. I mean, you know, I don't know.

20 So have we established -- and I
21 don't know if you're going to answer that
22 question 'cause you probably can't answer
23 it. Have we established a way that we
24 can kind of curtail the type of music
25 that would be at the facility?

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2 MR. GRASSO: Without being in
3 any way discriminatory, that's difficult
4 a thing to do in terms of the types of
5 music that are being performed.

6 What we proposed in our
7 development agreement was, the
8 conditional license would be based upon
9 the operator of the facility being either
10 Live Nation or a company similar in scope
11 and experience to Live Nation.

12 COUNCILMAN CLARKE: Okay.

13 MR. GRASSO: You know, it's
14 possible -- you know, who knows if Live
15 Nation's going to be -- Live Nation
16 tomorrow might be some other company.
17 But right now, they're the largest in the
18 world.

19 If it's someone with, you know,
20 a multi-region footprint in the same
21 business, that's how we'd like to --
22 'cause I think that's the issue. I mean,
23 the issue is, who's operating the club,
24 right? Or the venue.

25 MR. PATTERSON: And if I could

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2 give an example. I know that the concern
3 always boils down to -- that someone has
4 a nightclub or a venue. And as the
5 business goes bad, then they bring in
6 promoters, third-party promoters.

7 And the promoters rent the
8 space, and they say, Here, it's yours.
9 And then the landlord walks away, and
10 then the promoter runs and retains
11 complete control over the building for
12 that night.

13 That's not going to happen in
14 our agreement. We say that there's no
15 third-party promoters to that effect.

16 COUNCILMAN CLARKE: Right,
17 okay.

18 MR. PATTERSON: And live Nation
19 or whoever that (indiscernible) will be
20 will always be operating and in control
21 and will never lease the space and say,
22 You take it for tonight, you bring your
23 own security, you take your money at the
24 door.

25 So that's how we try to, you

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2 know, balance that issue.

3 COUNCILMAN CLARKE: All right.

4 MR. GRASSO: And, again,
5 currently, Live Nation has the largest
6 presence in that business in
7 Philadelphia, in this region. They're
8 the largest player in the live-music and
9 live-entertainment business in this
10 region.

11 COUNCILMAN CLARKE: Right.

12 MR. GRASSO: And, you know,
13 they're the world leader as well. So --
14 and Philadelphia's a very point important
15 market to them so -- such that they have
16 a vested interest in making the
17 experience a positive experience for
18 their patrons and for maintaining a
19 positive relationship with the City.

20 They do a lot of business with
21 the City: Welcome America, Festival
22 Pier. They do a -- they have every
23 interest in maintaining a positive
24 overall experience for everyone involved.

25 COUNCILMAN CLARKE: Correct,

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2 okay. All right.

3 Thank you.

4 COUNCILMAN DiCICCO: I have one
5 other question.

6 COUNCILMAN KENNEY: Councilman
7 DiCicco.

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Chairman.

10 The gentleman from Live Nation,
11 could you just give us a brief overview
12 of how your operation works in terms of
13 security, onsite and offsite, the things
14 that you do to ensure that there's no
15 behavior problems?

16 MR. GROZIER: Yes. We're very
17 aggressive -- well, not aggressive;
18 "aggressive" is the wrong word, but we're
19 very proactive in terms of both alcohol
20 management and customer safety and
21 security.

22 So we consider that, you know,
23 the property is not just inside the four
24 walls; we're responsible for consumers
25 coming and going, and we want to create a

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2 safe and friendly environment, frankly.

3 So in our particular case, you
4 know, we would have people outside the
5 building, we would have people inside the
6 building. Our employees are all trained.
7 They are aware and understand how to
8 handle alcohol responsibly.

9 And we would -- you know, we
10 would adapt to -- as we understand the
11 building, we would continue to adapt to
12 be the industry leader in security that
13 we currently are, I think, around the
14 country.

15 So, you know, we have a pretty
16 good training program. You know, in most
17 cases, our security are trained four,
18 five, six days. And we also hire
19 additional security when necessary to
20 make sure that we're adequately prepared
21 for any event that we put on.

22 We're currently promoting
23 around the country over 4,000 events, I
24 think, safely and with a great track
25 record of success as well.

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2 So, I mean, I think this would
3 just be a continuation of that.

4 COUNCILMAN DiCICCO: Thank you.

5 No further questions. Thanks.

6 COUNCILMAN KENNEY: Any other
7 questions for these witnesses?

8 (No further questions.)

9 COUNCILMAN KENNEY: Seeing
10 none, thank you very much.

11 Please remain in case you need
12 to answer additional questions.

13 MR. GRASSO: Thank you.

14 COUNCILMAN KENNEY: Captain
15 Kram (sp?), Peg Rzepski, Phil Soltzfos,
16 Tom Potts; and if Mr. Kaiser's here from
17 State Representative Taylor's office.

18 (Witnesses come forward.)

19 COUNCILMAN KENNEY: You can
20 pull additional chairs up if need be.

21 Whoever is prepared to lead
22 off, please identify yourself for the
23 record and proceed.

24 MS. RZEPSKI: Should I start?

25 COUNCILMAN KENNEY: Whoever

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2 you'd like. Peg, if you could just pull
3 the microphone to you closer, please.

4 MS. RZEPSKI: Thank you. Can
5 you hear me?

6 COUNCILMAN KENNEY: Yes.

7 MS. RZEPSKI: My name is Peg
8 Rzepski. I'm the Democratic ward leader
9 of the 31st Ward. I'm also the co-chair
10 of the zoning for ORCA (sp?) and also am
11 employed by Congressman Robert Brady, who
12 has asked me to speak on his behalf and
13 submit this letter of opposition to this
14 bill.

15 As Democrat ward leader for
16 this area, many residents voiced their
17 concerns to me about this proposal and
18 its impact on the surrounding
19 neighborhood, especially with the pending
20 PennDOT construction that will close
21 Richmond Street for several years.

22 This bill -- many are worried
23 that this proposal will be a step
24 backward to the days of nuisance bars and
25 nightclubs along the waterfront. This

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2 area is part of the North Delaware Area
3 Special District Council, which we thank
4 you for putting in for us.

5 As you know, the Special
6 Control District was created eight years
7 ago by City Council in order to protect
8 the residents of our community from the
9 adverse impacts of similar projects.

10 This project and this
11 spot-zoning legislation before Council
12 drafted by the developers' attorney to
13 enable it are inappropriate and must be
14 rejected.

15 First, the manner in which this
16 matter has proceeded has been
17 specifically designed to contravene the
18 (indiscernible) and interest of the
19 surrounding community. Further, the
20 project itself is inappropriate, as its
21 adverse impact on the surrounding
22 community will be crushing.

23 We contend that this project
24 and its enabling legislation are not an
25 example of true cohesive waterfront

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2 development; rather, it is the opposite.

3 It is an attempt to allow this favored
4 project to move forward and gain a
5 foothold at the expense of this community
6 prior to the final formulation of the
7 cohesive waterfront plan.

8 Please be advised that this
9 community is fully in favor and looks
10 forward to appropriate and cohesive
11 waterfront development. We respectfully
12 maintain that converting a large old
13 warehouse into a massive nightclub music
14 venue, which Mr. Grasso said at our
15 meetings that is his nightclub.

16 And enabling other similar uses
17 within the legislation boundaries is not
18 in keeping with the type of true cohesive
19 and visionary waterfront development that
20 our community has been promised for so
21 long. Rather, it is our position that
22 this project and other such uses enabled
23 by this Council bill shall only
24 constitute a hardship, nuisance, and
25 blight upon our community.

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2 Consequently, we respectfully
3 request that the Rules Committee reject
4 the proposed project in order that the
5 uniquely-located subject property may be
6 put to a more productive and appropriate
7 use which benefits our entire community
8 and city rather than causing harm to many
9 in order to benefit the favored few.

10 Also, we respectfully maintain
11 that legislation pertaining to a project
12 of this magnitude should be held until a
13 new District Councilperson is in the
14 district.

15 And I have another thing to
16 say. Originally, our first meeting with
17 Councilman DiCicco, it was a coalition.
18 And at that coalition, we were explained
19 the whole concept of the project.

20 Councilman DiCicco said to us
21 if this was -- go back, think it over.
22 If we could not accept this into our
23 area, we were to let him know, and it
24 would not go there. That was his words
25 that day.

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2 If you remember you were coming
3 home from golfing; am I correct?

4 So with that in mind, we went
5 back to the community, we sat down with
6 the people in our area. They pointblank
7 said that they did not want that.
8 Richmond Street's being closed. The 15
9 bus is being rerouted; it's going over
10 Belgrade and Thompson. The impact to our
11 area is going to be crushing.

12 And then what they said is
13 this: If you put that in front of the
14 waterfront property, what could you put
15 behind it? Who would want to go behind a
16 nightclub? People don't even want to
17 live next door to bars, let alone go
18 behind a nightclub. It is, to us, a
19 nightclub.

20 So I'm sure other people are
21 going to have things to say. I don't
22 want to take everybody's time up. I
23 appreciate any consideration that you can
24 give us.

25 Thank you.

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2 COUNCILMAN KENNEY: Thank you
3 for your testimony.

4 Captain, would you like to give
5 your testimony after you identify
6 yourself?

7 CAPTAIN KRAM: Good afternoon.

8 COUNCILMAN KENNEY: Good
9 afternoon.

10 CAPTAIN KRAM: From the Police
11 Department's concern, sir --

12 COUNCILMAN KENNEY: Sir, could
13 you just identify yourself for the
14 record?

15 CAPTAIN KRAM: I'm sorry.
16 Captain Mike Kram, Commanding Officer of
17 the 26th Police District.

18 COUNCILMAN KENNEY: Thank you.

19 CAPTAIN KRAM: We started
20 hearing about this project a few months
21 ago, thanks to our community groups. It
22 is a concern to them. They're worried
23 about the parking in the neighborhood,
24 the impact of the traffic, as well as any
25 potential crime.

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2 From the Police Department's
3 perspective and the 26th District, more
4 importantly, 'cause it impacts myself and
5 my officers, the most is, what kind of
6 resources are we going to need to cover
7 this?

8 We have a very diverse district
9 as far as types of neighborhoods. We go
10 from extremely violent to on-the-rise.
11 We have some great things going on in the
12 community that are resource-intensive.
13 Am I going to have to redeploy resources
14 out of neighborhoods that we're trying to
15 drive down crime to handle issues around
16 this nightclub?

17 I need to know what type of
18 events we're going to have, the type of
19 crowd, their security, how they're going
20 to handle the crowds.

21 I do have a casino detail,
22 which we started to cover the Sugarhouse
23 area and Delaware Avenue and all.
24 It's -- at most, I might have three
25 officers per shift working the during

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2 midnight, when most of their venues will
3 be going on. It's kind of labor-
4 intensive down in the casino area with
5 the amount of crowds that go in.

6 So it would impact the ability
7 I have to serve the community, the 26th
8 District. So that's my main concern with
9 that.

10 COUNCILMAN KENNEY: Thank you.
11 Thank you for your testimony.

12 Please identify yourself for
13 the record, sir.

14 MR. KAISER: Paul Kaiser, from
15 State Representative John Taylor's
16 office.

17 And we oppose this Bill
18 1101895. We oppose this -- John's
19 district actually is adjacent to the
20 Cumberland side of the street. However,
21 the neighbors belong to the Old Richmond
22 Civic Association; that's the one that
23 Peg represented there.

24 And most of those neighbors
25 have come to us in opposition to this

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2 because the meeting that Councilman
3 DiCicco made notice of was at the FNA
4 grouping. It was an invited meeting of
5 several groups.

6 Some of those folks did tell us
7 that they left because they felt that
8 they didn't have the right to vote there
9 because it -- to them, the FNA was one
10 grouping, and they had already voiced
11 their opposition to this at the Old
12 Richmond Civic Association.

13 So with that respect, we're
14 trying -- what you had mentioned,
15 Councilman Clarke, is the fact that if
16 we're going to have this, it has to be
17 something that's a community effort, but
18 these folks already thought that what Peg
19 had reiterated to them that if they were
20 in opposition, it wasn't going to happen.
21 So they basically sat down until they
22 heard about. And now, all of our folks
23 are up in arms about it.

24 We also work directly with
25 PennDOT. And here's another concern that

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2 I have. With the construction of 95, we
3 are in constant contact with them.

4 Now, I see these boundary lines
5 at Beach Street being said that they're a
6 wide-open street, it's empty, it's this,
7 it's that.

8 Well, the ICS Corporation does
9 major tractor-trailer hauling at
10 different times of the day and night.
11 They were told in order for the 95
12 expansion, that their truck depot, which
13 houses -- the doors are on Richmond
14 Street currently today, will now have to
15 be moved, and all of those tractor-
16 trailers will be put -- the entrances to
17 that port will be on Beach Street. So
18 Beach Street will now be experiencing
19 tractor-trailer traffic.

20 So I would believe -- and I'm
21 sure that we're going to hear from ICS
22 when they see this -- that they're going
23 to be asking for constraints on the
24 parking and the facilities that they need
25 to get those tractor-trailers in and out

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2 of Beach Street for.

3 That being said, I just want to
4 reiterate the fact that we are opposed to
5 this bill.

6 Thank you.

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

9 Please identify yourself for
10 the record.

11 MR. POTTS: Hi. My name is Tom
12 Potts. I am the (indiscernible) director
13 for New Kensington Development
14 Corporation and also a board member on
15 the Old Richmond Civic Association.

16 I feel that this project is --
17 this project should be put off for at
18 least five years, until the construction
19 for 95 is finished, in which time PennDOT
20 has also talked to the community about
21 putting open-air markets underneath of 95
22 and some recreational facilities
23 underneath 95 from the York Street
24 section straight over to Lehigh Avenue.
25 These have been plans that were set in

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2 motion by PennDOT in the past few months,
3 with the Girard Ave. work that's being
4 done there.

5 These are things that should be
6 taken into consideration, and we oppose
7 this for that reason. It needs to be put
8 on hold.

9 COUNCILMAN KENNEY: Thank you
10 for your testimony.

11 MR. POTTS: Thank you.

12 COUNCILMAN KENNEY: Anyone have
13 any questions?

14 Councilman Greenlee.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman.

17 Quickly. Ms. Rzepski or
18 Mr. Potts, I guess, could answer this.
19 You referenced Richmond Street being
20 closed. Could you just tell us briefly
21 kind of what you see as the impact of
22 that being as far as this proposal?

23 MS. RZEPSKI: I can answer
24 that.

25 COUNCILMAN GREENLEE: Mm-hmm.

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2 MS. RZEPSKI: I live right in
3 that area. So with Richmond Street being
4 closed, the cars will all be coming onto
5 Lehigh Avenue and Cumberland Street.
6 Cumberland Street is a one-way street.

7 COUNCILMAN GREENLEE: Mm-hmm.

8 MS. RZEPSKI: So to get out of
9 that property, I don't -- I don't -- the
10 people -- what we're afraid of is, all of
11 the cars will have to park all along the
12 side streets.

13 And, by the way, the closest
14 house to that area is at Tilton and -- no
15 Emery and Cumberland Street, which is a
16 Laundromat with people living up and four
17 houses right there.

18 So I'll dispute, you know, that
19 one thing. There is a close house.

20 The people there have a lot of
21 problems. Most people have a lot of cars
22 at this point, two and three in the
23 family, and I'm sure everybody goes
24 through it.

25 If they go to park under

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2 I-95 -- some of the neighbors have to
3 park under I-95. If they go to park
4 under I-95, that brings more traffic into
5 the neighborhood.

6 The traffic situation is how
7 it's going to affect it, I would think.

8 MR. KAISER: Could I answer
9 that a little bit from PennDOT's point of
10 view?

11 MS. RZEPSKI: Yeah.

12 MR. KAISER: They are going to
13 have the traffic flow currently in
14 their -- in this proposal. Now, that can
15 change.

16 But currently, what they
17 propose is that when Richmond Street
18 closes, the northbound traffic will be on
19 a temporary road that will come through
20 Cumberland Street and onto the railroad
21 land all the way up to Allegheny.

22 So all traffic coming off of
23 Delaware Avenue and flowing north will
24 come that way. Right in front of that --

25 COUNCILMAN GREENLEE: Just so

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2 I'm clear, this is to go to I-95 or --

3 MR. KAISER: Yeah. This is how
4 they're going to expand it.

5 Once the northbound sections
6 are rebuilt and redone, that same road
7 will then carry southbound traffic.

8 So in the proposed time frames
9 of the four years for this expansion,
10 that area that you are describing that's
11 right in front here will have a very
12 definite traffic flow day and night.

13 COUNCILMAN GREENLEE: Okay.

14 Thank you.

15 One more question, if I could.
16 Just -- I guess this is to the Captain.
17 You heard, I think it was, Mr. Grasso
18 earlier talking about this being kind of
19 a desolate area and kind of bad things
20 are happening here right now.

21 Could you comment? He feels --
22 and I've heard this argument on a lot of
23 things -- if you had activity, that that
24 will help, especially his -- he is saying
25 that, you know, he has experience in

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2 this, you know, there will be security
3 concerns addressed, I guess, is what I'm
4 trying to say.

5 Do you have any comment on that
6 one way or another?

7 CAPTAIN KRAM: I mean, it's not
8 a hot spot of crime; there's nothing
9 there. There's two factories there or
10 two warehouses there right now.

11 The problem we have is behind
12 the warehouses on Beach Street. Beach
13 Street's a little block; it doesn't even
14 look like a street.

15 COUNCILMAN GREENLEE: Mm-hmm.

16 CAPTAIN KRAM: Between Richmond
17 and the river is a large parcel of land
18 that's used as a -- for their ATVs and
19 motorcycles.

20 Usually on a Sunday, if you go
21 out there on a Sunday, they do do some
22 drag-racing. It is ATVs, motor bikes,
23 but they're on that -- they're on that
24 parcel of land, which, a lot of time, we
25 can't get to 'em.

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2 I usually do one operation in
3 the spring. We hit it, we confiscate as
4 much -- as many ATVs and bikes of that
5 nature that we can and a few cars. But
6 I -- I mean, that's pretty much it.

7 Other than that, it's not a hot
8 spot of crime. It doesn't draw any of my
9 resources right now.

10 When you put a large amount of
11 people in there, it's going to impact my
12 resources. And that's my concern.

13 COUNCILMAN GREENLEE: Okay.

14 Thank you.

15 Thank you, Mr. Chairman.

16 COUNCILMAN KENNEY: Councilman
17 DiCicco.

18 COUNCILMAN DiCICCO:

19 Mr. Chairman, thank you.

20 I just for the record -- I
21 actually didn't have any questions, but
22 I'm sitting here, trying to remember my
23 exact words from the meeting back in, I
24 believe it was, August, when members
25 of -- leadership members of several of

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2 the civic associations who are in close
3 proximity to this venue, proposed venue,
4 attended.

5 And I'd be very surprised if I
6 said it any differently because I've been
7 saying this pretty much for the last 16
8 years, having been involved in numerous
9 zoning applications and project
10 proposals.

11 What I said was, I go through a
12 process, and it generally is a very long
13 process because I want to make certain
14 that everyone is heard.

15 I don't recall any project in
16 the 16 years that I've been representing
17 the 1st Councilmatic District that there
18 was not someone or some group or groups
19 of people who did not oppose that
20 proposal.

21 It's kind of like human nature.
22 People are against change. People have
23 concerns; sometimes rightfully, sometimes
24 maybe not so rightfully. But they do
25 have concerns about how these projects

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2 will impact their quality of life. What
3 I said was, I generally will go along
4 with the wishes of the civic
5 associations.

6 But I get paid to make
7 decisions. And if I made a decision
8 based on the initial reaction to every
9 project in my district for the last 16
10 years, nothing would have been built.
11 Nothing would have been built.

12 The most recent was is one I
13 referenced a few minutes ago, which is a
14 hotel development at Fourth and Race,
15 between Fourth and Fifth and Race. Well
16 over two years between the contractor,
17 the developer, myself, and the civic
18 association, two years' worth of
19 meetings.

20 The major concern was that one
21 element of that hotel would have been
22 what some described as "a nightclub" and
23 others described as "an entertainment
24 venue" as part of that hotel complex.

25 The residents who live on

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2 Fourth and Race and in close proximity to
3 Fourth and Race were opposed to the hotel
4 development because of that nightclub.

5 It could have been a Hard Rock Café, it
6 could have been a Maggiano's. Because it
7 has music, the interpretation was, it was
8 a nightclub.

9 An \$80 million investment on a
10 vacant building that has been sitting
11 vacant for ten, twelve years, maybe even
12 longer, would not have happened had I
13 just said, "Well, the community group
14 doesn't want it; therefore, it does not
15 get built."

16 That's not the way it works,
17 unless we don't want anything to work in
18 this city.

19 I made an offer and was told on
20 a few occasions, "We don't want it. This
21 will turn into something other than what
22 you're saying."

23 We've got conditions built in.
24 I've taken it upon myself to prepare a
25 community benefits agreement. And I only

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2 did it on my behalf -- I did it for
3 myself because I couldn't get the
4 coalition or the individual civics to
5 come together and say, Well, what if the
6 bill passes?

7 This is like déjà vu. It's
8 kind of like the casino issue. I always
9 was opposed to the casino -- in
10 particular, the one at the southern
11 end -- because of traffic issues.
12 Couldn't separate the two out.

13 But I would repeatedly ask the
14 coalition that I created of all the
15 civics up and down the Central Delaware
16 Waterfront to create a scenario of what
17 if a casino gets approved and we the City
18 are somehow taken out of the process?
19 which we were.

20 Councilman Clarke and I had
21 numerous discussions, and he would always
22 urge me get it done. We'll work it out.
23 But I -- as he said, we represent
24 different constituencies who happen to be
25 in the same area.

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2 But at least in his case, the
3 folks in Fishtown, at least a portion of
4 the population of the folks in Fishtown,
5 realized that the State may stick it to
6 us and say, "You're going to get a casino
7 whether you like it or not." And they
8 did, in fact, do that.

9 But he was prepared. He was
10 prepared because he had an agreement made
11 up between the SugarHouse folks and the
12 people in fact about the "what if this
13 built, these are the things we want for
14 our community." And that's what I was
15 trying to do here.

16 So yes. I said, "If you don't
17 want it, it will not get built," but not
18 that quickly. I go through a process,
19 and that process stopped probably
20 sometime in February.

21 I know, Peg, I called you in
22 February; you didn't return my calls.
23 Now, I'm not going to get into a debate
24 with you because that's not what this is
25 about.

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2 But when somebody says, "We
3 don't want to have a discussion," then
4 it's my responsibility, as an elected
5 official, to look at the broad picture
6 and to say, Does it make sense? Is there
7 economic development for the City? Will
8 it increase tax revenues? With it create
9 jobs? And balance that and weigh that
10 against what the concerns of the
11 community are and give every protection
12 that I believe that I could incorporate
13 into a piece of legislation to allay
14 those fears that the community will have.

15 Thank you, Mr. Chairman.

16 MS. RZEPSKI: Mr. Chairman, I
17 would really like to make one comment, if
18 I can.

19 COUNCILMAN KENNEY: Please,
20 yep.

21 MS. RZEPSKI: First of all,
22 Councilman, you know that I've always
23 done zoning with you.

24 Not against development. Put
25 57 homes in an area. Had meeting after

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meeting.

When we left that meeting, you said, "Go back to your community, run it by them," which we did. Get back to you. And I said, "The community is in opposition to you."

So you can't say that we didn't
give due process.

COUNCILMAN DiCICCO: Well --

MS. RZEPSKI: At the Fishtown meeting, the reason people could not all vote -- and half of our community did go, because ORCA is one community, FNA is another. So you have to live within certain boundaries to vote at FNA. So out of the hundred-and-some people, not everybody could vote.

The rest of the people were voting no because they were from my community, but they were not allowed -- and there is a sign-in sheet on this.

So I'm not going to argue with you. We put 24/24 in, 57 new homes in my area, and Planet Fitness. There's no way

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2 that my community turns down development.

3 I just think a thing of this
4 magnitude in front of the riverfront,
5 which -- who's going to go there when a
6 club of this size.

7 No matter what you feel,
8 Mr. Grasso, at FNA meetings, said, "This
9 is my club, my nightclub." You know that
10 and I know that.

11 Thank you.

12 COUNCILMAN DiCICCO: Well, club
13 has -- as I said, Palumbo's, Frank
14 Palumbo's was a nightclub, the
15 (indiscernible) was a nightclub. There's
16 a lot of different clubs.

17 MS. RZEPSKI: Well, I --

18 COUNCILMAN DiCICCO: But I
19 think, Mr. Chairman, I would just like to
20 make one other comment.

21 Reference has been made to the
22 overlay. I created that overlay. I
23 created that overlay.

24 The last thing I would do is
25 sponsor legislation that will undo that

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2 overlay and cause some of the problems
3 that we had that caused the overlay to be
4 created in the first place.

5 I did it in conjunction with
6 State Representative Lederer, way back
7 when.

8 And I also was the person who
9 encouraged John Street, when he was
10 mayor, to sign an executive order which
11 put the PennPraxis, Central Delaware
12 Waterfront vision in motion.

13 The last thing I'm going to do
14 is upset the apple cart on my way out the
15 door. That's not what my legacy is going
16 to be about. My legacy is that,
17 hopefully, I helped stimulate development
18 in this city and helped make it a better
19 place.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you
22 very much for your testimony.

23 Mr. McElhatton, please, and
24 Mr. Schelter.

25 (Witnesses come forward.)

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2 COUNCILMAN KENNEY: Please
3 identify yourself for the record.

4 MR. McELHATTON: Daniel P.
5 McElhatton. M-C-E-L-H-A-T-T-O-N.

6 MR. SCHELTER: Craig Schelter,
7 Schelter & Associates. The last name's
8 spelled S-C-H-E-L-T-E-R.

9 COUNCILMAN KENNEY: Please
10 proceed.

11 MR. McELHATTON: Mr. Chairman
12 and members of the Rules Committee, I
13 appear today on behalf of Anderson
14 Construction, James Anderson, and the
15 corporate entities which he owns or
16 controls which have property to the rear
17 of the proposed rezoned site.

18 And I'm here with Craig
19 Schelter, whom, all of you know, is a
20 renowned expert in land-use planning,
21 community development, and zoning.

22 Anderson Construction is a
23 major contractor, with over 110 employees
24 from the City of Philadelphia within the
25 City of Philadelphia, and they've

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2 remitted over \$600,000 in wage taxes to
3 the City of Philadelphia in the last
4 fiscal year.

5 I have written testimony, which
6 was previously submitted to Council and
7 which I would ask to be incorporated in
8 its entirety in the record, Mr. Chairman.

9 COUNCILMAN KENNEY: Thank you.

10 MR. McELHATTON: I'll summarize
11 our three points of opposition.

12 One, this is spot zoning in a
13 classic form.

14 Number two, this legislation is
15 wrong and bad for the community.

16 And three, it's legislation
17 that adversely affects an ongoing
18 business, and that is the Anderson
19 Construction Corporation.

20 I'd like to address some of the
21 issues that came up in some conversation
22 in questioning earlier.

23 A nightclub is a nightclub is a
24 nightclub. The Felton Dinner Theater on
25 Rising Sun Avenue sounds very innocuous,

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2 but the Felton Theater and the Felton
3 Club have caused havoc in that community
4 anytime it's been open over the last 25
5 years. So a nightclub is a nightclub.

6 In addition, there was a
7 question by Councilman Clarke about the
8 process, and this process has actually
9 started in opposition and mobilizing of
10 recent weeks. The legislation was
11 proposed and the committee hearing set
12 and then withdrawn. And then it was
13 reintroduced again or reset. And that's
14 when folks started to coalesce around
15 what they were going to say to Council.

16 I submit that if a process had
17 been started some time ago, even if it
18 hadn't successfully started with the
19 Councilman despite his efforts, but if a
20 process had been started, we would have
21 had a meeting, could have had a meeting
22 similar to the Chestnut Hill College
23 situation, or one that I was personally
24 involved in when I happened to sit in
25 this body, and that was the Cira site.

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2 Our rezoning of the Cira site, we started
3 that process almost a year before the
4 introduction of the legislation.

5 That gives the community, every
6 element of the community, an opportunity
7 to be engaged in the process.

8 Our opposition is based on this
9 being spot zoning; that's one of the
10 primary issues.

11 A legislative history is
12 created in this body, and that's what the
13 courts will look at when they look at
14 whether something is spot zoning.

15 The Planning Commission, in
16 their records, knew that this was spot
17 zoning when originally introduced because
18 it only covered one parcel. So they
19 included the rest of three other parcels,
20 a block.

21 But this is clearly still spot
22 zoning; it's one parcel within a
23 wide-ranging area. It's an island in a
24 sea of different zoning. That's what the
25 courts have said.

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2 It benefits only one party. It
3 does not benefit the City, it does not
4 benefit the community.

5 And it's a classic case of
6 legislating to a spot.

7 The second issue that we would
8 apply, and that is the damage to the
9 community itself. The ordinance will
10 change the character of the community.

11 I-95 is not the kind of barrier
12 that the Delaware River is. Folks go
13 under I-95 all the time, to and from
14 Fishtown and to and from Richmond. To
15 perceive it as an absolute barrier, it is
16 not. People go through that.

17 In the traffic study that was
18 presented to the Planning Commission, the
19 presumption was in that study that there
20 would be three people in every vehicle
21 that would come to that location. That's
22 unrealistic. That's not based on a
23 reality; that's based on trying to
24 shoehorn parking into a small spot.

25 As the Councilman said, he was

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2 the creator of the legislation that
3 prohibited nightclubs in this area. That
4 he got the plaudits for. But this
5 ordinance changes that.

6 And this ordinance also creates
7 the ability of adjacent property owners
8 to change their businesses to nightclubs.

9 There have been allegations or
10 statements that there are leases for
11 adjacent properties for leasing of
12 parking. The Planning Commission did not
13 have such leases. They may exist; don't
14 know that they don't, but they were never
15 in the Planning Commission files.

16 And what happens, members of
17 the committee, if any of those leaseholds
18 are terminated by a bankruptcy? If the
19 owner of the adjacent buildings go
20 bankrupt, the Bankruptcy Court controls
21 that. They can terminate those leases
22 like that.

23 And then if that is auctioned
24 off, you could have other nightclubs, or
25 whatever the venue would be as permitted

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2 under this ordinance. And that's wrong.

3 In addition, the proposed
4 venue -- and Mr. Grasso, they talked
5 about, Well, we only needed 650 parking
6 spots. Well, again, that's back-dooring
7 the whole issue of parking.

8 They're saying, We only need
9 650 parking spots, or whatever the number
10 is, by virtue of the fact that we have an
11 ordinance that makes out a certain
12 exception. But if you looked at what
13 would normally would be required, there
14 would normally be a requirement for one
15 parking spot for every two patrons.

16 With 3,000 projected patrons,
17 you would need a minimum of 1500 parking
18 spaces. That's not provided for.

19 They've scuttled those
20 requirements, and this abandons the
21 principles of that zoning.

22 The Planning Commission, in the
23 file, said, you know, they didn't want to
24 interfere -- have the nightclub, their
25 words, interfere with truck traffic.

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2 They also specifically then
3 said that they don't know what the impact
4 would be on the adjacent landowner to the
5 rear, the Anderson property, because they
6 never asked or discussed. The Planning
7 Commission never took the initiative to
8 find out.

9 As I mentioned, Anderson
10 controls the large acreage to the rear.
11 That property he uses now portions of it
12 for a site for accumulation of vehicles
13 for the I-95 reconstruction that he's
14 been involved in and possibly will be
15 involved in in the future. Those
16 construction materials and access to that
17 area is needed 24 hours a day.

18 This area will be flooded with
19 pedestrians, will be flooded with
20 traffic, and the current advantage that
21 he has by being close to the 95
22 reconstruction will be completely lost.

23 The plans that he also has an
24 ability to use this for industrial
25 purposes. Anderson has permitted use

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2 plans for industrial uses there.

3 The parking on Beach Street
4 would be inevitable if this happened,
5 because that would require the thousands
6 of patrons who would come who couldn't
7 park on these other parking lots in very
8 limited capacity would park on the
9 streets, restricting access to Beach
10 Street, Cumberland, and Schirra Drive.

11 So this ordinance is selected
12 for this location for one reason and one
13 reason only: To benefit Grasso Holdings
14 and their potential development.

15 It is to the detriment of
16 Anderson, it is to the detriment of the
17 community, it is to the detriment of the
18 City of Philadelphia and to this Council
19 because it disregards the will of the
20 Council, as put forth in 2002.

21 Thank you.

22 COUNCILMAN KENNEY: Councilman
23 DiCicco.

24 COUNCILMAN DiCICCO: Thank you,
25 Mr. Chairman.

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2 Good afternoon, Mr. McElhatton.

3 MR. MCELHATTON: Good
4 afternoon, Councilman.

5 COUNCILMAN DiCICCO: From the
6 tail-end of your testimony, you talked
7 about Beach Street parking from the
8 thousands of customers who would be going
9 to this venue, using Beach Street to
10 park.

11 It is a public street. There
12 are no parking regulations currently, but
13 parking regulations could be put in place
14 with the Streets Department. There could
15 be no parking anytime, it could be
16 parking at certain hours.

17 So I don't think that's such a
18 heavy lift to deal with Beach Street,
19 which is really right now a vacant,
20 dangerous street. There is nothing
21 there. And it's adjacent to your client.

22 And you're representing
23 Mr. Anderson or the community? You're
24 representing Mr. Anderson.

25 MR. MCELHATTON: I've said I'm

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2 representing Mr. Anderson.

3 COUNCILMAN DiCICCO: But you
4 talked so much about the community stuff,
5 I wasn't sure who you were representing.

6 MR. McELHATTON: Well, I think
7 he has a right because anything he does
8 with this parcel can affect --

9 (Indiscernible; parties talking
10 over each other.)

11 COUNCILMAN DiCICCO: I just
12 wanted it for clarity, okay.

13 So parking -- if you look at
14 the diagram of the angle parking that was
15 part of the discussion with the Planning
16 Commission and the developer, where it
17 shows angle parking from one end of Beach
18 Street to the other end, I've said to
19 Mr. Anderson and I'll say it to you, that
20 could always be changed according to your
21 needs. Do you need one curb cut? Do you
22 need two curb cuts? Do you need ten
23 curb?

24 That is something down the
25 road, when a development will occur on

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2 Mr. Anderson's site. And if he's going
3 to use it for a staging area for trucks
4 to do the I-95 corridor rehabilitation or
5 reconstruction, the same would apply.
6 They'll create curb cuts.

7 But if the issue is, We don't
8 want any parking on Beach Street, I think
9 Mr. Grasso's already testified that he
10 doesn't need to have it. It would be
11 nice to have for overflow parking or if
12 some other development took place around
13 there, to have some on-street parking.

14 But it's not necessary because
15 he only needs 272 spaces, but he will
16 have 650.

17 Let me finish.

18 MR. McELHATTON: I will.

19 COUNCILMAN DiCICCO: You talk
20 about spot zoning. Did we not change the
21 zoning classification for the Anderson
22 site from G2-Industrial to C, Mr. Kramer?

23 MR. KRAMER: C3.

24 COUNCILMAN DiCICCO: C3? One
25 parcel. One parcel. We changed zoning

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from one classification to a different classification. Isn't that spot zoning?

MR. McELHATTON: It may not be impermissible spot zoning.

COUNCILMAN DiCICCO: Well,
it's -- you could -- look, I'm not a
lawyer --

MR. McELHATTON: Well --

(Indiscernible; parties talking over each other.)

COUNCILMAN DiCICCO: I'm not trying to be argumentative; I'm trying to lay a little groundwork about some of your comments.

Floods of people will be moving from this venue under I-95, through the neighborhood, and back.

Mr. Anderson's parcel, wasn't it in play to be a casino? And did I not support that site as a casino?

So we would have had floods of people walking from one part of that Beach Street into the neighborhoods, which was never going to happen. But I'm

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2 using your references as to the
3 inconvenience that this venue is going --
4 and the adverse impact it's going to have
5 on the community when your client has
6 been, and is still, trying to figure out
7 if he can get a casino there.

8 MR. McELHATTON: I'll let
9 Mr. Schelter respond.

10 MR. SCHELTER: Councilman
11 DiCicco, may I respond to your question?

12 COUNCILMAN DiCICCO: Yeah.

13 MR. SCHELTER: First of all,
14 with regard to the notion about
15 Mr. Anderson's other property previously
16 being rezoned, I think what happened in
17 that rezoning was, in fact, what you did
18 was, you brought Mr. Anderson's property
19 under the purview of the Central
20 Waterfront Overlay, which it would not
21 have been before.

22 As a G2 property, he would not
23 have had to go to the Planning Commission
24 for a detailed plan review. He would
25 have not been subject to all the reviews

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2 that the Planning Commission has. And by
3 having it rezoned as C3, he's now subject
4 to that.

5 So, in fact, while the use
6 might be more liberal in terms of putting
7 a commercial use there, in fact, the
8 process that he would have to go through
9 is more lengthy for the Central
10 Waterfront Overlay, which is one part of
11 this bill.

12 The other part is, and the
13 reason for the contention about spot
14 zoning, is that when you look at how
15 carefully you crafted the bill to set up
16 the North Delaware Avenue Area Special
17 Controls District and the other
18 conditions in the code, it would say that
19 essentially anything from Rhawn Street to
20 the Navy base, in one case, and from
21 Spring Garden to Lehigh in another case,
22 none of this would be allowed or you'd
23 have to go to the Zoning Board.

24 And, you know, I have to say
25 that I'm going to miss you on the Rules

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2 Committee. You and I have worked
3 together, you know, a long time;
4 sometimes we're on the same side,
5 sometimes we're on a different side. But
6 you have heard -- you've heard the
7 arguments, and you've made your decision.

8 But when looking at the
9 legislation that you've moved through
10 Council -- and I just want to read one
11 paragraph. It says, "Unfortunately, the
12 positive effects of this growth
13 (referring to restaurants, nightclubs,
14 amusement centers) remains short-lived
15 for the residents and respectable
16 businesses in the area. Some bars and
17 nightclubs along the waterfront have
18 become a nuisance to nearby residential
19 communities by contributing to more
20 crime, public intoxication, vandalism,
21 litter, and other anti-social forms of
22 behavior."

23 That was part of the
24 legislative findings. And when you go --
25 let's leave that, though, for a second

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2 and go to the parking along Beach Street
3 and Schirra, especially along Schirra,
4 which is narrower than Beach Street,
5 where that is continuously parked with
6 diagonal parking.

7 You look at the number of cars
8 in those instances for that length and
9 imagine PennDOT trucks, imagine SJA
10 concrete trucks, imagine all the heavy
11 construction trucks that will move down
12 there during nighttime hours, which is
13 when you end up rebuilding I-95.

14 That's not going to -- if this
15 is not something you can just confine
16 during the day, I think that's going to
17 be a serious problem and a hazard for
18 people who inadvertently back out and
19 they get hit by a dozer.

20 COUNCILMAN DiCICCO: So the
21 answer is, then, we'll have no parking
22 anytime.

23 MR. SCHELTER: I think that --

24 COUNCILMAN DiCICCO: We'll
25 remove parking.

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2 MR. SCHELTER: I think that
3 would be one answer.

4 In fact, we met -- Mr. Anderson
5 and I met with Alan Greenberger and Tom
6 Corcoran last week. We laid out our
7 whole argument to them, and we asked
8 them, About how many parking spaces do
9 you think would be required? And
10 Mr. Corcoran, without prompting said, "At
11 least a thousand spaces. That's what
12 would be required."

13 You've got the Central
14 Waterfront -- excuse me, the Delaware
15 Waterfront Corporation about to release a
16 master plan next week. And we said,
17 Well, can you tell us what the zoning
18 conditions are going to be in that plan?
19 Because, again, it follows up on the
20 legislation that you got through in your
21 district for the overlay.

22 And they said, "We aren't done
23 with that yet. It won't be available
24 until July."

25 So all we're saying is, if

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2 you're rebuilding I-95, which affects
3 hundreds of thousands of Philadelphians
4 and inconveniences them, you've got a
5 master plan coming out, we just don't
6 believe that now is the time to move on
7 this particular project.

8 And, finally, there are three
9 other properties here which are
10 industrial in nature. And the planning
11 study that was done by PIDC, which guided
12 the Planning Commission's new Zoning Code
13 recommendation, said that these
14 industries should be encouraged to
15 remain.

16 If this zoning gets changed,
17 there will be three sites on which there
18 won't be a community development required
19 because they will be, as of right, as an
20 entertainment use and will not have to go
21 through this entire process.

22 So that's respectfully
23 submitted. I'll still miss ya.

24 COUNCILMAN DiCICCO: Some
25 people won't.

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2 Thank you.

3 COUNCILMAN KENNEY: Any other
4 witnesses?

5 (No response.)

6 COUNCILMAN KENNEY: Anyone else
7 to testify on this bill? Please come
8 forward.

9 (Witness comes forward.)

10 COUNCILMAN KENNEY: Please pull
11 the microphone close to you. Identify
12 yourself for the record and proceed.

13 MR. BRECKER: My name is Neal
14 Brecker, President of Fishtown Neighbors
15 Association. Councilman Kenney and
16 members of the Rules Committee, thank you
17 very much for taking the time to hear us.

18 I'll do my best not to repeat
19 too much of what's already been stated,
20 but I'll take some time to clarify the
21 Fishtown Neighbors Association's
22 position.

23 We did host a meeting back at
24 the end of August, at the Presbyterian
25 Church, in Fishtown, where members of the

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2 neighborhood as well as the adjacent
3 neighborhoods had the opportunity to come
4 and hear the proposal from Mr. Grasso and
5 also a presentation with Councilman
6 DiCicco on this project.

7 And just to kind of clarify.
8 Our procedures were called into question.
9 Just to kind of clarify the way our
10 zoning committee works is primarily --
11 not primarily. Exclusively by
12 neighborhood vote.

13 People who attend these
14 meetings -- the immediate areas are
15 flyered, and notifications are given out.
16 There's a sign-in sheet at the door, and
17 everybody's required to present a proof
18 of their residency and their address.
19 And voting slips are only given out to
20 those people who are eligible to vote.

21 Usually, on projects, we give
22 out ballots to everybody who lives within
23 the boundaries of the neighborhood and
24 then a separate ballot is given to those
25 who live within 500 feet of a particular

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2 project.

3 This particular one does not
4 fall within 500 feet of residences, so
5 only one type of ballot was handed out.

6 We did send in a copy of our
7 letter and our response to the committee,
8 and I have brought extra copies here, if
9 anybody needs them.

10 There were approximately 120
11 people who attended the meeting from
12 Fishtown and the surrounding area. There
13 were 95 eligible voters. Ballots were
14 given out. And although people may have
15 left before the meeting was over, they
16 are permitted to vote regardless of
17 whether or not they stay till the end.

18 So 57 residents voted in
19 opposition, and 38 voted in support of
20 the project.

21 And when the Fishtown Neighbors
22 Association filed its opinion, it's based
23 on this vote as well as some of the
24 points brought up by the people in
25 attendance.

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2 So the people have testified
3 here today. One of the largest issues is
4 parking and traffic as well as public
5 nuisance.

6 And while the formula that the
7 developers used was based on square
8 footage, when you're talking about a
9 warehouse, sure, one parking space for
10 however many square foot is appropriate.
11 When you're talking about bringing in
12 2600 to 3,000 people in a neighborhood,
13 suddenly 650, or if you add the 250
14 street parking spaces, that's only 900
15 spaces. You're thinking that would have
16 to be three people per car.

17 Public transportation is not
18 particularly robust in this area, so the
19 primarily, almost exclusive, way people
20 would get to this venue would be through
21 driving.

22 And the overflow from that
23 parking would, no doubt, bleed into the
24 neighborhoods nearby.

25 Some of the other things, just

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2 to echo a few of what the other
3 presenters have stated, opposition to the
4 spot zoning of this venue -- I'm sorry,
5 of this parcel and also what previous
6 testimony was given if the leases were
7 lost to those adjacent properties, they
8 could build as right. So not only would
9 the music venue lose their parking
10 spaces; it's quite possible another
11 entertainment venue would come in thereby
12 increasing the shortfall of parking
13 spaces immensely.

14 The proposed use of the music
15 venue is not an active ground floor use
16 identified as a key attribute. The
17 planning principle is outlined in the
18 civic vision.

19 It is an auto-intensive
20 project. Again, the parking issues that
21 we've mentioned.

22 And so, those as well as the
23 safety issues of 3,000 people exiting the
24 venues and filtering off into the
25 neighborhoods, the construction of I-95,

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and the lack of entrance and exit ramps at that area for that period of time to be five to seven years will funnel all traffic primarily through all of Richmond to get back to 95 for those people getting home.

So we would concur with a number of the other presenters who say that this is just not the right time for the project. The neighborhood and the area does not have the capacity to accommodate this project.

COUNCILMAN KENNEY: Thank you
for your testimony.

COUNCILMAN DiCICCO: I just have one comment.

COUNCILMAN KENNEY: Councilman.

COUNCILMAN DiCICCO: Thank you,
Mr. Chairman.

Thank you, sir, for coming.

I apologize. I was not aware that there was a sign-in sheet, if I misspoke earlier, saying that there was definitely not one. I don't think I said

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2 that, but I want to apologize and thank
3 you for clearing that up.

4 COUNCILMAN KENNEY: Thank you.

5 The stenographer needs a
6 much-needed five minute break.

7 (Short break taken.)

8 (Proceedings resume.)

9 COUNCILMAN KENNEY: Excuse me,
10 ladies and gentlemen. In the interest of
11 time, we'd like to continue on with our
12 hearing so that we can get you out of
13 here as soon as possible.

14 Can I please have your
15 attention. Would you please cease
16 conversation so that we can get the
17 hearing started. Thank you very much.

18 Councilmembers will be coming
19 back as we proceed.

20 The next bill is Bill No.
21 110344, which is an ordinance approving
22 the Ninth Amendment of the redevelopment
23 proposal for the Haddington Urban Renewal
24 Area, Unit No. 2 and Unit No. 3, being
25 the area beginning at the northwest

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2 corner of Parrish and 52nd Street,
3 including the Fifth Amendment to the
4 Urban Renewal Plan and the Third
5 Amendment to the relocation plan, which
6 provides, inter alia, for the additional
7 land acquisition of approximately eight
8 properties for residential and related
9 uses; and the provision of certain
10 relocation services, as required by law;
11 and declaring that condemnation is not
12 imminent with respect to the Project.

13 Please identify yourself for
14 the record.

15 MR. REDDING: Good morning,
16 Mr. Chairman and members of the
17 committee.

18 COUNCILMAN KENNEY: Please
19 proceed.

20 MR. REDDING: My name is
21 Richard Redding. I'm Director of the
22 Community Planning Division at the
23 Philadelphia City Planning Commission.
24 I'm here today to speak in support of
25 Bill No. 110344, the ninth amended

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2 redevelopment proposal for Haddington
3 Urban Renewal Area.

4 The proposal authorizes
5 acquisition of eight vacant lots and
6 their plan for a transit-oriented
7 development in the area bounded by 59th
8 Street, Market Street, 60th Street,
9 Filbert Street, in West Philadelphia.
10 This is in accordance with the Haddington
11 Redevelopment Area Plan.

12 Our Planning Commission staff
13 approved it on April 19th of 2011, and
14 I'm happy to answer any questions you
15 might have.

16 COUNCILMAN KENNEY: Are there
17 any questions for this witness?

18 (No questions.)

19 COUNCILMAN KENNEY: Please just
20 stay there until we finish with the bill.

21 Jim Thornton. Is Mr. Covington
22 here?

23 MR. COVINGTON: Yes.

24 COUNCILMAN KENNEY: Please come
25 forward.

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2 Mr. Thornton. Laura Thornton
3 and Jim Thornton, are you in the room?
4 Or Joe Marino?

5 All right. Could you please
6 come forward and keep yourself ready
7 until after this next witness. Well,
8 come forward and just sit here.

9 And we have Mr. Covington
10 first, wherever he's at.

11 (Witnesses come forward.)

12 COUNCILMAN KENNEY: Please
13 identify yourself for the record.

14 MR. KOONCE: Hi. I'm Michael
15 Koonce, Deputy Executive Director for the
16 Redevelopment Authority.

17 Mr. Covington should be back
18 shortly, but he stepped out. I can give
19 his testimony.

20 COUNCILMAN KENNEY: If you can
21 give his testimony. Is it prepared
22 testimony, and is it lengthy? Or can you
23 summarize it and provide a copy to the --

24 MR. KOONCE: It's prepared
25 testimony, and it's very short.

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2 COUNCILMAN KENNEY: Thank you.

3 MR. KOONCE: Madam Chairman,
4 and members of the committee, I'm here to
5 speak in support of Bill No. 110344,
6 which is the Ninth Amendment to the West
7 Philadelphia Redevelopment Proposal and
8 the Fifth Amendment to the Haddington
9 Unit No. 2 and No. 3 Urban Renewal Plan
10 for the Haddington Unit No. 2 and No. 3
11 Urban Renewal Area.

12 This bill would authorize the
13 authority to acquire eight properties.
14 The acquisition will be funded with NTI
15 bond proceeds.

16 The one occupied structure, one
17 vacant structure, and six vacant lots
18 will be combined with properties owned by
19 the City of Philadelphia to be developed
20 as part of a transit-oriented project
21 that will include mixed-income
22 residential and retail.

23 This project will promote the
24 elimination of blight and result in
25 expanded housing opportunities for low-

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2 moderate-income individuals and restore
3 properties to the tax rolls.

4 Mr. Chairman and members of the
5 committee, I respectfully request
6 favorable consideration of Bill No.
7 110344 and would also ask for the
8 suspension of Council rules to allow for
9 first reading on June 9, 2011.

10 COUNCILMAN KENNEY: Thank you
11 very much for your testimony.

12 Are there any questions for
13 this witness?

14 (No questions.)

15 COUNCILMAN KENNEY: Seeing
16 none, thank you very much.

17 Is the RDA done?

18 UNIDENTIFIED SPEAKER: Yeah, on
19 that testimony, yes. Thank you.

20 COUNCILMAN KENNEY: Terrific.
21 Thank you.

22 Mr. Thornton, could you please
23 come forward.

24 MR. THORNTON: (Inaudible;
25 off-mic.)

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2 COUNCILMAN KENNEY: If somebody
3 could vacate one of those seats, it would
4 be helpful.

5 (Witnesses come forward.)

6 COUNCILMAN KENNEY: Please
7 identify yourself for the record.

8 MR. THORNTON: My name is Jim
9 Thornton. I own 20 and 22 North 59th
10 Street, two of the properties that are
11 being slated for acquisition by the City.

12 COUNCILMAN KENNEY: Okay.

13 MS. THORNTON: And I'm Laura
14 Thornton. I am the founder and director
15 of Sustainable Urban Development. We're
16 a nonprofit dedicated to developing
17 sustainable, socially just, and
18 inspirational communities.

19 COUNCILMAN KENNEY: Okay.

20 MS. THORNTON: And I currently
21 run the 59th Street community garden on
22 lots 20 and 22 at North 59th Street.

23 COUNCILMAN KENNEY: Okay.
24 Please proceed with your testimony.

25 MR. THORNTON: All right. Back

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2 in November, when the Sustainable Urban
3 Development was formed by my daughter, I
4 gave her a lease for five years on two
5 lots, at 20 and 22 North 59th Street. I
6 put up the money to basically build
7 raised-bed gardens, supply soil, seed,
8 plantings. And my daughter went out and
9 got about 80 different volunteers to
10 build this -- one of the first green
11 spaces down by 59th and Market Street.

12 We took about 150 bags of trash
13 from the site. We actually cleared all
14 of the sites that you're talking about.
15 They're grassed out right now. And on
16 two of them, we're growing enough
17 vegetables to feed 3200 to 4500 meals to
18 people of Haddington.

19 Haddington has about 15 percent
20 of its population on public assistance.
21 Haddington has the worst school scores in
22 the whole State of Pennsylvania. It's a
23 blighted area, it's an area that nobody
24 seems to care about. It's 98 percent
25 African-American. It is basically one of

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2 the highest places for incarceration for
3 young black males. It's a neighborhood
4 that someone has to come in and do
5 something with.

6 My daughter decided, after she
7 graduated from St. Joe's University, that
8 some of the prime problems in the
9 neighborhood is that the kids drop out of
10 school, children basically have problems
11 with hunger, they have problems with --
12 probably some of the highest special ed
13 needs in the City of Philadelphia, some
14 of the highest psychological issues for
15 children in the City of Philadelphia.

16 And I'm just going to let my
17 daughter take it from here.

18 COUNCILMAN KENNEY: Thank you.

19 Please proceed.

20 MS. THORNTON: All right. It
21 costs the State of Pennsylvania
22 \$3.2 billion each year to combat hunger
23 in Pennsylvania. That's \$2.4 billion for
24 medical and mental-health care,
25 \$330 million in lost educational

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2 achievement and worker productivity,
3 \$517 million in costs for charities that
4 relieve hunger.

5 One in four residents in
6 Philadelphia alone at risk for hunger.
7 That's more than double the rates on both
8 national and state levels.

9 Hunger can often look like
10 obesity. Families stretch dollars,
11 mothers cut back on meals and buy food
12 with little nutritional value.
13 Inner-city families rely on corner-store
14 markets that sell chips and soda rather
15 than fruits and vegetables.

16 Hungry people are 30 percent
17 more likely to be hospitalized and twice
18 as likely to need mental-health services.
19 They are 50 percent more likely to repeat
20 a grade and twice as likely to require
21 special education.

22 Now, 440,000 Philadelphians
23 receive SNAP, often referred to as "food
24 stamps." Still more than 150,000
25 residents qualify to participate but

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2 choose not to or are unaware of the
3 program.

4 At Sustainable Urban
5 Development, we're taking our first steps
6 with our community garden at 59th and
7 Market.

8 Again, like my father
9 referenced, on April 2, over 40
10 volunteers showed up at 9 a.m. to green
11 up 59th Street. We collected over 150
12 bags of trash, hundreds of pounds of
13 construction debris, and countless
14 amounts of broken glass over the five
15 lots, which you are referring to at 59th.

16 Thanks to the efforts of our
17 volunteers, we've been able to build over
18 12 raised-garden beds and begin the 59th
19 Street garden, again, with the hopes of
20 creating somewhere between 3500 and 4500
21 healthy free meals for the community this
22 summer, or this growing season.

23 MR. THORNTON: And this is all
24 at no cost to the City of Philadelphia.
25 Zero except for water, because the Water

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2 Department is helping us out.

3 This is the first garden we
4 wanted to build. We have another one
5 slated for across the street and one
6 behind a warehouse at 15 North 59th
7 Street.

8 What we're requesting is
9 simply -- you're doing one big city
10 block; we're hoping you keep at least two
11 small lots. They're 15-by-75, so it's a
12 30-by-75. Please take 20 and 22 North
13 59th out of this proposal so that we can
14 have at least two green lots for the new
15 proposal.

16 COUNCILMAN KENNEY: Thank you.

17 Hold on.

18 Councilman Jones.

19 COUNCILMAN JONES: I just want
20 to thank you, Mr. Chairman, for the
21 opportunity to speak.

22 Just to give you a frame of
23 reference, this is the block where the
24 construction for the el has happened for
25 the last eight years.

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2 Three weeks ago, we had a
3 walking tour of this area, with the
4 regional director of HUD. Everyone --
5 and you're going to hear this not only in
6 this testimony but in future testimony.

7 All progress isn't forward for
8 all people, and we have to respect what
9 property rights and other activities
10 interest. But also, we have to look at
11 the greater good.

12 Between that parcel and 63rd
13 Street, there is 40 percent abandonment,
14 40 percent abandonment, both on the north
15 side of the street and on the south side
16 of the street.

17 The regional director of HUD
18 was aghast by the fact that there was so
19 much devastation in the wake of so much
20 infrastructure investment.

21 So what we are proposing to do
22 along with these parcels is to create a
23 anchor for development.

24 I grew up in this neighborhood;
25 I don't need a GPS to find it. My

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2 grandparents lived on the 300 block of
3 Edgewood.

4 And what we're attempting to do
5 with HUD dollars and local dollars is to
6 bring back transit-oriented development
7 that is a half a block away from the 60th
8 Street el.

9 Now, I'm for good vegetables.
10 I know that there's food deserts in the
11 community, but I also know that people
12 need a place to live, and people need
13 housing and economic development.

14 And as a joke, you recently
15 signed a piece of pipe. And you -- as a
16 freshman, you told me, You're going to
17 have to get in line in the pipeline of
18 development.

19 Well, here we are, four years
20 later, and we're about to look at
21 development for the first time in a long
22 time in this area.

23 Now, I'm for vegetables, but
24 I'm for -- there's about 20,000 vacant
25 lots in the City of Philadelphia that

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2 would be prime real estate for growing
3 vegetables. And I think this progress is
4 the kind of progress this neighborhood
5 needs.

6 Thank you.

7 COUNCILMAN KENNEY: Thank you,
8 Councilman.

9 Any other questions for these
10 witnesses?

11 MR. THORNTON: The only thing I
12 would like to say is that if they take
13 it, I hope that they help us replace it
14 with another south-facing property.

15 And I was told that when Curtis
16 Jones was young, he did not eat his
17 vegetables.

18 (Laughter.)

19 MS. THORNTON: Could I say one
20 more thing about community gardening?

21 COUNCILMAN KENNEY: Yes.

22 MS. THORNTON: Community
23 gardening is not just an opportunity for
24 economic development, but it's also a
25 outlet for community ownership. It

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2 fosters the development of a community
3 identity, it allows for intergenerational
4 and cross-cultural opportunity, it builds
5 community leaders, it offers a focal
6 point for community organization, which
7 can deal with other social issues as
8 well, just not the hunger issue.

9 As well, with urban ecosystems,
10 gardens filter rain water, they would
11 help Cobbs Creek. They reduce soil
12 erosion and runoff, which lessens
13 flooding, saving the City money as well
14 as neighbors money from damage from
15 flooding.

16 By reducing the heat-island
17 effect, gardens can also lessen the need
18 for air-conditioning and lower our
19 electric bills.

20 And one of the most important
21 things, I think, is the crime prevention.
22 It allows for opportunities to network
23 within the community, with other
24 neighbors, it builds neighborhood
25 associations, and it increases eyes on

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2 the street.

3 Studies show that crime
4 decreases in neighborhood as the amount
5 of green space increases and that
6 vegetation has been seen to alleviate
7 mental fatigue, one of the precursors to
8 violent behavior.

9 In other neighborhoods,
10 burglaries (indiscernible) in one
11 precinct of Philadelphia dropped by 90
12 percent after police helped residents
13 clean up vacant lots and plant gardens.

14 And on top of that, it's a
15 great youth outlet opportunity. They can
16 discover where food comes from, basic
17 business principles, jobs and life
18 skills. It provides a green and
19 beautiful place for children to play.
20 They can understand issues of
21 environmental sustainability.

22 And youth volunteering at a
23 young age are more likely to volunteer
24 more throughout their life. And also,
25 it's a great way to diversify a college

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2 résumé.

3 And just for health reasons,
4 studies show that community gardeners and
5 their children eat healthier diets than
6 non-gardening families.

7 Eating locally-produced food
8 reduces asthma rates in these
9 neighborhood because children are able to
10 consume manageable amounts of local
11 pollen and develop these immunities that
12 they might not have.

13 And increasing the land
14 consumption of fresh, local produce is
15 one of the best ways to address childhood
16 lead poisoning as well as their exposure
17 to chemical fertilizers and pesticides.

18 Exposure to green land reduces
19 stress and increases a sense of wellness.
20 Gardens restore oxygen to the air and
21 help reduce pollution.

22 It makes economic sense.

23 We're fighting so many issues
24 with this beautiful garden. It's not
25 just hunger issue; it's a pollution

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2 issue. It's overall well-being of
3 people.

4 And we've put in over 2300
5 hours of work into this one garden, and a
6 lot of people are invested in it and from
7 the neighborhood. And by the end of this
8 fall, we're hoping to even double those
9 work hours.

10 COUNCILMAN KENNEY: Just let me
11 commend you, first of all, in your
12 enthusiasm and your dedication to urban
13 life. I do appreciate where you're
14 coming from and the passion with which
15 you portray it.

16 But I do see an opportunity
17 with Councilman Jones, 'cause in the
18 years that I've served with him here,
19 which has only one term very, he's very
20 innovative and will look for solutions
21 rather than just try to dismiss things.

22 So what I see here is an
23 opportunity for not only residential
24 development with a bent on
25 transportation, but also perhaps a way to

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2 fit your program into this overall
3 development so that all folks are served
4 both nutritionally, housing-wise, and
5 from a clean and greener transportation
6 opportunity.

7 So I think if the lots go, one
8 of the things about having it raised beds
9 is perhaps we can get some help in moving
10 them to somewhere within the community
11 around the development and not discount
12 what you're doing at all, but to commend
13 you.

14 And I know if you work with him
15 and his staff, they will find a home for
16 your gardens and be able to work with you
17 to expand them.

18 MS. THORNTON: Okay. Thank you
19 very much.

20 COUNCILMAN KENNEY: Okay?

21 MR. THORNTON: Thank you.

22 MS. THORNTON: Thank you.

23 COUNCILMAN KENNEY: Mr. Marino.

24 MR. MARINO: Good afternoon.

25 COUNCILMAN KENNEY: Please

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2 identify yourself for the record.

3 MR. MARINO: Sure. Joe Marino.

4 This is in reference to the
5 bill -- or Ordinance, I should say,
6 110344. We are opposed to it.

7 This is my mother. She owns
8 the property. I use the property for --
9 to operate a business on the property for
10 25 years in the community.

11 This says here, in this Exhibit
12 C, "There are no commercial properties
13 that will be require relocation in this
14 acquisition."

15 That's untrue. This is a
16 commercial property here that we've used
17 for 25 years. It's not a vacant lot or
18 anything that they're looking to take.
19 Everything's current with the property.

20 COUNCILMAN KENNEY: What is the
21 business that's operating there?

22 MR. MARINO: It's a auto repair
23 garage.

24 COUNCILMAN KENNEY: Okay.
25 Councilman Jones.

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2 MR. MARINO: I don't know if it
3 was a mistake in the, you know --

4 COUNCILMAN KENNEY: Do you have
5 any comment relative to 5901?

6 COUNCILMAN JONES: (Inaudible,
7 off-mic.)

8 COUNCILMAN KENNEY: All right.
9 I'm sorry. You can --

10 MR. MARINO: I mean, that's
11 just pretty much it. It would cause a
12 hardship to my family. It's a small
13 business, and we've been in this
14 community for 25 years.

15 It's not like -- you know, I
16 consider that I grew up in that community
17 too. I'm still a young person and I've
18 been there since, you know, before my
19 teens.

20 COUNCILMAN KENNEY: In your
21 conversations, have you had any with RDA?

22 MR. MARINO: By the way, no one
23 has been notified about this until this
24 letter asking to come to this hearing.
25 There was nothing, no interaction, zero,

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2 no nothing about April -- whatever the
3 date was, I'm sorry -- for the amendment,
4 which also puzzles me because it talks
5 about an area at 52nd and Parrish, and
6 we're talking 59th and Market.

7 From what I did, I looked at
8 some records, and it shows there's almost
9 40 vacant lots that the City already
10 currently owns that they could do
11 something with in the same zip code. And
12 as a matter of fact, there's two across
13 the street that the City owns that are
14 still within that half a block that he
15 referred to, to SEPTA.

16 We weathered the storm of
17 staying in the community through the el,
18 everything. We took no dollars for
19 anything.

20 COUNCILMAN KENNEY: Is anyone
21 from RDA here that could testify relative
22 to notice or lack thereof?

23 When did you receive the
24 letter?

25 MR. MARINO: The certified mail

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2 came May 18th for this hearing.

3 COUNCILMAN KENNEY: Okay.

4 MR. MARINO: There was no other
5 communication before this.

6 COUNCILMAN KENNEY: All right.

7 MR. MARINO: I don't know.

8 COUNCILMAN KENNEY: 'Cause I
9 know we've had discussions in the past
10 about notification and the length of time
11 that we give folks to respond to the
12 taking of their business or home.

13 MR. MARINO: Right. And I
14 don't know how this works, the whole
15 legal aspect of it and everything. But,
16 I mean, this is a viable business. It's
17 been here for 25 years ago.

18 COUNCILMAN KENNEY: What I
19 would suggest is to have some
20 conversation now with the folks from RDA
21 to see if we can try to figure something
22 out.

23 (Witness comes forward.)

24 MR. COVINGTON: Excuse me.
25 This is Ed Covington, the Executive

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2 Director of the Redevelopment Authority.

3 I think the notice was provided
4 on a timely basis, but I'm not sure what
5 the issue is in terms of resolution.

6 MR. MARINO: I -- what -- the
7 notice in regards to this hearing?

8 MR. COVINGTON: The
9 notification.

10 COUNCILMAN KENNEY: What's the
11 required length of time for notification?

12 MR. MARINO: I guess I'm just
13 saying --

14 COUNCILMAN KENNEY: No, I'm
15 just -- is there an answer to the
16 required period of time when a person is
17 notified about the taking of their
18 Business?

19 MR. COVINGTON: Well, the
20 notification -- I mean, the notification
21 really is a function of providing them an
22 opportunity to come to this session,
23 which --

24 COUNCILMAN KENNEY: But we're
25 being asked at this point to let the bill

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2 out and potentially vote on it the
3 Thursday after this Thursday. What's
4 going to take place between now and then?

5 Councilman Jones.

6 COUNCILMAN JONES: Mr. Chairman
7 and members of the committee, I don't
8 want to speak to the notification issue;
9 that is not my axe to grind.

10 But as we start to talk about
11 negative impacts of this community, I
12 have an exhibit here which demonstrates
13 the parcel that we're talking about.

14 COUNCILMAN KENNEY: I see it.

15 COUNCILMAN JONES: And,
16 hopefully, all members of the committee
17 have it.

18 And yes, there was 25 years
19 maybe of business, but there's been at
20 least a dozen years of disrepair. And
21 when we went out and walked by there and
22 talked, there's no activity there.

23 And I don't disrespect their
24 business. I want to work it out with the
25 Redevelopment Authority.

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2 COUNCILMAN KENNEY: Okay.

3 COUNCILMAN JONES: It is not as
4 if we're not compassionate about their
5 God-given right in this country to have a
6 living.

7 But what we are saying is that
8 it needs to be worked out with the
9 Redevelopment Authority and all of their
10 rights respected.

11 But in the name of moving this
12 project forward, I think it should be
13 considered that it's been vacant for, I
14 think, a dozen years.

15 MR. MARINO: It's not vacant.
16 Where do you get that information that
17 it's vacant?

18 COUNCILMAN JONES: When you say
19 it's not vacant --

20 COUNCILMAN KENNEY: One at a
21 time, please.

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

24 COUNCILMAN KENNEY: One at a
25 time, please.

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2 MR. MARINO: We have a license,
3 sir. We pay use and occupancy on that
4 property, we pay real-estate taxes. The
5 garage is open on a daily basis.

6 I don't know where you got the
7 inclination it's vacant.

8 COUNCILMAN JONES: Whenever we
9 walk by there, whenever I personally gone
10 by there, there's no activity.

11 MR. MARINO: There is activity
12 there daily. I don't know what hours
13 that you walk. But, you know, I -- we're
14 not open 24 hours a day, obviously.

15 And I don't know -- I have a --
16 you know, you chose an interesting word,
17 "axe to grind."

18 COUNCILMAN JONES: Axe to
19 grind?

20 MR. MARINO: You know, we've
21 never been cited for problems, issues.
22 We don't cause crime in that area. You
23 know, we -- I don't know what negative
24 impact we're having.

25 If there's a problem with the

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2 property, the property can be cleaned.

3 That's not an issue.

4 But it's never been brought up
5 to us before.

6 COUNCILMAN JONES: I didn't say
7 "axe to grind."

8 MR. MARINO: Yes, sir, you did.

9 COUNCILMAN KENNEY: All right.
10 Let's --

11 COUNCILMAN JONES: Do you have
12 a axe to grind? Is that what you said?
13 I didn't say that.

14 MR. MARINO: No, you did use
15 those words.

16 COUNCILMAN KENNEY: And what I
17 would suggest is for you to have some
18 discussion with the Redevelopment
19 Authority between now and the time this
20 bill finally passes, or is slated to be
21 passed. I would like to have at least
22 some conversation.

23 Yes, sir.

24 MR. COVINGTON: I just want to
25 make one further response to your query

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2 about notifications.

3 This is simply a notification
4 that we provide for this hearing. There
5 is no formal notification of taking until
6 after the ordinance is passed.

7 COUNCILMAN KENNEY: And how
8 long -- how much time is the notice of
9 taking after it passes the ordinance?

10 Say they didn't know anything
11 about this hearing today and didn't show
12 up and we passed the bill; how long after
13 the passage of the bill would they be
14 receiving notice that the property was
15 slated for taking?

16 MR. COVINGTON: I would have to
17 get back to you with a precise answer in
18 terms of the number of days.

19 COUNCILMAN KENNEY: I don't
20 know enough about the business.
21 Certainly Councilman Jones represents the
22 district; it's his bill. I understand
23 his position on this.

24 I have to take them at their
25 word. I'm not saying that I would stop

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2 the bill, but I'm saying that somebody's
3 got to know the length of time. And
4 we've had this discussion on a number of
5 occasions before, 'cause every time we
6 have these bills, people pop up.

7 Now, some of them have been
8 sitting on properties and not paying
9 taxes for thirty years, and I get that,
10 and I shouldn't care about them.

11 But there are other folks that
12 perhaps have a legitimate issue, and we
13 don't know what the length of time is
14 that they get to negotiate or to protect
15 themselves legally or to whatever.

16 I mean, just as a general
17 overall principle, not just this
18 particular case.

19 MR. COVINGTON: Yeah. I do
20 want to comment that the ordinance, if
21 it's passed, does not require us to do
22 the taking.

23 COUNCILMAN KENNEY: Okay.

24 MR. COVINGTON: The taking will
25 occur because it's permitted by the

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2 ordinance.

3 But if there's a decision made
4 kind of post the ordinance, particularly
5 in conjunction with Councilman Jones's
6 office to perhaps not pursue a particular
7 taking, the RDA would more or less be
8 responsive to that request.

9 COUNCILMAN KENNEY: And I do
10 understand that.

11 But, I mean, again, we've been
12 doing this for years and been involved in
13 this process years. And folks, when they
14 get notice, it may be the first time in
15 their life that they've involved with
16 this.

17 I don't know what the condition
18 of their business is and I'm not --
19 that's really not the issue because the
20 District Councilperson is the one that's
21 going to make the decision anyway.

22 But in the end, I mean, we have
23 to have some protections here for folks
24 either losing their home or losing their
25 business. It can't be just, we're

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2 notifying you, by the way.

3 MR. COVINGTON: Right.

4 COUNCILMAN KENNEY: Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Mr. Koonce,
7 I'm not trying to take over your
8 responsibility, Mr. Covington, but we do
9 have Mr. Koonce here's who's been here
10 forever, working on this matter. So I
11 was just wondering if he could kind of
12 just step to the plate and explain the
13 process particularly as it relates to the
14 timing.

15 As the Chairman said, been
16 here, done this. We should have this
17 down to a science right now.

18 MR. KOONCE: Certainly.

19 The ordinance, before it gets
20 to City Council, there is an open board
21 meeting at the Redevelopment Authority
22 approving the redevelopment proposal.
23 There's an open meeting at City Planning
24 approving the redevelopment proposal.

25 And then once passed those --

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2 it's passed in those two bodies, it's
3 then forwarded to City Council.

4 Notices are sent out, and there
5 are hearings. They are advertised in
6 papers with daily circulation for three
7 executive weeks prior to the hearing.

8 And we actually send notices to
9 all known addresses prior to the hearing.

10 COUNCILMAN KENNEY: Prior to
11 the hearing or prior to the Redevelopment
12 Authority --

13 MR. KOONCE: Prior to hearing.

14 COUNCILMAN KENNEY: All right.
15 Maybe that's the problem. Maybe it
16 should go out before the open meeting of
17 the Redevelopment Authority that nobody
18 knows about.

19 I mean, who goes through the
20 paper and reads -- I mean, I don't -- I
21 wouldn't suspect -- I don't read those
22 notices every day, and I'm sure the
23 average person doesn't.

24 COUNCILMAN CLARKE: Well,
25 actually, Mr. Chair, because we've been

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2 here so many times on this issue, we had
3 worked out what we believe to be a
4 reasonable process, and I suspect during
5 the course of today's conversation, it
6 may come up again.

7 I can recall we were actually
8 up in the sixth floor when our chambers
9 were flooded, and we did a very
10 aggressive condemnation process, and we
11 were lucky to get out of there with our
12 lives, and we put together what we --

13 COUNCILMAN KENNEY: On a number
14 of occasions.

15 COUNCILMAN CLARKE: On a number
16 of occasions, exactly.

17 (Laughter.)

18 COUNCILMAN CLARKE: And we
19 believed the process was established that
20 the first contact was not a cold letter.
21 It was actually an individual from the
22 Redevelopment Authority going out and
23 having a conversation about the process.
24 Then you got the notification.

25 So people at least understood

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2 what their rights were in terms of
3 compensation.

4 And as a result of that, we had
5 a much smoother process. And I can
6 recall one of the projects in the Cecil
7 B. Moore Homeownership Zone, actually as
8 a result of that, it was like 17 people
9 who were relocated. Their homes were
10 taken through condemnation. They
11 actually were in a position to buy 17 of
12 the new homes.

13 So that process started
14 working. We haven't been doing a lot of
15 these here of late because of the
16 freezing of the NTI process. So maybe we
17 got a little rusty on that.

18 But I would like for us to kind
19 of get us back to that process where that
20 first contact with the government is not
21 just a cold letter, as I'm sure you all
22 got.

23 MR. MARINO: It was just very
24 blindsided.

25 (Applause.)

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2 MR. MARINO: There was -- it
3 was a cold letter, just like you're
4 saying.

5 COUNCILMAN CLARKE: All right.

6 MR. MARINO: And I just would
7 say that it's a viable business that's
8 been there 25 years.

9 And I don't know if there's any
10 standard of how many hours I have to be
11 at a business for it to be considered
12 viable, for him to see me there or not
13 there.

14 But, I mean, I would also like
15 to say that the previous speakers, they
16 did a great job with those vacant lots
17 there that were very, very poorly kept
18 for numbers of years.

19 COUNCILMAN KENNEY: Well, I
20 think, in this particular case, at least
21 we have a commitment from the District
22 Council and from RDA to have this
23 discussion with you to try to figure out
24 whether or not that property is necessary
25 or whether or not there's something that

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2 could be done.

3 MR. MARINO: Excellent.

4 COUNCILMAN KENNEY: All right?

5 MR. MARINO: Thank you.

6 COUNCILMAN KENNEY: All right.

7 Thank you.

8 COUNCILMAN JONES: And can I
9 say for the record, I said, "I don't have
10 a axe to grind."

11 MR. MARINO: Right. And then
12 you said --

13 COUNCILMAN KENNEY: All right.

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

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 MRS. MARINO: Thank you.

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

21 (No response.)

22 COUNCILMAN KENNEY: You're
23 excused. Thank you.

24 MR. MARINO: Thank you.

25 COUNCILMAN KENNEY: In an

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2 effort to maintain a quorum, what I want
3 to do is, I want to recess temporarily
4 the public hearing, and I want to enter
5 into our public meeting, and I want to
6 recognize the Council President to cast
7 her vote for all amendments and bills
8 that were on our calendar for today.

9 (Addressing Council President
10 Verna.) That's what I thought you were
11 voting for, all bills and amendments.
12 Okay.

13 So let the record show that
14 Council President is casting her vote in
15 favor of all amendments and bills on our
16 calendar today.

17 We will now recess temporarily
18 the public meeting and reconvene our
19 public hearing.

20 The next bill for consideration
21 is Bill No. 110348, which is an ordinance
22 approving the 39th Amendment to the
23 Redevelopment Proposal for the Model
24 Cities Urban Renewal Plan, being the area
25 beginning at the northwest corner of

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2 Front Street and Spring Garden Street,
3 including the 31st Amendment to the Urban
4 Renewal Plan and the 27th Amendment to
5 the Relocation Plan, which provides,
6 inter alia, for the additional land
7 acquisition of approximately fifty-five
8 (55) properties for residential,
9 institutional, and related uses; the
10 provision of certain relocation services,
11 as required by law; and declaring that
12 condemnation is not imminent with respect
13 to the Project.

14 (Witness comes forward.)

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record and
17 proceed. And if we could please have all
18 outside conversation taken outside.

19 Please identify yourself for
20 the record.

21 MR. REDDING: Good afternoon,
22 Mr. Chairman and members of the
23 committee. My name, again, is Richard
24 Reading, Director of Community Planning
25 at the Philadelphia City Planning

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commission. And I'm testifying today in favor of Bill No. 110348, which is the 39th Amended Redevelopment Proposal for Model Cities Urban Renewal Area.

This proposal authorizes acquisition of approximately 55 properties, which are planned for a new wellness center and possible residential, institutional, and related uses.

The proposal is in accord with the North Philadelphia Redevelopment Area Plan and was approved by the Planning Commission staff on April 21st of this year.

I'll be available to answer any questions.

Thank you.

COUNCILMAN KENNEY: Thank you
for your testimony.

Please identify yourself for
the record and proceed.

MR. COVINGTON: Yes. My name, again, is Ed Covington, Executive Director of the Redevelopment Authority.

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2 Councilman Kenney, Chairman
3 Verna, members of the committee, let me
4 first --

5 COUNCILMAN KENNEY: Please pull
6 that microphone closer to you.

7 MR. COVINGTON: Sure.

8 COUNCILMAN KENNEY: Thank you.

9 MR. COVINGTON: Let me first
10 make a quick further response to the
11 other questions around process.

12 I believe what we can do is
13 refresh the notification process. I will
14 say there's always some challenge in
15 finding the right people to notify in
16 these instances.

17 And so -- but I think the
18 gravity of the matter certainly warrants
19 an extra effort on our part, and we'll
20 commit to doing that.

21 COUNCILMAN KENNEY: Thank you.

22 MR. COVINGTON: I am here to
23 speak in support of Bill No. 110348,
24 which is the 39th Amendment to the
25 Redevelopment Proposal and 31st Amendment

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2 to the Urban Renewal Plan for the Model
3 Cities Urban Renewal Area.

4 All of these properties will be
5 acquired utilizing funds from the
6 Neighborhood Transformation Initiative.

7 The proposal and plan provide
8 for the acquisition of a total of 55
9 properties. One vacant lot will be
10 acquired on behalf of the Philadelphia
11 Housing Authority. This property will be
12 assemble with others already in the
13 Housing Authority's ownership for the
14 development of new-construction
15 affordable housing.

16 And 45 vacant lots, 4 occupied
17 structures, and 5 vacant structures will
18 be acquired on behalf of Project H.O.M.E.
19 These properties will be developed into a
20 wellness center. Project H.O.M.E. will
21 manage the center, which will offer
22 primary medical care as well as
23 behavioral health care, physical fitness,
24 physical therapy, dental care, and health
25 education.

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2 Councilman Kenney, Chairman
3 Verna, members of the committee, I
4 respectfully request favorable
5 consideration of Bill No. 110348 and
6 would also ask for a suspension of
7 Council rules to allow first reading on
8 June 9, 2011.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony.

11 Any questions?

12 Councilman Clarke.

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

15 I just want to put a little --
16 some clarity on this particular
17 acquisition.

18 The parcel that is being
19 acquired is actually not being acquired
20 solely for Project H.O.M.E. Part of the
21 development of this site will also
22 incorporate the building of the new
23 Martin Luther King Older Adult Center.
24 Commissioner Slawson is here with her
25 staff to talk briefly about the specifics

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2 of that development.

3 So there will be two
4 developments on the site of that parcel.
5 The original request came from Project
6 H.O.M.E. for the acquisition of the site.
7 But subsequently, there was a
8 conversation about moving the older-adult
9 center to that site, so that would also
10 be incorporated in that parcel, just for
11 the record.

12 COUNCILMAN KENNEY: Thank you.

13 COUNCILMAN CLARKE: You're
14 welcome.

15 COUNCILMAN KENNEY: Thank you
16 very much for your testimony.

17 Carolyn Placke, Don
18 Billingsley, and Earl Lively.

19 (Witnesses come forward.)

20 COUNCILMAN KENNEY: Excuse me,
21 sir. Could you do me a favor. Take a
22 seat here. I want to get some of the
23 testimony from the Recreation Department
24 prior to your testimony. Okay, thank
25 you.

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2 Is the Recreation Department
3 here? Please come up.

4 (Commissioner Slawson comes
5 forward.)

6 COUNCILMAN KENNEY:
7 Commissioner, could you lead off just by
8 identifying yourself for the record and
9 proceed.

10 COMMISSIONER SLAWSON: Good
11 afternoon, Councilman.

12 COUNCILMAN KENNEY: Good
13 afternoon.

14 COMMISSIONER SLAWSON: Susan
15 Slawson, Recreation Commissioner.

16 COUNCILMAN KENNEY: Please
17 proceed.

18 COMMISSIONER SLAWSON: I'm here
19 because we have currently an older-adult
20 center housed inside the Martin Luther
21 King recreation facility.

22 The seniors there have outgrown
23 that facility. The space is no longer
24 adequate to house the number of seniors
25 that attend and use that facility on a

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2 daily basis. We have upwards of 150-plus
3 seniors that come in for various
4 programming day after day.

5 And this is a great opportunity
6 that Recreation has. And Capital
7 Projects will be working along with the
8 City and Councilman Clarke to ensure that
9 we can offer a better, larger location
10 with even more security.

11 The facility that they're
12 housing currently, the Martin Luther King
13 facility, is a huge facility and -- but
14 it's used primarily for recreation. And
15 they have a small area that they're using
16 right now for all of their programs.

17 COUNCILMAN KENNEY: Any
18 questions for the Commissioner?

19 (No questions.)

20 COUNCILMAN KENNEY: Anyone else
21 here to testify on that particular
22 portion of it?

23 Please identify yourself for
24 the record.

25 MS. PLACKE: My name is Carolyn

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2 Placke. I'm Director of Housing and
3 Community Development for Project
4 H.O.M.E.

5 As Councilman Clarke
6 referenced, Project H.O.M.E. is
7 committed, a hundred percent committed,
8 to the collocation of a wellness center
9 as well as the older-adult center
10 referenced earlier.

11 Since 2005, I would say, we've
12 been engaged in conversations, very
13 productive conversations, with folks at
14 the senior center. They have been aware
15 of our wellness center plans and also
16 understanding of an intergenerational
17 component of it.

18 So essentially, what that means
19 is that the wellness center, while it
20 will primarily have primary-care,
21 fitness, physical therapy, O.T.,
22 behavioral health, and so on and so
23 forth, folks from the senior center
24 are -- you know, the intent is that there
25 will be a collaboration between both

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2 Project H.O.M.E. and the Martin Luther
3 King Senior Center.

4 My understanding at this point
5 is that they should be two separate sites
6 on that single parcel. And we're very
7 excited to be working with the City on
8 this.

9 COUNCILMAN KENNEY: Okay.
10 Thank you very much.

11 Any questions?

12 (No questions.)

13 COUNCILMAN KENNEY: Seeing
14 none, Mr. Lively, please.

15 COUNCILMAN CLARKE: Actually,
16 Councilman, I have a couple questions on
17 this, Project H.O.M.E.

18 COUNCILMAN KENNEY: I'm sorry.
19 Councilman Clarke.

20 COUNCILMAN CLARKE: Could you
21 talk a little bit more about the
22 development, the cost of the wellness
23 center, and the number of jobs?

24 MS. PLACKE: Sure.

25 COUNCILMAN CLARKE: In a little

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2 more specifics? It's a pretty
3 significant development.

4 MS. PLACKE: Yeah. The
5 wellness center currently is still in
6 predesign. Our construction budget looks
7 to be about \$12 million. We will be
8 going after new market tax credits on
9 this particular development.

10 Currently, we have a number of
11 fairly significant funders in this.
12 Jefferson University Hospital is our
13 primary partner in this as well as the
14 YMCA.

15 In terms of job creation, we're
16 looking at obviously over a hundred jobs.

17 For those that are unfamiliar
18 with Project H.O.M.E., we are very well
19 respected in meeting minority business
20 goals and objectives. In fact, many
21 times, we surpass those goals and
22 objectives.

23 Once the wellness center is
24 built, a percentage of jobs will be
25 allocated to folks from the community.

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2 And then, also, in terms of
3 paraprofessional job offerings, and then
4 there will also be professional medical
5 personnel onsite as well.

6 So we're looking at
7 approximately 30 professional jobs and
8 upwards that equal amount to folks from
9 the community.

10 COUNCILMAN CLARKE: Thank you.

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

13 And Mr. Lively. And is there a
14 Thomasina... Is there a Kirk Crawford?

15 MR. LIVELY: He had to leave.

16 COUNCILMAN KENNEY: He had to
17 leave? How about Thomasina? I only have
18 one name. I'm sorry. Is there someone
19 named Thomasina here? 2138 Cecil B.
20 Moore, owner of 2183 Cecil B. Moore.

21 (No response.)

22 COUNCILMAN KENNEY: Can I just
23 see a show of hands of who else wants to
24 testify on this bill. Okay, could you
25 please come forward.

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2 (Witnesses come forward.)

3 COUNCILMAN KENNEY: Please
4 identify yourself for the record, sir.

5 MR. LIVELY: Good afternoon,
6 Councilman.

7 COUNCILMAN KENNEY: Good
8 afternoon.

9 MR. LIVELY: My name is Earl
10 Lively. I'm actually a community
11 volunteer for North Philadelphia. I am
12 not a legal attorney; I have no legal
13 college background or anything of that.

14 What I do is, I help people in
15 the Fifth District. And what I would
16 just like to say really quick is that not
17 what qualifies me, but as living and a
18 resident in that area, I have raised
19 thousands of dollars.

20 I have raised about \$7,000 for
21 this particular center that we're talking
22 about. We're talking about the adjusted
23 to the Martin Luther King Community
24 Center, which is adjusted to the
25 older-adult center.

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2 I was a former vice president
3 of that board for two years ago with
4 Councilman Clarke's deputy Curtis
5 Wilkerson.

6 I volunteered. All of these
7 are North Philadelphia, in the Fifth
8 District, the district where I live.

9 I volunteered for the soup
10 kitchen down at the Church of the
11 Advocate for the last three years. I
12 have helped not just with dealing with
13 getting fresh fruit, fresh vegetables
14 from our new development, which has been
15 around for sometime, the Fresh Grocer,
16 which I have a partner with Jeff, which
17 is the general manager, which I've gotten
18 food, bread, things of that nature that
19 helps to support about 500 homeless daily
20 there.

21 I have also helped them provide
22 for all of the senior centers in North
23 Philadelphia, the Lehigh, Senator
24 Kitchen's, North Philadelphia, which is
25 not far from where we're at, and the

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2 Martin Luther King Older Adult Center.

3 I have raised hundreds of
4 dollars as well as thousands of dollars
5 for the Martin Luther King, Jr.
6 Recreation Center, state-of-the-art
7 computers, a stove.

8 I also have worked with
9 Councilman Clarke's office on what we
10 needed to do to better that facility,
11 which is with new air-conditioning. Over
12 a hundred thousand dollars, but I was
13 told that that would be taken care of.
14 So I backed off of that, thanks to
15 Councilman Clarke.

16 I also have created in North
17 Philadelphia a safe-haven project within
18 the last four years, three years for
19 about 1500 kids to keep them off the
20 streets during the Halloween time, which
21 all our area businesses in that area --
22 most of the businesses that I'm talking
23 about, I'm talking about the businesses
24 that feed off all of our residents as
25 well as our Temple students, Rita's Water

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2 Ice.

3 COUNCILMAN KENNEY: Sir, could
4 you do it -- we need your testimony --

5 MR. LIVELY: Well, I -- I just
6 want to --

7 COUNCILMAN KENNEY: We just
8 need your testimony on the bill.

9 MR. LIVELY: Well, I'm only
10 telling you this, and I think it's really
11 important, because when people speak, we
12 need to know what is your position and
13 what are you doing for the community and
14 why is your opinion so important.

15 And I think my opinion is --
16 should be vital here because I am active.
17 I live there, I sleep there, I do what
18 we're supposed to do.

19 COUNCILMAN KENNEY: Okay.

20 MR. LIVELY: And that's why.
21 Because if you look in this room, there's
22 probably maybe a handful that on five
23 fingers, when the room should be crowded
24 with a project like this, because I am in
25 support of Councilman Clarke's project.

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2 I'm just letting you hear why I am
3 expressing who I am.

4 COUNCILMAN KENNEY: No, I
5 understand.

6 MR. LIVELY: That's all.

7 COUNCILMAN KENNEY: No, I
8 understand. I'm just -- I really need to
9 know what you feel about the bill and if
10 you want to see it passed or --

11 MR. LIVELY: In terms of the
12 new center, I was appointed back in
13 September of 2010 from the Martin Luther
14 King Advisory Board to be a spokesperson
15 to hopefully get these talk up again,
16 because this is not the first time that
17 it's been talked about. It's probably
18 been talked about maybe about ten years.

19 Drawings have been drawn up --
20 designs, rather. There's been a lot of
21 talks. Nothing went through.

22 So this time, what I did was, I
23 went out and I spoke to Councilman
24 Clarke's office, I spoke with the
25 Redevelopment office, I spoke with a few

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2 other people that I've worked on this
3 project with, which was Mr. Odom, which
4 had some property over there.

5 And, naturally, because of
6 discussing with some advisors that I need
7 to drop that, which I did.

8 Am I in support of this
9 project? Yes, I am.

10 But in closing, what I would
11 like for this board to know is that I
12 understand that you have been on this
13 board probably for many years. You
14 probably have a lot of experience, not
15 just ten years, fifteen years. There's
16 probably over a hundred years' worth of
17 experience there.

18 But as a new breed here in
19 Philadelphia, someone that wants to work
20 with the City, someone that's opinion
21 should be respected because of my
22 involvement, not just with the City of
23 Philadelphia but my concern for North
24 Philadelphia.

25 I am not opposing Councilman

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2 Clarke's project or in disagreement with
3 Mrs. -- our commissioner, who thought I
4 was very opposed to this. I am in very
5 support of anything to enhance the
6 redevelopment of our city.

7 Thank you.

8 COUNCILMAN KENNEY: Thank you
9 very much.

10 Please identify yourself for
11 the record, whoever is next.

12 MR. TRIBBLE: My name is
13 Anthony Tribble. I own a property on --
14 matter of fact, President and Council, I
15 own a property at 2107 West Nicholas
16 Street. It's right behind where the
17 wellness -- part of where the wellness
18 center is going to built.

19 And I have -- the property that
20 I have, well, it's been in my family over
21 70 years. And right now, this is -- it's
22 a property that I have rented out. The
23 people that's been in the property for
24 over 35 years.

25 Now, I'm on a fixed income.

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2 Now, I'm all well for fixing up North
3 Philadelphia. I've been in North Philly
4 all my life. And I see where North
5 Philly is now, and I would like to see it
6 come back up again. You know, I mean, I
7 have no problem with that.

8 But I want the people that's in
9 my property to be compensated for. I
10 want them to be able to move into another
11 property or be replaced.

12 And I also, because I'm on a
13 fixed income. Now, the income that I was
14 getting from the property, I would like
15 to know whether or not the Council or the
16 Housing Authority is going to compensate
17 me for that, compensate me well enough
18 where that I can look forward to saying,
19 Okay, well, look, you all looked out for
20 me, I have no problem with you all doing
21 what you have to do to fix up North
22 Philadelphia.

23 COUNCILMAN KENNEY: Thank you
24 for your testimony.

25 Please identify yourself for

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2 the record.

3 MS. ODUM: My name is Allison
4 Odom. I come before you on behalf of my
5 husband, Danny Odom.

6 We own properties at 21, 24,
7 26, 28, 30, and 32, a big part of the
8 location that Project H.O.M.E. desires to
9 have the wellness center.

10 We have been in the furniture
11 business for 33 years in that particular
12 location. We would have loved to have
13 stayed. But, unfortunately, things just
14 didn't make it possible for us to do so.

15 We have been trying to sell our
16 property for quite some time.
17 Unfortunately, because of so many taxes
18 and interest and penalties we haven't
19 been able to be forgiven of, we have not
20 been able to go through with settlement
21 of our property.

22 We just recently had a young
23 man about a good three weeks ago who
24 became very, very interested in buying
25 the property. Unfortunately, we ran out

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2 of time when we got this letter in the
3 mail from you guys, dated May the 10th,
4 that this particular meeting was today,
5 and did not give us enough time to work
6 things out so that we could sell this
7 property.

8 We hope -- we were just upset
9 when we heard, whether or not we heard
10 correctly or not of the words "eminent
11 domain." Unless we have the information
12 incorrect, that means something will be
13 taken from you.

14 It is not the City's fault that
15 we ran out of time, so to speak, in
16 trying to get our business together to
17 try to sell this property. This is the
18 last property that we own because we are
19 trying to get out of debt. We want to
20 pay our bills, our taxes.

21 Whoever goes with this
22 property, we're not ever trying to go
23 back in business; we just want to get out
24 of debt. But when you do eminent domain,
25 that means -- you know what that means;

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2 you're not getting out of debt; it's
3 going to be taken. And we're just very
4 sorry to hear and hope that it don't have
5 to go down this way.

6 This particular gentleman who's
7 interested in buying our property still
8 is interested if we had a little more
9 time. And if he don't be the person to
10 buy our property, and if Project H.O.M.E.
11 gets that particular location, will we
12 still get out of debt is a big question,
13 which doesn't seem to be yes to
14 (indiscernible).

15 So this is why I am here today,
16 on behalf of my husband, who had to
17 leave. This is our concern. We're not
18 against our project; we just trying to
19 get out of debt; we want to pay our
20 bills.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Sir, sir.

24 (Witness comes forward.)

25 MR. ROBERTSON: Good afternoon.

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2 COUNCILMAN KENNEY: Good
3 afternoon. Please identify yourself for
4 the record.

5 MR. ROBERTSON: Yeah, good
6 afternoon. My name is Russell Robertson.
7 I'm the president of the Advisory Council
8 for Martin Luther King. I'm the
9 president of the six (indiscernible) of
10 centers in Philadelphia: Mann, West Oak
11 Lane, South Philly, Juniata Park,
12 Northeast, and, of course, king.

13 I'm just here today because I'm
14 in total agreeance [sic] with the
15 project. But I'm lost at one point. Is
16 Project H.O.M.E. going to build the
17 center, or is the City going to build the
18 center?

19 I was under the impression that
20 the City is going to build the center.
21 It would be City-owned, not Project
22 H.O.M.E. So I need some clarification on
23 that.

24 COUNCILMAN KENNEY: Councilman
25 Clarke.

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COUNCILMAN CLARKE: Thank you,
Mr. Chair.

Good afternoon, sir.

MR. ROBERTSON: Yeah.

COUNCILMAN CLARKE: Initially, the -- it was an attempt to have an arrangement where a building was going to be built, one building. And a part of that building was -- within that building was going to be the older-adult center.

MR. ROBERTSON: Okay.

COUNCILMAN CLARKE: When we met with the group, people were not comfortable with coexisting in the same building, and they wanted their own building after having gone to Juniata Park and seeing the older-adult center there.

MR. ROBERTSON: Yeah, right.

COUNCILMAN CLARKE: So the issue was money. It's taken us too long, but we finally identified enough money from Capital Projects. As a matter of fact, we have two of our Capital Project

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2 members here who are actually working on
3 the building. So it's now going to be a
4 separate building that will be built and
5 funded by the City of Philadelphia.

6 We're hoping that -- and I
7 understand that a couple of these
8 State-elected officials are also looking
9 at putting in some money. But we, the
10 City, are committed to building that
11 building to accommodate a new facility.

12 MR. ROBERTSON: Mm-hmm.

13 COUNCILMAN CLARKE: So we will
14 own. And the City, I guess, along with
15 PCA, right?

16 MR. ROBERTSON: Right.

17 COUNCILMAN CLARKE: Currently
18 will continue to operate at the new
19 location.

20 MR. ROBERTSON: Okay. One more
21 question. Will the constituents -- I
22 hate to -- let me rephrase that.

23 Will the people who are at
24 (indiscernible) presently, will they have
25 any type of input on what's going to go

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2 into the building? I know square footage
3 is one of the keys, but you can have five
4 blocks and still not utilize it
5 correctly.

6 So will we have any input in
7 what goes into our building? Will we
8 have any meetings with the architects --

9 COUNCILMAN CLARKE: Yes.

10 MR. ROBERTSON: -- or the
11 planning board of what's going to go into
12 the building?

13 COUNCILMAN CLARKE: Absolutely.

14 MR. ROBERTSON: Okay.

15 COUNCILMAN CLARKE: And I don't
16 know if you were there actually. I think
17 it was, like, three weeks, four weeks,
18 maybe a month ago.

19 MR. ROBERTSON: Yeah, I was
20 there.

21 COUNCILMAN CLARKE: You were
22 there?

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

25 MR. ROBERTSON: You were busy.

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2 COUNCILMAN CLARKE: Well, you
3 know what? The Commissioner is here. I
4 guess she can respond to that.

5 (Commissioner Slawson returns
6 to witness table.

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

9 COMMISSIONER SLAWSON: Susan
10 Slawson, Recreation Commissioner.

11 I just wanted to make one
12 statement, that PCA, we do get funding
13 from PCA, but the older-adult centers are
14 run by Recreation staff, Parks and
15 Recreation staff.

16 COUNCILMAN CLARKE: Okay.

17 COMMISSIONER SLAWSON: And
18 that's who will be housed and operating
19 the facility once it's moved across as a
20 part of the Project H.O.M.E. project.

21 COUNCILMAN CLARKE: Okay.

22 COUNCILMAN KENNEY: Okay.
23 Thank you very much for your testimony.

24 COUNCILMAN CLARKE: And then
25 there was a follow-up question. The

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2 gentleman basically wanted to know, would
3 the older adults have input into the
4 early-on process, the architectural, the
5 design, and the ultimate building of
6 that?

7 And from my perspective, yes,
8 but I know you were at that meeting, and
9 you met up at the site with management of
10 the older-adult center.

11 COMMISSIONER SLAWSON: The
12 answer to your question is absolutely.
13 They will have the input. And when we
14 start the meetings, we'll ensure that
15 they're a part of those meetings because
16 they're going to use the facility, so
17 it's important that we include them in
18 with whatever decisions that we make.

19 MR. ROBERTSON: I'd like to
20 thank City Council, the Commissioner, and
21 everybody who's involved in the project.
22 God bless you. Thank you for our
23 building.

24 COUNCILMAN CLARKE: Thank you.
25 We needed that.

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2 And Mr. Chair, if I can just
3 briefly -- there was two other
4 individuals that testified earlier. If I
5 can briefly respond to a couple of
6 questions and concerns they raised.

7 COUNCILMAN KENNEY: Yep.

8 COUNCILMAN CLARKE: I know that
9 Miss Dunbar from the RDA is here. But
10 the question with respects to you getting
11 compensated for your properties, by law,
12 the Redevelopment Authority is
13 required -- in this case, the City, using
14 City dollars, is required to pay you the
15 fair market value of your property in
16 that area.

17 That value actually may be
18 high, higher than normal, because a lot
19 of people have been buying property up
20 there to build student housing. So in
21 this case, that might be a good thing
22 'cause the value has now been elevated as
23 a result of all of the recent purchases
24 in the immediate area.

25 I understand that with respects

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2 to properties that have tenants -- sir,
3 in your case, Miss Dunbar from the
4 Redevelopment Authority works not with
5 only owner-occupied but works with the
6 tenants to make sure that people are
7 adequately relocated.

8 In the past, actually in a
9 development not too far from there, we
10 were actually able to relocate people in
11 that immediate area in better actual
12 conditions than they were. So we will
13 work with you in every imaginable way to
14 make sure that those individuals and
15 yourself is okay.

16 And, Miss Odom, I'm very aware
17 of your situation. And knowing your
18 husband, he actually was one of the North
19 Philadelphia residents that helped raise
20 me, and we have some issues that we're
21 going to be working -- continuing to work
22 on as it relates to some of the
23 liabilities to both the State and City so
24 we make sure that you come out of this
25 whole, okay?

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2 Thank you.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 COUNCILMAN CLARKE: Thank you,
6 Mr. Chair.

7 MR. LIVELY: Excuse me,
8 Chairman. I just wanted -- that's why I
9 sat here for so long.

10 But Councilman Clarke, I wanted
11 you to be aware that in the beginning of
12 this process, it was brought to my
13 attention that they wanted me to
14 facilitate the talks into this new
15 center.

16 So I just want to make sure
17 that Commissioner Slawson as well as
18 yourselves or anybody else that's
19 involved with this project does not have
20 any problem working with me because of
21 the fact of it. I have been the voice,
22 not a bad voice, but a voice to have
23 these talks continue, whether or not it's
24 not in the selection of the contractor;
25 that's not my job. I am not an expertee

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2 [sic] in that.

3 My thing is to keep these talks
4 going because this is not the first time
5 that this has happened. This is, like,
6 the third time. So I just want to make
7 sure that none of you have any problem
8 working with me, because I am a resource
9 for the community.

10 I am not just a person that's
11 just not sitting there. I bring
12 resources to you, I help you, I work with
13 you. I don't want to be the devil or the
14 advocate in here. Look at my track
15 record.

16 And that not only goes for you;
17 that goes for the whole City Hall. I'm
18 just asking you to work with me. So if
19 no one has no problem working with me,
20 I'm just saying, when it comes down to
21 this new center, I will be an input on
22 it, and I will be at the tables. And,
23 hopefully, as we talk, we will take the
24 information back to the seniors who
25 utilize that facility on a daily basis.

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2 COUNCILMAN CLARKE: Thank you.

3 MR. LIVELY: Thank you.

4 COUNCILMAN KENNEY: Thank you
5 very much.

6 The next bill for consideration
7 is Bill No. 110345, which is an ordinance
8 approving the Third Amendment of the
9 Redevelopment Proposal for the West
10 Parkside Urban Renewal Area being the
11 area generally bounded by Parkside Avenue
12 on the north; Belmont Avenue and Girard
13 Avenue on the east; Lancaster Avenue on
14 the South; and 52nd Street and the
15 easterly Right-of-Way of the Pennsylvania
16 Central RR Line on the west, including
17 the Third Amendment to the Urban Renewal
18 Plan and Relocation Plan, which provides,
19 inter alia, for the additional land
20 acquisition of approximately 54
21 properties for residential and related
22 uses; the provision of certain relocation
23 services, as required by law; and
24 declaring that condemnation is not
25 imminent with respect to the Project.

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2 (Witnesses come forward.)

3 COUNCILMAN KENNEY: Please
4 identify yourself for the record and
5 proceed.

6 MR. REDDING: Good afternoon,
7 Mr. Chairman. Again, I'm Richard
8 Redding, Director of Community Planning
9 at the Philadelphia City Planning
10 Commission.

11 I'm here today to testify in
12 support of the Third Amended
13 Redevelopment Proposal for the West
14 Parkside Urban Renewal Area, which would
15 authorize the acquisition of
16 approximately 54 properties, plan for
17 residential and related use in the
18 vicinity of 52nd and Viola Streets, in
19 West Philadelphia.

20 The proposal's in accord with
21 the Parkside Lancaster Redevelopment Plan
22 Area plan, and the proposal was approved
23 by Planning Commission staff on April
24 21st of this year.

25 I'm here to help answer any

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2 questions. Thank you.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 Please identify yourself for
6 the record and proceed.

7 MR. COVINGTON: Good afternoon
8 again, Councilman Kenney. My name is Ed
9 Covington, Executive Director of the
10 Redevelopment Authority of Philadelphia.

11 Councilman Kenney, members of
12 the committee, I'm here to speak in
13 support of Bill No. --

14 COUNCILMAN KENNEY: I'm sorry.
15 Mr. Covington, could you just again
16 either pull the microphone closer or
17 speak more loudly.

18 MR. COVINGTON: Sure. I'm here
19 to speak in support of Bill No. 110345,
20 the Third Amendment to the Parkside
21 Lancaster Redevelopment Proposal and the
22 Third Amendment to the West Parkside
23 Urban Renewal Plan for the West Parkside
24 Urban Renewal Area.

25 This bill would authorize the

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2 Redevelopment Authority to acquire 54
3 properties. The acquisition will be
4 funded with NTI bonds. Community
5 Ventures, in partnership with the
6 Parkside Civic Association, has proposed
7 to develop the following:

8 Eight properties that will be
9 assembled with Authority-owned properties
10 for the development of 25 to 30 units of
11 multifamily buildings;

12 Twelve properties to be
13 developed as a small multifamily
14 building;

15 Thirty properties to be
16 developed into single-family
17 homeownership;

18 And four properties to be
19 developed as a community garden.

20 This project will promote the
21 elimination of blight and result in
22 expanded housing opportunities for low-
23 and moderate-income individuals and
24 restore properties to the tax rolls.

25 Councilman Kenney and members

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2 of the committee, I respectfully request
3 favorable consideration of Bill No.
4 110345 and would also ask for the
5 suspension of Council rules to allow
6 first reading on June 9, 2011.

7 COUNCILMAN KENNEY: Councilman
8 Jones.

9 COUNCILMAN JONES: Thank you,
10 Mr. Chairman and members of the
11 committee.

12 Very different from the 59th
13 and Market Street project, where we're
14 talking about vegetable gardens and a
15 existing business, we're talking about
16 the issue of a number of residents, a
17 church, and also a business that operates
18 in that particular area.

19 I would put in a frame of
20 reference that this and the members of
21 this community have suffered through the
22 downturn of the economy, seeing the
23 neighborhood go from a blighted community
24 and begin to show the sparks of
25 redevelopment in the area.

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2 When we look at the Town West
3 project, which we'll hear about, I
4 believe testified to, there was
5 \$55 million worth of investment put in
6 that area, which was not just developed
7 the neighborhood but it transformed the
8 neighborhood.

9 The second part of this is to
10 expand beyond that individual development
11 and move into a greater connection with
12 the community, existing houses to try to
13 maintain it for low- and moderate-income
14 people.

15 You're going to hear some
16 people testify in favor for; and,
17 obviously, you're going to hear some
18 people testify with concern against. And
19 I understand that and take it very
20 seriously, because these aren't people I
21 don't know; these are people, some of
22 whom I grew up with, and some of them who
23 have been stakeholders longer than I have
24 in this community.

25 But as we contemplate what we

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2 should do, we should keep in mind the
3 fact that we established the prior areas,
4 that this is the beginning of a process.
5 This was notification that was given,
6 that probably should have had a community
7 meeting in the front of it so that people
8 didn't think that this was an eviction
9 notice.

10 (Applause.)

11 COUNCILMAN JONES: And we're
12 not incapable of saying when things
13 didn't happen in a way that probably
14 should have, and we're not too big to
15 correct that by having a sequence of
16 meetings afterwards to try to work out
17 things where we can.

18 So I want to start that with
19 that tone, to let the community know that
20 this is not some occupying force that's
21 just going to roll over their rights.
22 This is a discussion about the highest
23 and best use of the future of this
24 community.

25 And I want to thank you for

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2 your indulgence, Mr. Chairman.

3 COUNCILMAN KENNEY: Thank you,
4 Councilman.

5 Any questions for these
6 witnesses?

7 (No questions.)

8 COUNCILMAN KENNEY: Seeing
9 none, the Chair calls Lucinda Hudson,
10 Steve Kauffman, and Jim Burnett. Are
11 they in the room?

12 (Witnesses come forward.)

13 COUNCILMAN KENNEY: How many
14 other folks in the room are intending to
15 testify? Okay, thank you.

16 Please take any chair you'd
17 like and identify yourself for the
18 record. Pull that microphone closer to
19 you. Thank you.

20 Please identify yourself for
21 the record and proceed.

22 MS. HUDSON: I'm Lucinda
23 Hudson, and I'm the President of the
24 Parkside Center Association of
25 Philadelphia. I'm here today to testify

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2 on the Bill 110345.

3 And the first thing that I
4 would like to say is that the Parkside
5 community have been engaged in the
6 process of talking about rehabbing
7 housing for the last six years. We have
8 a community briefing every month. Each
9 and every resident get a flyer put in
10 their door every month. The third
11 Thursday of the month has been our
12 community briefing for six years since
13 our last project.

14 We also are working on a
15 strategy plan with the consultants who
16 have engaged the community, which this
17 project is mentioned. I just wanted to
18 be clear on that before I proceed.

19 The vision that we have talked
20 about in the community briefing with the
21 community and at the board level is the
22 fact that we wanted to create a multi-
23 generational community where residents
24 live, work, play, and enjoy a better
25 quality of life. We also would like to

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2 stabilize the neighborhood, prevent
3 gentrification, and prevent speculators,
4 which is happening in Philadelphia in the
5 Parkside area now.

6 The economic development
7 opportunity also. The impact of our
8 redevelopment project that we finished in
9 2006 created a great impact on the Park
10 Town West Center, helped create jobs;
11 there's like 6 to 800 permanent jobs
12 there. There was construction jobs in
13 the process of that.

14 The project that we are
15 embarking on now will entail businesses
16 and commercial, senior housing, and that
17 will also create a economic impact for
18 our community.

19 There's also -- the project has
20 -- the project we finished in 2006
21 decreased the crime rate in our
22 community, decreased the crime rate.
23 Some of the abandoned buildings that we
24 rehabbed in 2006 was a drug haven; drug
25 dealers used those properties to hide

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2 their drugs and things of that nature.

3 So it -- this project will
4 address several things. It will create a
5 better quality of life for our seniors
6 and youth, it will create economic
7 development and jobs, and it will also
8 help us to cut down on the crime that
9 infests our neighborhood.

10 COUNCILMAN KENNEY: Please,
11 whoever is next, identify yourself for
12 the record and proceed.

13 MR. KAUFFMAN: Hi. I'm Steve
14 Kauffman with Community Ventures. We're
15 a nonprofit developer, been around for
16 about 20 years, and are working with
17 Parkside Association on this development.
18 And I guess about ten years ago, we did a
19 19-home sales package with Parkside.

20 What I'd like to do is do a
21 little lecture based on these pictures
22 but be very quick about it since we've
23 all been here for five hours.

24 This is a rendering of an
25 apartment building that's going to be

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2 constructed on the west side of 52nd
3 Street, where the old gas station is.
4 And it's going to be mixed use, but it's
5 going to be seniors upstairs. And we do
6 hope to have a restaurant that can play
7 off the various museums in the area, such
8 as Please Touch.

9 Over here, this gives you a
10 sense of what is being acquired for what
11 purpose. This is where the apartment
12 building will be here. We're going to
13 refurbish a community park here. There's
14 going to be a refurbished park here, a
15 small (indiscernible) here.

16 And most of the orange is going
17 to be follow-up projects of single-family
18 homes, which will be sold at affordable
19 prices.

20 This is a preliminary rendering
21 of the site for the initial project,
22 which is, again, the apartment building,
23 the garden, multifamily, and you can see
24 some of the single families here.

25 This development is under a

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2 tight timeline. It's going to be going
3 in for low-income housing tax credits in
4 October, so it's important that we get
5 our ducks lined up, because that process
6 is extraordinarily competitive at the
7 State level.

8 And it's also very important
9 that we deal -- that we have a good story
10 to tell the State about any blight that's
11 visible in the area, because their site
12 criteria have gotten very strict.

13 So it's important that most of
14 the properties in this package are
15 actually going through the process.

16 I also just wanted to say one
17 quick thing, if I could, which is that
18 there are three homeowner-occupied
19 properties in this part of the
20 development, on Viola Street. Those
21 properties are not needed for the tax
22 credit development, there's nothing
23 time-sensitive about them, but these are
24 three homeowners who are living in homes
25 that are in very poor shape

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2 And Mrs. Hudson and I have
3 started to talk to them, but if they do
4 not get a package from the RDA by way of
5 relocation benefits and compensation
6 that's acceptable to them, we will back
7 right off; there's no reason for us to
8 run over them.

9 So that's one assurance also
10 that we can give Councilman Jones now
11 that -- if those three homeowners, the
12 only three here involved, are not happy,
13 they're not going to lose their homes,
14 but given the way the relocation benefits
15 work, they will probably benefit and get
16 into better housing.

17 (Mr. Kauffman is asked to speak
18 louder.)

19 MR. KAUFFMAN: Oh, I was just
20 mentioning that in this acquisition
21 package, down here, on Viola Street,
22 there are three homeowners on here.
23 These are all homes that are not needed
24 for our larger development package, which
25 is the one that's time-sensitive. And

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2 these homes would later be a part of the
3 single-family sales package.

4 And what Mrs. Hudson and I have
5 been saying, at least to the first person
6 we met with, is that that if you do not
7 get a relocation package, meaning
8 benefits that enable you to move into a
9 house that you like, if you don't get a
10 reasonable offer that improves your life,
11 then we will back off.

12 And I'm sure the Councilman
13 will see to that too, but we're going to
14 work with each one of you closely, but if
15 it doesn't work out for the three
16 homeowners, there's no reason for us
17 to -- we're not going to come back and
18 argue and say, Oh, we need your property
19 'cause it's critical. It's not critical
20 --

21 COUNCILMAN KENNEY: This just
22 begs this question, then: If it's not
23 critical to the development, then why are
24 they on the list in the first place?

25 (Applause.)

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2 MR. KAUFFMAN: Well, they're on
3 the --

4 COUNCILMAN KENNEY: I mean, I'm
5 not -- I just don't -- and this is really
6 not directed at you; it's more directed
7 at the Redevelopment Authority.

8 Why do we have properties on
9 the list that are being testified that
10 are not critical to the project? Why
11 scare these folks and put their homes on
12 the list?

13 MR. KAUFFMAN: Well, we've
14 talked to one of them, and I don't know
15 whether we've talked to the two other
16 homeowners, but that is a situation where
17 we've been reaching out on a timely
18 basis.

19 The homes are in very poor
20 shape. Some of them are threatening
21 other homeowners because they're in such
22 bad shape.

23 The whole process of
24 condemnation and then giving them
25 relocation benefits can be a way of --

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2 COUNCILMAN KENNEY: An, again,
3 I'm not involved in this project and I
4 trust Councilman Jones's judgment, and I
5 will go along with his opinion.

6 But it seems to me the major
7 project is the one we're looking at with
8 the Centennial Grill and with the
9 apartments.

10 MR. KAUFFMAN: Right, that's
11 the --

12 COUNCILMAN KENNEY: So why
13 can't we be dealing with that when
14 everybody's kind of happy?

15 (Applause.)

16 MR. KAUFFMAN: Well, okay. In
17 general, we -- in a broad sense, we need
18 to acquire most of these oranges on the
19 map here because PHFA, the funder of the
20 Centennial project, will need us to show
21 that other things are going on in the
22 neighborhood and that there's a
23 commitment from the City to follow up.

24 But with regard to the three
25 homeowners, in the past in Parkside --

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2 and other people might be able to testify
3 to this -- in our last development, we
4 were able to relocate people who were
5 moved for Park Town West, if I have the
6 name right, into homes we had just
7 rehabbed, and some of them moved in for,
8 free using the relocation benefits.

9 So these folks, if they choose
10 to avail themselves of this
11 opportunity, will benefit.

12 COUNCILMAN KENNEY: And I think
13 that's terrific. And, again, Councilman
14 Jones is a good district councilperson,
15 and he will protect his folks; I have no
16 problem with that.

17 But I don't see why we need --
18 on three instances now with these
19 takings, we have to go through this
20 tortuous process for people who aren't
21 familiar with this process. I mean,
22 we're at least familiar with it.

23 (Applause.)

24 COUNCILMAN KENNEY: We know
25 when we say that it -- that taking the

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2 property is not imminent but it's in the
3 law, what it means. But to them, it
4 means that -- you know, it's serious.

5 And maybe it's just the system
6 that's flawed, or maybe it's State
7 regulations that are flawed.

8 (Applause.)

9 COUNCILMAN KENNEY: But
10 something's -- I mean, I've been through
11 this 50 times, 100 times where these poor
12 people come in here and they're scared to
13 death, and I don't think there's a need
14 for it half the time or three-quarters of
15 the time.

16 But that's -- you know, it is
17 what it is.

18 (Applause.)

19 MR. KAUFFMAN: I've done my
20 best to explain it.

21 COUNCILMAN KENNEY: And I
22 think -- please, I am not directing the
23 criticism at you. I'm -- if there are
24 facets of the process that force you to
25 do these things, I think they need to be

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2 addressed.

3 And I recognize you're very
4 clear on the record that certain houses
5 are not critical to the project, and if
6 they don't get what they think is
7 appropriate for their compensation that
8 you won't take it. I hear all of that.

9 I just don't know why we have
10 to go through this every time we have one
11 of these hearings.

12 MR. KAUFFMAN: Well, it's
13 painful, and I can think of --

14 COUNCILMAN KENNEY: Yeah.

15 MR. KAUFFMAN: I can think of
16 ways in which all of us could do things a
17 bit better, and Councilman Clarke
18 addressed.

19 COUNCILMAN KENNEY: All right,
20 all right.

21 MR. KAUFFMAN: But sometimes
22 those developers can move a bit more
23 quickly in talking to people.

24 COUNCILMAN KENNEY: Enough
25 said.

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2 Yes, sir. Please identify
3 yourself for the record.

4 MR. BURNETT: Yes. My name's
5 James Burnett. I'm the Executive
6 Director for the West Philadelphia
7 Financial Services Institution and also
8 the Chairman of West (indiscernible), the
9 owners of the Park West Town Center.

10 I'm here today to talk about
11 the activity that we did with both
12 Community Ventures and Parkside
13 Association in the relocation of 27
14 families when we built the Park West Town
15 Center.

16 Part of that process was to
17 meet with pretty much every property
18 owner prior to a discussion of taking
19 their property early on in the process,
20 and we think that we were able to not
21 only diffuse some folks who were not
22 involved in that process, meaning
23 outsiders who wanted to come in and
24 create a problem, but also to make the
25 homeowners understand that there was a

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2 benefit for them to actually do this with
3 us, because it was in not only their best
4 interests but also the best interests of
5 the community.

6 We were fortunate enough that
7 that at the time we wanted to build Park
8 West Town Center that Community Ventures
9 and Parkside Association was in the
10 process of rehabbing enough properties
11 that for whoever wanted to remain in the
12 community, we were able to place them in
13 these properties. Some of those
14 homeowners are there today, and they can
15 speak on their own to whether that
16 process worked for them or not.

17 But we feel that we did a good
18 job in keeping both the needs of the
19 community on one hand positive and also
20 the needs of the individual and the
21 business owners on the other hand
22 positive.

23 And I wanted to say that WPFSI
24 and Park West Town Center, we support
25 this project. It benefits the economic

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2 development that has been going on in the
3 community and also will continue to help
4 and reduce the amount of crime that goes
5 on in the area.

6 Thank you.

7 COUNCILMAN KENNEY: Thank you.

8 Councilman Goode.

9 COUNCILMAN GOODE: Thank you,
10 Mr. Chairman.

11 Just a simple question. Good
12 afternoon, Mr. Burnett. Who's going to
13 own the properties that will be taken?

14 MR. BURNETT: That I'm not sure
15 of because we have -- we are not actually
16 part of the deal itself, but we are here
17 to support the project going forward.

18 COUNCILMAN GOODE: Can somebody
19 answer that question?

20 MR. KAUFFMAN: There will be
21 two sets of owners. A limited
22 partnership will be formed to own the
23 Centennial Village properties because
24 that's a low-income housing tax-credit
25 deal, and we have to form a limited

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2 partnership.

3 The other properties, which are
4 (indiscernible) homeowners, of course,
5 will be owned by the ultimate end-users,
6 which are the homeowners.

7 COUNCILMAN GOODE: Okay. Who's
8 going to own them in the meantime? I
9 understand that you are forming a limited
10 partnership. Who's forming a limited
11 partnership?

12 MR. KAUFFMAN: The last few
13 words? I'm sorry.

14 COUNCILMAN GOODE: Who's
15 forming a limited partnership?

16 MR. KAUFFMAN: Okay. Well,
17 Community Ventures will. We've done this
18 a number of times before. It's standard
19 in dealing with low-income housing tax
20 credits.

21 We go find an investor like a
22 large cooperation to own 99 percent of
23 the limited partnership. They get the
24 tax credits. They pay for about 80
25 percent of the development cost. And

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2 then they get out after 15 years, and
3 that reverts back to nonprofit ownership,
4 in essence.

5 COUNCILMAN GOODE: So that's
6 different from how the Park West Town
7 Center was developed --

8 MR. KAUFFMAN: Right, yes.
9 That was commercial.

10 COUNCILMAN GOODE: -- where
11 West Philadelphia Financial Institution
12 owned it.

13 MR. KAUFFMAN: I don't know
14 what the ownership interest was there.

15 (Addressing Mr. Burnett.) But
16 do you want to answer that quickly? Then
17 I can get back.

18 MR. BURNETT: Yeah. Our
19 ownership -- and we have a partnership
20 with the Goldenberg Group. And in that
21 ownership, we own 30 percent of the
22 project, and Goldenberg owns 70 percent
23 of the project, and WPFSI retained all of
24 the land in the project.

25 COUNCILMAN GOODE: And that's

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2 not going to be the case under this
3 project?

4 MR. KAUFFMAN: No, because it's
5 affordable housing, which --

6 COUNCILMAN GOODE: Some it is
7 affordable housing; not all of it
8 affordable housing. But there's no
9 reason why a financial services
10 institution that does more than just
11 commercial and industrial but does
12 housing as well as part of its mission
13 cannot own property.

14 MR. KAUFFMAN: Well, that's
15 true --

16 COUNCILMAN GOODE: It's simply
17 a matter of owning property.

18 MR. KAUFFMAN: Right. Well, I
19 guess one reason is that Community
20 Ventures has done a number of these
21 transactions and has the credibility with
22 the State to obtain the funding, but --

23 COUNCILMAN GOODE: And so, you
24 can create an equity partnership with a
25 community development financial

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2 institution.

3 MR. KAUFFMAN: Well, there's
4 not much --5 COUNCILMAN GOODE: Or you just
6 don't want to.7 MR. KAUFFMAN: There's not much
8 of one to create it because, as I said
9 before, the outside investor, which is
10 the corporation that receives the tax
11 credits from the federal government, owns
12 actually 99.9 percent, if you can believe
13 it, of the partnership.14 The general partner, which is a
15 subsidiary of Community Ventures, owns a
16 tenth of a percent. And the reason for
17 that is that the limited partner is the
18 one that invests the cash into the
19 project in return for receiving the tax
20 benefits, and they have to own the vast
21 majority of it.22 Eventually, they are taken out,
23 after about fifteen years.24 COUNCILMAN GOODE: I get all of
25 that, it's a great project, but when I

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2 ask the question, Who is going to own the
3 land? that's an important question to me.
4 It was an important question to me as we
5 talked about the empowerment zone and how
6 that funding was going to be structured
7 and the fact that there was a community
8 development financial institution set up
9 and the fact that it was going to own the
10 land for that project.

11 And so, when you come to the
12 table with a community organization
13 community development financial
14 institution, I want to know what their
15 financial stake is and whether they're
16 going to own any of the land. And that's
17 an important question to me.

18 MR. KAUFFMAN: Well, I think --
19 I don't really know how else to answer
20 the question.

21 COUNCILMAN GOODE: You answered
22 it.

23 MR. KAUFFMAN: The way the tax
24 rules --

25 COUNCILMAN GOODE: You said you

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2 are.

3 MR. KAUFFMAN: No, I didn't say
4 that. I said that we're going to form a
5 limited partnership.

6 COUNCILMAN GOODE: And you're
7 going to sell tax credits.

8 MR. KAUFFMAN: Right. And --

9 COUNCILMAN GOODE: And you're
10 going to own 90 percent of it.

11 (Indiscernible; parties talking
12 over each other.)

13 MR. KAUFFMAN: No. We -- the
14 limited partner, which is an outside
15 investor such as a bank or a large
16 corporation that comes in through a
17 broker, they own 99 percent of the
18 limited-partnership entity that owns the
19 project.

20 So there's no really no
21 ownership interest to share with
22 anybody's else, because they own almost
23 all of it.

24 All they receive is tax
25 benefits and savings. They eventually

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2 leave after 15 years. And at that
3 15-year mark, it's very easy to structure
4 an ownership relationship with Jim's
5 organization or Lucinda's because at that
6 point --

7 COUNCILMAN GOODE: It's very
8 easy to structure that now.

9 MR. KAUFFMAN: Well, we can do
10 that, sure, yeah.

11 COUNCILMAN GOODE: You can do
12 that. And this is the point at which we
13 discussed that.

14 MR. KAUFFMAN: I'm sorry?

15 COUNCILMAN GOODE: This the
16 point at which we would discuss that.

17 MR. KAUFFMAN: Well, right.
18 Yeah, we will certainly sit down with
19 both of them and figure that out. We
20 haven't -- it hasn't come up yet as a
21 matter of discussion.

22 COUNCILMAN GOODE: It should.

23 MR. KAUFFMAN: Well, it should,
24 but it's a little --

25 COUNCILMAN GOODE: Thank you.

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2 MR. KAUFFMAN: Okay.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 Are there any other questions
6 for these witnesses.

7 (No further questions.)

8 COUNCILMAN KENNEY: Seeing
9 none, thank you very much.

10 And I do want to reiterate that
11 I do think this project is extremely
12 important for this neighborhood and will
13 be a total benefit to the neighborhood.

14 And I just want to try to get
15 us around -- and I didn't mean to offend
16 if I did, to get us around some of these
17 housing issues, 'cause people are afraid.

18 And I do appreciate the hard
19 work you've been doing and the great
20 projects you've done, and I'm sure this
21 one will be also. So thank you.

22 MR. BURNETT: Thank you.

23 MR. KAUFFMAN: Point taken
24 about the process.

25 COUNCILMAN KENNEY: Dennis Lee,

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2 Diane Marshall, Shelton Roland. And any
3 representative from Macedonia Pentecostal
4 Church, please come forward. How many
5 folks from the church are going to
6 testify? Is everyone testifying or --

7 PASTOR LEONARD: No.

8 COUNCILMAN KENNEY: Okay, fine.

9 Thank you.

10 (Witnesses come forward.)

11 COUNCILMAN KENNEY: Whoever is
12 ready, please identify yourself for the
13 record.

14 MS. MARSHALL: Good afternoon.

15 My name is Diane Marshall.

16 COUNCILMAN KENNEY: Please
17 proceed.

18 MS. MARSHALL: And I am a
19 resident and a relocater from the first
20 project that was done.

21 I am just here to testify, I
22 guess, that how the process worked for
23 me, moving out of a house where I was not
24 able to really do much with it, and then
25 be able to move into a home now that it's

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2 beautiful. I'm in a area where I don't
3 have to worry about breaking in or vacant
4 houses around.

5 So I am here just to say that I
6 agree with the process and hope that it
7 goes through because it's something that
8 will be better for the community.

9 COUNCILMAN KENNEY: So your
10 experience is a positive one.

11 MS. MARSHALL: I'm sorry?

12 COUNCILMAN KENNEY: Your
13 experience is a positive experience.

14 MS. MARSHALL: Yes, it has been
15 positive very positive.

16 COUNCILMAN KENNEY: Okay.
17 Thank you very much.

18 MS. MARSHALL: Thank you.

19 COUNCILMAN KENNEY: Please
20 identify yourself for the record.

21 PASTOR LEONARD: Yes. Good
22 afternoon. My name is Pastor Valerie
23 Leonard. I am now the pastor of
24 Macedonia Pentecostal Church of
25 Deliverance, where my mother was the

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2 pastor in that community for over 41
3 years.

4 COUNCILMAN KENNEY: And your
5 comments are...?

6 PASTOR LEONARD: My comments
7 are that I'm not on drugs, I've served in
8 that community, I grew up in that
9 community from a child, I lived in that
10 community. My children went to Heston
11 School in that community.

12 My mother served until she
13 passed in 2008. She served the
14 community, she housed the homeless, she
15 fed, she clothed. She was very active in
16 the community.

17 I don't have a problem with the
18 rebuilding of the community because it is
19 necessary, but the problem I have is that
20 if you want to relocate me, the money
21 that you want to use to relocate me and
22 my church family, why not invest in me to
23 stay there so that I can continue to be a
24 positive attitude in that community.

25 Also, when we received a

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2 letter, as you before stated,
3 Mr. Chairman, yes, we was upset. And
4 then we went to the first meeting at
5 Councilman Jones' office. We was
6 bullied. We was told that we had no
7 decision by the community activist.
8 Parkside Association told us that the
9 meeting that we went to on the 31st at
10 Councilman Jones' office in Wynnefield,
11 that was the only meeting we needed to go
12 to. We didn't need to come here because
13 this hearing was irrelevant to us.

14 We was bullied by the
15 redevelopment that looked me in my face
16 and told me I had no choice, but I had to
17 get out of the community, that they would
18 take over my mother church, my
19 inheritance from me and my children.

20 I felt very insulted, I felt
21 bad, because when we are asked to go out
22 and vote, when we are asked to pull that
23 lever, we are asked to trust in our
24 Congress people, our representatives who
25 we vote for, that they would look out on

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our behalf.

Now, we do see that they do have stuff and plans to look out for us, but why move me out of a community that you want to build up, when I was there from the beginning, with the drugs, with the break-in, and everything else.

So now that you're saying that the community can become better, kick me out? I don't think so.

(Applause.)

COUNCILMAN KENNEY: Thank you
for your testimony.

Sir, could you please identify
yourself for the record.

MR. LEE: Dennis Lee, Chairman
of West Philadelphia Financial Services
Institution.

COUNCILMAN KENNEY: Yes, sir.

MR. LEE: And I just wanted to talk about a little bit about process.

Nineteen years ago, when the first individuals started thinking about building the Park West Town Center, they

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2 thought about building a little strip
3 mall. Through the years, it involved --
4 kind of mushroomed into this -- what we
5 see today.

6 But in that process, there's a
7 lot of emotionalism, and it takes
8 sometimes to -- you'll hear one person's
9 opinion of what was done, and then you'll
10 hear another person's opinion of what was
11 done. And when you listen to both of
12 them, everyone wants the same thing:
13 Everyone wants that community to be
14 bigger and better.

15 We're not stepping into
16 lightness; we're already in lightness.
17 We're stepping into enlightenment. And
18 that's what this process will do.

19 This process right now -- and
20 hearing my good friend the pastor talk
21 about the wonderful things that they
22 would like to see it in the community and
23 what have you, but it takes looking at
24 everybody's vision. And that's what it
25 took nineteen years ago. That's why we

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2 have a Park West Town Center, because the
3 people came together.

4 There are meetings constantly
5 in that community, there's access in that
6 community. And I don't want -- I don't
7 want us to be misled that there was not a
8 process in this whole thing, 'cause
9 there's been meetings.

10 Now, everybody doesn't hear all
11 the notices, everybody doesn't always get
12 a opportunity to be at the meetings and
13 what have you, but there is a major
14 process in that community.

15 The result is a \$60 million
16 complex, with 19 renovated homes, and 19
17 of those individuals lived in that
18 community and were relocated in that
19 community, as well as those that are
20 going to be looking at the process will
21 have a opportunity to be a part of that
22 process.

23 So I think once calmer heads
24 are set in the room and we all get a
25 chance to talk about it and talk about

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2 this process, the emotionalism will set
3 aside, and then the true process will
4 happen.

5 And I thank you for that
6 opportunity to give that testimony.

7 COUNCILMAN KENNEY: Thank you
8 for your testimony. I appreciate it.

9 Ma'am, are you testifying?
10 Ma'am?

11 Who else is in the room to
12 testify on this bill? Please come
13 forward.

14 (Witnesses come forward.)

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record.

17 MINISTER KING: Thank you. I
18 am Minister Teresa Lockhart King, of
19 Macedonia Pentecostal Church of
20 Deliverance.

21 I'm a member in that community,
22 and after having been there and seen the
23 community and having talked with the
24 residents there, this project that
25 they're trying to bring forth is not

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2 conducive for the community.

3 The residents there would like
4 to remain in their homes. Why take and
5 rebuild homes, put these people out, or
6 tell them some story that, Oh, you're
7 going to be able to remain there. They
8 already have homes.

9 We're trying to rebuild the
10 community. And through the church and
11 the people in the community, we plan to
12 revitalize. We want to develop a
13 partnership within that area with the
14 business associations, with the civic
15 associations, and with the people that
16 live there.

17 I heard someone speak earlier
18 and say that, Oh, we have given jobs, we
19 have created jobs. Those jobs weren't
20 for the people in the community; those
21 jobs were through the labor unions and
22 through people that were hand-picked by
23 them, but not people that live in the
24 community.

25 Our church has a plan already

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2 in place of what we plan to do to
3 partnership with the community as well as
4 the businesses there.

5 Our vision statement is this
6 for the community -- our statement of
7 purpose, I'm sorry. Our statement of
8 purpose reads as such:

9 Macedonia Pentecostal Church of
10 Deliverance, Inc. endeavors to create:

11 1. Create and develop
12 relationships that will inflate our
13 community resources in surrounding urban
14 marketplace.

15 2. To help rebuild and bring
16 improvement to the community through the
17 awareness and implementation of various
18 programs such as: In one year, after-
19 school programs; a GED literacy program,
20 six months; parenting skills within six
21 months; business empowerment and
22 entrepreneur networking in six months;
23 job-readiness training -- résumés, cover
24 letters, et cetera; summer lunch programs
25 within a year, and we have already

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2 partnered with the Archdiocese and
3 received our number to start lunch
4 programs around there and feeding
5 programs, and we're going to be working
6 with PhilAbundance; counseling task force
7 for substance abuse; senior activities,
8 and we're also going to partner with PCA;
9 neighborhood watch programs; Philadelphia
10 More Beautiful Committee; we intend to
11 have health (indiscernible) to bring
12 awareness to the neighborhood and to the
13 community and to the residents about
14 different issues concerning health care;
15 and reentry programs for the prison
16 ministry that it's working on; reentry
17 programs so that people that are coming
18 out of these correctional institutions
19 will have a opportunity to have a second
20 chance to come back and be a contributing
21 factor within the community, to have
22 jobs, to have someplace to live, to know
23 that they can once again survive in the
24 community that they grew up in.

25 Our programs and work ethics

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2 are rock solid and will involve the
3 community residents, businesses, and the
4 members of Macedonia Pentecostal Church
5 of Deliverance, Inc.

6 One thing I would like to say
7 is that the residents there, they don't
8 want to be relocated; they want to remain
9 where they are. But the same money that
10 you're going to take -- I keep hearing
11 about tax credits, tax credits. So you
12 going to take the tax credits from the
13 homeowners that already live there that
14 are paying property taxes, school taxes,
15 and all these other actions; now you want
16 to give it to a corporation instead of
17 taking that money and returning it --
18 turning it around and recycling it back
19 into the community for the residents that
20 live there.

21 (Applause.)

22 MINISTER KING: The rebuilding
23 of this community is vitally important to
24 our church simply because we care. We
25 care for the residents and we're

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2 concerned about their resolving issues.

3 The crime, that's why we want
4 to put a Town Watch in place. We want to
5 involve the people that live there
6 because when we involve them and they see
7 that their community becomes more stable
8 and they can revitalize it, take will
9 take more pride in their community, not
10 just where they live at, but in the
11 surrounding areas.

12 We plan to partnership with
13 other churches in that area --

14 (Applause.)

15 MINISTER KING: -- to help
16 rebuild, not tear down and build up
17 something else but rebuild what's already
18 there. Don't try to fix what's not
19 broken'; just take what's there and fix
20 it.

21 (Applause.)

22 MINISTER KING: Currently plans
23 are being formulated to involve community
24 residents in rebuilding and
25 revitalization processing. In other

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2 words, use the people that live there.
3 You bringing all these people in from
4 everywhere; what about the people that
5 live there? They have feelings, they
6 have issues, they have concerns, and they
7 want to be a active part of the process
8 that's going on.

9 We have no problem with
10 rebuilding and revitalizing the area, but
11 work with us; don't take from us.

12 (Applause.)

13 COUNCILMAN KENNEY: Thank you
14 for your testimony.

15 Please identify yourself for
16 the record.

17 MS. BEST: My name is Karen
18 Best.

19 I am one of -- two issues. I
20 am one who basically was a part of the
21 relocation; and also, I am a part of you
22 guys getting ready to take properties
23 again at -- one of the properties that
24 are getting ready to be taken again.

25 My concern is two things. I

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2 can appreciate everything that Lucinda
3 and the society has been doing because it
4 was a positive thing with me moving and
5 being located. But also, I am also in
6 agreement with these young ladies here in
7 reference to the property that I own now,
8 in searching or reaching out to try to
9 get it be maintained or renewed or some
10 help with it. It was never done.

11 Just as she's stating, instead
12 of taking money into -- and putting it
13 into other people's hands, why not give
14 it to us so that we can rebuild and stay
15 within our locations. I have children
16 that have been raised up in this
17 location. I don't want, every time I
18 turn around, property to be taken away
19 from me.

20 I do understand money is
21 involved and is needed. Why can't the
22 money be given to us to fix and maintain
23 instead of taken away from us.

24 (Applause.)

25 MS. BEST: That's my only

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2 concern.

3 They have -- I benefited have
4 from the relocation process as well. I
5 do want my neighborhood beautified, I do
6 want things to be right. I give Lucinda
7 credit for the hard work she's put in in
8 trying to do that.

9 But all I'm saying is that for
10 those that are middle class like myself,
11 who's trying to work hard to maintain and
12 rebuild, why take it away.

13 COUNCILMAN KENNEY: Thank you.

14 (Applause.)

15 COUNCILMAN KENNEY: Sir, please
16 come forward and identify yourself for
17 the record.

18 (Witness comes forward.)

19 COUNCILMAN KENNEY: Is there
20 anyone else left to testify on this bill?

21 (No response.)

22 COUNCILMAN KENNEY: So this
23 will be the final witness for this bill.

24 Please identify yourself for
25 the record and proceed.

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2 MR. AVERY: Good afternoon. My
3 name is Jerome C. Avery, and I currently
4 reside in the West Park area. I have
5 been in the area for very close to 50
6 years. And once I became an adult I have
7 been working for about the last 30, 35
8 years with the youth in the community,
9 and I continue to do that to this day.

10 I am currently and have been a
11 board member of the Parkside Association
12 for the past six years. My main reason
13 for becoming a board member was to get
14 involved in youth development and the
15 future of the West Parkside community by
16 improving the area schools and preserving
17 the existing homes, while ensuring that
18 the community's input was accepted and
19 respected when it came to the many
20 changes in the West Parkside community

21 This proved to be an extremely
22 difficult task. The difficulty lies in
23 the fact that, as a board member, I was
24 never informed of or invited to any of
25 the strategy settings, planning, steering

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2 committee, or business meetings, et
3 cetera. I had no input in any serious
4 discussions pertaining to the future of
5 West Parkside area.

6 I was intentionally excluded
7 because I consistently raised the issue
8 of community exclusion at every community
9 and Parkside Association board meeting
10 that I attended. I raised other issues
11 that were extremely important to the
12 community. They were housing,
13 specifically the rehabilitation of the
14 homes in the a 5100 block of Columbia
15 Avenue, youth development, and a tax
16 abatement program for the homeowners that
17 remain in the West Parkside area.

18 We have addressed the
19 tax-abatement issue at several meetings.
20 Councilman Curtis Jones attended a few of
21 those meetings. The issue of tax
22 abatement is extremely important in that
23 the existing community members, those who
24 have a vested interest in the community,
25 will be faced with the difficulty of

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2 increased property tax as the community
3 continues to develop.

4 And the question is: Will the
5 residents who move into the newly
6 renovated or newly built houses, will
7 they get tax abatements?

8 The main and most important
9 issue that I raised at those meetings was
10 the intentional exclusion of the
11 community in the changes that were being
12 planned and implemented in the West
13 Parkside area.

14 Community exclusion became the
15 most important issue because if you don't
16 have some control and input in the
17 community issues, you won't be able to
18 control the education, housing, taxes, or
19 anything else in your community.

20 If the investment groups or
21 financial groups want to build or promote
22 a project in the West Parkside area, they
23 should have honestly discussed it with
24 the majority of the community and not a
25 select few.

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2 (Applause.)

3 MR. AVERY: Instead, they
4 misled, deceived, and deprived the
5 community of its rightful input.

6 In many cases, our home is our
7 biggest economic investment. We
8 definitely should have been informed and
9 had some input in the changes in our
10 neighborhood prior to them being
11 implemented.

12 Based on my experience as a
13 board member and my being intentionally
14 excluded from any serious strategy or
15 planning sessions, I question why others
16 who are employed by the financial group
17 and the public relations groups and
18 represented their interests were included
19 in the strategy and planning sessions
20 and, in some cases, hired by the Parkside
21 association. This allowed them to
22 deceitfully make it appear that they were
23 representing the community's best
24 interests. These actions are unusual,
25 suspicious, and definitely warrant a

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federal investigation.

In most cases, the community was never properly or truthfully informed of the content or purpose of these meetings in a timely manner.

For example, a community meeting was held and hosted by the Urban Partners and Baker & Company, LLC, on May 19, 2011. The meeting was to allow the community to have input on projects to be considered in the West Parkside area.

The flyer stated: "Parkside Transformation Project Community Meeting. Come out and have a say on projects being considered in the West Parkside area."

I questioned Jim Hartman from Urban Partners, one of the hosts at the May 19th meeting, regarding how the people would be able to make an intelligent assessment and decision on a transformation project that the community had no prior knowledge of.

The community attended the meeting to discuss the transformation of

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2 their community and the rehabilitation of
3 homes in their community. Instead, they
4 found that some of their homes were being
5 acquired for projects that they were
6 completely unaware of. The people at the
7 meeting were complaining and objected to
8 their homes being taken.

9 The community's desire has
10 always been to rehabilitate the homes on
11 Columbia Avenue, not demolish them and
12 replace them with expensive housing.

13 The community has been
14 misinformed and misled on several
15 occasions regarding the housing on
16 Columbia Avenue. On several occasions,
17 at community and Parkside Association
18 board meetings, we were informed by
19 Lucinda Hudson, President of the Parkside
20 Association of Philadelphia, that loans
21 and grants had been applied for and, in
22 some cases, made available for the
23 rehabilitation of the 5100 block the
24 Columbia Avenue.

25 On September 22, 2008, at a

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2 Parkside Association community meeting,
3 we were informed that a proposal was
4 submitted for the rehabilitation of 30
5 homes on Columbia Avenue, but we were
6 likely to get approval for only 25, and 7
7 had already been accepted.

8 Also, in a board meeting as
9 recently as February 15, 2011, we were
10 informed that Mayor Nutter and Councilman
11 Curtis Jones had obtained \$1.2 million to
12 rehabilitate the 5100 block of Columbia
13 Avenue.

14 I would like for someone to
15 honestly address the issue of housing on
16 Columbia Avenue. At this point, we have
17 no idea what the future holds for that
18 block.

19 We would like to see the houses
20 rehabilitated similar to the houses that
21 were rehabilitated in the 5100 block of
22 Parkside Avenue.

23 If the community had been
24 honestly informed and involved in the
25 planning of these changes in the West

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2 Parkside area, we could have avoided
3 deterioration of the homes in the 5100
4 block of Columbia Avenue and elsewhere in
5 the community through some type of
6 community investment project.

7 On Thursday, June 2, 2011, a
8 community meeting was held at the Penn
9 Memorial Baptist Church. I learned of
10 this meeting on the following day,
11 Friday, June, 3, 2011, while speaking
12 with a Miss Tracy (indiscernible),
13 project manager at the Redevelopment
14 Authority.

15 It was my understanding that
16 only three people from the community
17 attended this meeting. The community was
18 not notified of this meeting, and as a
19 community and board member, I was not
20 notified, informed, or invited.

21 If any of these groups involved
22 in this transformation project were
23 truthfully interested in the community's
24 involvement, why didn't they mention or
25 inform the community of -- why didn't

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2 they mention or inform the community
3 members of the June 2nd community meeting
4 at Penn Memorial Baptist Church that was
5 directly related to the changes in the
6 West Parkside area. Why didn't they
7 mention this public hearing that is being
8 held today regarding the proposed changes
9 in the West Parkside area

10 I can tell you why. It is
11 because they don't want the community's
12 input or involvement.

13 (Applause.)

14 They only want the select few
15 that they chose to participate in the
16 planning and decision-making.

17 This caused a division among
18 the community residents because it
19 appears that a large percentage of the
20 community is not interested, when, in
21 reality, they have no knowledge of the
22 meeting.

23 I suggested that they post the
24 flyers announcing community meetings in
25 the stores in the West Park Town Center;

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2 specifically ShopRite, where most of the
3 community shops. Based on ShopRite's
4 record in this community, they would be
5 more than willing to display notification
6 for community meetings.

7 COUNCILMAN KENNEY: Sir, excuse
8 me, I'm sorry. I' don't mean to
9 interrupt. Do you have -- is there many
10 more pages? Or --

11 MR. AVERY: Just about two.

12 COUNCILMAN KENNEY: Oh, okay.
13 All right, thank you.

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

16 COUNCILMAN KENNEY: I
17 appreciate it. We're just backing up
18 into other hearings now --

19 MR. AVERY: Oh, all right.
20 I'll try to get through it.

21 COUNCILMAN KENNEY: -- and we
22 have stuff scheduled at 4.

23 MR. AVERY: I attended 75
24 percent or more of the Parkside
25 Association Board and community meetings.

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2 I also attended 90 percent of the
3 community meetings held by or directed by
4 the various development and investment
5 groups.

6 Okay. Well, can I just read --
7 I'll just read the last part, and can I
8 leave a copy of it?

9 COUNCILMAN KENNEY: Oh,
10 absolutely. Your entire testimony will
11 be printed in the record, without a
12 doubt. So if you can summarize, that
13 would be helpful.

14 MR. AVERY: Okay. As an
15 example, on 5/15/08, there was a
16 presentation given on economic
17 development and strategy by the
18 Centennial District group.

19 After the presentation, a
20 question form was issued for any
21 additional questions, comments or
22 concerns. The question form was to be
23 handed in at the meeting, faxed, or
24 e-mailed, or called in. The e-mail was
25 rejected by the server, and the telephone

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2 was consistently busy.

3 I eventually mailed my
4 completed question form on 6/11/08. I
5 stated in the letter that community
6 members should be truthfully informed of
7 short- and long-term plans, ideas, or
8 proposals for their community.

9 New ideas, changes, and
10 proposals are usually discussed and
11 decided upon by the time they reach
12 members of the community. The groups
13 continue to ignore this because no one
14 held them accountable.

15 I also informed them of my
16 letter of the problem with contacting
17 them, and they replied on 6/18, the day
18 before the scheduled meeting.

19 My next issue is the future of
20 the 1700 block of North 51st Street. The
21 1700 block of North 51st Street consists
22 of six houses. The issue with the 1700
23 block of North 51st Street is very
24 complex.

25 First, we would like to say

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2 that the homeowners by a majority vote
3 have clearly stated that they would like
4 their homes and the block to remain
5 intact.

6 My current address is 1726
7 North 51st Street, and it is next door to
8 one of the properties listed to be
9 acquired. However, the house was
10 demolished in October of 2008.

11 Just to reiterate how the
12 community's input or suggestions or
13 demands are not accepted or respected
14 when the City of Philadelphia should have
15 noticed that they were going to demolish
16 1728 North 51st Street, the residents of
17 the 1700 block of North 51st Street
18 signed a petition to stop the demolition.
19 The petition was completely ignored.

20 When I questioned some of the
21 presenters at the community meeting and
22 some community residents why many of the
23 houses in the West Parkside area were
24 being acquired, they referred to problems
25 of housing, abandonment, and blight.

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2 The appearance of blight always
3 gives justification to redeveloping a
4 specific area. However, when you look at
5 things in totality or reality, the City
6 is somewhat responsible for the
7 appearance of blight in the West Parkside
8 area, specifically the 1700 block of
9 North 51st Street and the 5100 block of
10 Parkside Avenue.

11 Aside from the fact that the
12 City ignored the institutional origins of
13 blight, they have, in many cases,
14 contributed to it.

15 For example, seven years ago,
16 when they demolished two houses on the
17 5100 block of Parkside Avenue, they
18 completely destroyed two large sets of
19 steps, and they have continued to
20 deteriorate today.

21 When the City demolished at
22 1728 North 51st Street, they left my home
23 and the surrounding cement structures in
24 complete ruin. The lot was left with
25 extremely large rocks and stones clearly

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2 exposed. The lot appeared as a dumping
3 ground, and many people used it for that
4 exact purpose. The side of the steps
5 entering the adjoining lot next to 1728
6 North 51st Street was also destroyed.

7 No one on this Rules Committee,
8 City Council, or City officials would
9 allow their home to be left in the
10 condition that my home was after the
11 demolition of the house next door.

12 I followed the rules and
13 regulations as I was required to
14 pertaining to correcting the damage that
15 was done to my property by the demolition
16 crew. It was two City agencies --
17 Licenses and Inspections and Risk
18 Management Division -- who violated my
19 rights as a citizen by holding my claim
20 and not allowing my property to be fully
21 repaired under the one-year period of
22 guarantee.

23 Because the City's laws, rules,
24 and regulations indemnified them from
25 responsibility when a house in the City

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2 is demolished under their direction,
3 should the agencies such as L&I and Risk
4 Management who are responsible in some
5 manner for enforcing the law, rules, and
6 regulations when a house is demolished be
7 allowed to break them, with no
8 responsibility or accountability to the
9 citizens of Philadelphia.

10 These two agencies under the
11 direction of the Mayor and, to some
12 extent, City Council violated laws
13 against the citizens. Should they be
14 held accountable? If not, why are the
15 City, its officials, and employees
16 allowed to break the law.

17 Just one -- just a few more.

18 We would definitely like to
19 know the future of the 1700 block of
20 North 51st Street, the vacant lot at
21 1728, and the two adjoining vacant lots
22 on the corner of the 5100 block of
23 Parkside Avenue, and the 1700 block of
24 North 51st Street.

25 That's it.

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2 (Applause.)

3 MR. AVERY: Thank you.

4 And I would also like to say
5 that I am not in support of this
6 ordinance as it stands today.

7 COUNCILMAN KENNEY: Okay, thank
8 you.

9 (Applause.)

10 (Mr. Covington returns to
11 witness table.)

12 COUNCILMAN KENNEY: If you
13 absolutely have to, if you absolutely
14 have to, please go ahead. I mean, it's
15 just -- go ahead, I'm sorry.

16 MR. COVINGTON: I just want to
17 confirm, particularly with the audience
18 here, that there is a process under
19 Councilman Jones's leadership that has
20 already been underway in which owners of
21 properties that are not critical to this
22 development have been able to come to the
23 developers and to the Councilman's office
24 and discuss their situation. And we've
25 already reached agreement on certain

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2 situations that would not proceed even
3 under the passing of this ordinance.

4 So I just wanted to have that
5 for the record as a process that's
6 underway under Councilman Jones's
7 leadership, and that will continue as
8 part of this process.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony.

11 We will now move to Bill No.
12 110306, an ordinance amending --

13 Oh, oh, I'm sorry, I'm sorry.
14 Hold it. Wait, hold it, hold it. I
15 forgot Councilman Goode asked for some
16 consideration.

17 Mr. Redding, could you please
18 come back to the table on this bill.

19 (Mr. Redding returns to witness
20 table.)

21 COUNCILMAN KENNEY: I'm sorry.

22 COUNCILMAN GOODE: No problem.

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

25 MR. REDDING: Hi. I'm Richard

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2 Redding, Director of Community Planning
3 at the Philadelphia City Planning
4 Commission.

5 COUNCILMAN GOODE: Mr. Redding,
6 I'll try to make this as painless as
7 possible. We've known each other for
8 several years. You know my familiarity
9 with development in West Philadelphia,
10 and I know yours.

11 For the record, how long have
12 you been doing planning in West
13 Philadelphia?

14 MR. REDDING: For 36 years at
15 the Planning Commission and over 20 as a
16 West Philadelphia community planner
17 before I became Director of the Division.

18 COUNCILMAN GOODE: Okay. So
19 you're very familiar with the planning in
20 West Parkside.

21 MR. REDDING: Yes.

22 COUNCILMAN GOODE: And at what
23 point was there a Park West Town Center
24 shopping center envisioned or planned?

25 MR. REDDING: '96, '97 is when

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2 we started work on redevelopment area
3 plans for that shopping center.

4 COUNCILMAN GOODE: And that's
5 as a result of the empowerment zone?

6 MR. REDDING: Yes. It was very
7 much -- it was an idea that grew out of
8 the empowerment zone committees.

9 COUNCILMAN GOODE: And without
10 that idea growing out of the empowerment
11 zone, that area would have been slated
12 just for industrial development; is that
13 a fair statement?

14 MR. REDDING: Yes. The land
15 now occupied by the shopping center had
16 been industrial land.

17 COUNCILMAN GOODE: And there
18 was no affordable housing development
19 planned in the area, which is being
20 planned right now; is that correct?

21 MR. REDDING: Over the years,
22 there's been scattered rehabs proposed
23 and different housing programs applied in
24 the West Parkside community, and there's
25 been different planning documents.

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2 COUNCILMAN GOODE: But there's
3 been no major affordable housing
4 development in that area; is that
5 correct?

6 MR. REDDING: Councilman, for
7 instance, on the west side of 52nd, the
8 northwest corner of Jefferson, the sides
9 of -- actually, both corners at
10 Jefferson, apartment buildings were
11 renovated as affordable rentals during
12 the '80s and '90s.

13 COUNCILMAN GOODE: And was that
14 a result of City Planning, or was that a
15 result of private development?

16 MR. REDDING: Well, I -- it
17 certainly would not have happened without
18 a private developer, but I think of these
19 things as partnerships and --

20 COUNCILMAN GOODE: But there is
21 not an active community-development
22 corporation in that area that develops
23 affordable housing, is there?

24 MR. REDDING: Currently?

25 COUNCILMAN GOODE: Yes.

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2 MR. REDDING: There's a very
3 active community development corporation
4 called the Parkside Association of
5 Philadelphia.

6 COUNCILMAN GOODE: And they've
7 developed how many units of housing?

8 MR. REDDING: Well, their most
9 recent package was about 25 --

10 COUNCILMAN GOODE: And how
11 recent --

12 MR. REDDING: -- scattered
13 sites in the neighborhood?

14 COUNCILMAN GOODE: And how
15 recent is that?

16 MR. REDDING: Approximately
17 four years ago for the second phase, and
18 four years prior for the first phase. I
19 think probably a little bit more than 25
20 total.

21 COUNCILMAN GOODE: And I'll
22 make this as my last question and
23 statement, and you can respond however
24 you want and elaborate however you like.

25 A lot of that grew out of the

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2 empowerment zone as well. The plans for
3 that area were actually for industrial
4 development type of developments
5 happening there, grew out of an
6 empowerment zone process.

7 I am sure that Councilman Jones
8 is going to do a great job of making sure
9 that there is more than industrial
10 development done there, that there
11 continue to be retail and housing
12 development done there.

13 But there are actually roots in
14 how this stuff happened, and I just
15 wanted to get that on the record.

16 Thank you, Mr. Redding.

17 MR. REDDING: Thank you.

18 COUNCILMAN KENNEY: Thank you
19 very much.

20 We'll now move to Bill No.
21 110306, which is an ordinance amending
22 Title 14 of the Philadelphia Code,
23 entitled "Zoning and Planning," by
24 amending Section 14-1604, entitled
25 "Outdoor Advertising and Non-Accessory

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2 Advertising Controls," by permitting one
3 nonaccessory outdoor advertising sign,
4 with certain conditions within the area
5 bounded by Moore Street, Swanson Street,
6 Columbus Boulevard, Morris Street, and
7 Water Street, and making certain
8 technical changes, all under certain
9 terms and conditions.

10 (Mr. Kramer and Mr. Patterson
11 return to witness table.)

12 COUNCILMAN KENNEY: Mr. Kramer,
13 please identify yourself for the record.

14 Mr. Patterson, you're not
15 scheduled --

16 MR. PATTERSON: I am.

17 COUNCILMAN KENNEY: You're not
18 on this list the way --

19 MR. PATTERSON: Yes, I am.
20 (Inaudible; off-mic.)

21 COUNCILMAN KENNEY: No, I
22 understand that, but that's not the list
23 I have.

24 MR. PATTERSON: I gave the list
25 up with my exhibits.

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2 COUNCILMAN KENNEY: No, you're
3 third on the...

4 (Councilman Kenney confers off
5 the record with staffperson.)

6 COUNCILMAN KENNEY: Please
7 identify yourself for the record.

8 MR. KRAMER: Good afternoon,
9 Chairman Kenney and members of the Rules
10 Committee. I am William Kramer, Division
11 Director of the Development Division of
12 the Philadelphia City Planning
13 Commission, and I'm here today to testify
14 on Bill No. 110306, which was introduced
15 into City Council on April 28, 2011.

16 Bill No. 110306 proposes to
17 amend Section 14-104, "Outdoor
18 Advertising and Non-Accessory Advertising
19 Controls," for an area bounded by Moore
20 Street, Moore Street, Swanson Street,
21 Columbus Boulevard, Morris Street, and
22 Water Street.

23 The bill would permit one
24 double-face, freestanding, non-accessory
25 outdoor advertising sign mounted to a

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2 single-support structure. The sign would
3 be permitted provided each sign faces no
4 more than a thousand square feet, and the
5 height of the sign from grade to the top
6 of the sign does not exceed 67 feet.

7 The bill also permits the sign
8 to be internally illuminated, and digital
9 electronic changeable messages would be
10 permitted.

11 In 2007, an application for
12 this non-accessory sign was reviewed and
13 denied by the Zoning Board of Adjustment.
14 The ZBA's decision was reversed on appeal
15 of the Common Pleas Court but then
16 reaffirmed by the Commonwealth Court on
17 July 24, 2009.

18 The Philadelphia City Planning
19 Commission, at its meeting of May 17,
20 2011, recommended that Bill No. 110306
21 not be approved. The Commission believes
22 the excessive number of outdoor
23 non-accessory signs in the City
24 contributes to visual clutter and
25 detracts from the esthetic beauty of

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2 Philadelphia. Such signs are also a
3 detriment to public safety, creating a
4 hazard to both motorists and pedestrians.

5 Additionally, the proliferation
6 of commercial outdoor advertising signs
7 contributes to the appearance and
8 deterioration of commercial and
9 industrial areas, negatively impacting
10 the economic viability of these areas.

11 The Commission had made a
12 recommendation at the time of the Zoning
13 Board of Adjustment hearing also
14 recommending that the requested variance
15 not be granted, as it is the Commission's
16 opinion that non-accessory signage is
17 inappropriate at this location.

18 That is the conclusion of my
19 testimony. I'd be happy to answer any
20 questions you may have.

21 COUNCILMAN KENNEY: Mr. Kramer.

22 MR. KRAMER: Yes, sir.

23 COUNCILMAN KENNEY: This sign
24 exists today, correct?

25 MR. KRAMER: Yes, sir.

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2 COUNCILMAN KENNEY: And its
3 conversion, or proposed conversion, to
4 digital is a detriment to the safety of
5 who?

6 MR. KRAMER: Depending on who
7 you ask.

8 The digital component of this
9 sign was not something that was
10 specifically concerning the Commission
11 because they haven't specifically
12 addressed that.

13 The Commission looked at this.
14 It started life as an accessory sign; it
15 was then changed to a non-accessory sign.

16 COUNCILMAN KENNEY: Is it an
17 accessory sign?

18 MR. KRAMER: It could be
19 considered as such because it's --

20 COUNCILMAN KENNEY: What's it
21 advertising?

22 MR. KRAMER: -- my
23 understanding that the Risqué place has
24 an office at this location. That was not
25 my determination as to whether it was

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2 accessory or not.

3 COUNCILMAN KENNEY: But what
4 does the Commission base its public
5 safety detriment on, the number of
6 accidents on I-95 or --

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

9 COUNCILMAN KENNEY: I mean,
10 what do you base -- in order -- whether
11 you like the sign or you don't like the
12 sign is not an issue.

13 MR. KRAMER: Yes, sir.

14 COUNCILMAN KENNEY: When you
15 testify that it is a public-safety issue,
16 what do you base the data on this
17 public-safety position? That's all I'm
18 asking, a very simple question.

19 What did the Planning
20 Commission do to determine that it's a
21 public-safety hazard?

22 MR. KRAMER: The public-safety
23 hazard was considered as a public traffic
24 issue more than anything else. It
25 distracts from the public traffic.

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2 It was consistent with the
3 research that was done back in --
4 whenever the original non-accessory
5 outdoor advertising sign legislation was
6 considered, which, if I remember, was
7 '98, if I'm not mistaken.

8 COUNCILMAN KENNEY: Which
9 research was that?

10 MR. KRAMER: That was done by
11 my predecessor, Mr. Chapman, and
12 Mr. Lombardo.

13 COUNCILMAN KENNEY: And do you
14 have a copy of that research?

15 MR. KRAMER: There's a whole
16 folder of that in my office.

17 COUNCILMAN KENNEY: And it said
18 that this particular sign caused traffic
19 accidents or accidents?

20 MR. KRAMER: No, sir, it did
21 not say any one specific sign. It was in
22 general that signage of a non-accessory
23 nature contributed to driver distraction
24 as a general statement.

25 COUNCILMAN KENNEY: So --

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2 MR. KRAMER: It wasn't
3 specifically done with any particular --

4 COUNCILMAN KENNEY: Probably
5 not as much as a cell phone, but that's
6 another --

7 MR. KRAMER: I would agree with
8 you there.

9 COUNCILMAN KENNEY: Do you know
10 if there's any effort on the part of this
11 digital request to have hook-in with
12 Margalo, Amber Alerts, or any other types
13 of public-safety needs relative to
14 disasters or accidents or any kind of
15 weather issues, or any kind of alerts
16 that the public may need relative to
17 homeland security or any of those things?

18 MR. KRAMER: I have not been
19 made aware that they were part of that
20 consideration.

21 COUNCILMAN KENNEY: All right.
22 If in the event that something like this
23 is somehow interfaced with that, would it
24 make it more or less of a public safety
25 issue? I mean, if we were going to snag

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2 a guy that just grabbed a kid because
3 somebody read it on a billboard --

4 MR. KRAMER: I certainly
5 would -- I would have to consider that as
6 to making a snap decision.

7 COUNCILMAN KENNEY: And, again,
8 I don't mean to beat this horse, but when
9 you come up and testify on behalf of a
10 government that this is a public-safety
11 issue --

12 MR. KRAMER: Yes, sir.

13 COUNCILMAN KENNEY: -- you need
14 to be more compelling.

15 MR. KRAMER: And specific and
16 have--

17 COUNCILMAN KENNEY: And more
18 compelling in your position.

19 MR. KRAMER: Yes, sir.

20 COUNCILMAN KENNEY: Thank you.

21 Any questions for Mr. Kramer?

22 COUNCILMAN DiCICCO: Thank you,
23 Mr. Chairman. I was going in the same
24 direction, but I...

25 As a former of the TRPA, I

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2 actually made a call as recent as this
3 morning. In the last year, maybe
4 year-and-a-half, two billboards that are
5 on the Philadelphia side of the Walt
6 Whitman Bridge, as you come from Jersey
7 into Philadelphia, two billboard have
8 been converted into digital billboards,
9 and there's no evidence that there has
10 any increase whatsoever in any accidents
11 on the Walt Whitman Bridge as it relates
12 to those digital signs.

13 I just thought that would be
14 important, because I know they're popping
15 up in lots of places and lots of other
16 states, and there is this argument that
17 they are distracting. I know how I feel
18 about that: I don't think they're
19 distracting, but others may feel that
20 way.

21 And there's no empirical
22 evidence, from what I can tell, that
23 would support that they are contributing
24 factors to additional accidents.

25 Thanks.

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2 COUNCILMAN KENNEY: Thank you.

3 Any additional questions for
4 Mr. Kramer?

5 (No further questions.)

6 COUNCILMAN KENNEY: Thank you.
7 Mr. Kelly's not here, I understand. And
8 Stephanie Kindt, please.

9 (Witness comes forward.)

10 MS. KINDT: Hello. My name is
11 Stephanie Kindt. I'm the staff attorney
12 with SCRUB, the public voice for public
13 space.

14 Bill No. 110306 involves spot
15 zoning, and I know that every time
16 someone comes up and talks about zoning,
17 it's spot zoning.

18 But in this particular case,
19 it's not like we're taking an entire
20 block; there is the parcel that's
21 identified in the bill, but we're
22 actually -- literally, this bill is for
23 one spot; the size of the pole that the
24 billboard rests upon. So it's truly just
25 to create this -- the legalization of

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2 this currently-noncompliant billboard.

3 In 2009, the Commonwealth Court
4 ordered the property owner to come into
5 compliance. And since that time, they've
6 had six violations issued on this
7 property.

8 And you can see up on the
9 slide, there's actually two non-accessory
10 signs on the property right now; one for
11 Risqué and one for David's Auto Dealer.

12 There is a trailer located on
13 the property. The permit for that
14 trailer wasn't made until this past
15 summer, in July. There was a 3-1-1 call.
16 An investigator had gone out in May.

17 So the trailer that's now
18 located on the property, I think, is half
19 split between a Risqué office and a
20 David's Auto dealer. So there is no auto
21 dealer on the property; it's a trailer
22 that has, I guess, a desk.

23 It originally was an accessory
24 sign in the size of the billboard. And
25 this was taken probably in 2005, prior to

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2 it converting to non-accessory. So
3 there's a whole history of litigation,
4 there's a whole history of violations.

5 Clearly, the property owner has
6 wanted this to be non-accessory. You can
7 get a place for where it's at right now;
8 it's just north of the Target.

9 There is absolutely no benefit
10 except to this property owner. The
11 Commonwealth Court was crystal-clear in
12 its upholding of the Zoning Board of
13 Adjustment's decision.

14 COUNCILMAN KENNEY: I'm sorry.
15 Could I ask you a question about the size
16 of the --

17 MS. KINDT: Sure.

18 COUNCILMAN KENNEY: How does
19 that sign -- it's spatially difficult to
20 determine --

21 MS. KINDT: Right, because
22 it's --

23 COUNCILMAN KENNEY: Well, let
24 me finish.

25 (Indiscernible; parties talking

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2 over each other.)

3 COUNCILMAN KENNEY: Can I
4 finish?

5 MS. KINDT: Sure.

6 COUNCILMAN KENNEY: It's
7 spatially difficult to determine the size
8 of the sign based on its position to
9 Target.

10 So how big is the Target sign
11 and how big is the Risqué sign?

12 MS. KINDT: The Risqué sign is
13 actually bigger than what's allowed.
14 It's --

15 COUNCILMAN KENNEY: By how much
16 bigger than the Target sign is?

17 MS. KINDT: I'm actually not
18 sure of the size of the Target sign. I
19 know it's actually -- because of the
20 distancing there --

21 COUNCILMAN KENNEY: Yeah, it
22 looks like it's almost the same.

23 MS. KINDT: Yeah, it looks like
24 it's smaller, but it's not, because it's
25 so far away. It's 2400.

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2 COUNCILMAN KENNEY: Right.

3 MS. KINDT: Whereas the legal
4 is 1200. It's actually also too tall.
5 It's 67 and 25.

6 COUNCILMAN KENNEY: So does the
7 Target sign -- is that -- who does the
8 Target benefit other than --

9 MS. KINDT: Well, the Target
10 sign --

11 COUNCILMAN KENNEY: No, I'm
12 saying, other than Target, who does the
13 Target sign benefit? You said there's no
14 public benefit to it. Who does the
15 Target sign benefit?

16 MS. KINDT: The Target is an
17 accessory sign telling people where the
18 Target is.

19 COUNCILMAN KENNEY: Oh, all
20 right.

21 MS. KINDT: So --

22 COUNCILMAN KENNEY: But it's --

23 MS. KINDT: Yeah.

24 COUNCILMAN KENNEY: I'm just
25 looking --

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

4 COUNCILMAN KENNEY: Could you
5 go back to the Target sign?

6 MS. KINDT: You can tell people
7 there's a parking lot on the property.

8 COUNCILMAN KENNEY: Could you
9 go back to the Target sign?

10 MS. KINDT: That's allowed.

11 COUNCILMAN KENNEY: Going away
12 from that. I just --

13 MS. KINDT: Sure, yeah.

14 COUNCILMAN KENNEY: To me, I
15 don't see much of a difference.

16 MS. KINDT: Between the
17 accessory and non-accessory?

18 COUNCILMAN KENNEY: The purpose
19 of the two signs.

20 MS. KINDT: Right. Well, an
21 accessory sign tells people what's on the
22 property. So if you want to go to
23 Target, you would see the sign and go to
24 Target.

25 COUNCILMAN KENNEY: But

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2 that's -- so you don't view that as
3 blight?

4 MS. KINDT: I'm sorry?

5 COUNCILMAN KENNEY: You don't
6 view that as blight, the size of the
7 sign --

8 MS. KINDT: Blight?

9 COUNCILMAN KENNEY: -- and what
10 it's advertising?

11 MS. KINDT: But it's directing
12 people to what's on the property.

13 COUNCILMAN KENNEY: But it's
14 still large and imposing, and it's in the
15 landscape.

16 MS. KINDT: Right.

17 COUNCILMAN KENNEY: So you
18 don't find --

19 MS. KINDT: No, I don't view it
20 as blight.

21 COUNCILMAN KENNEY: Okay.

22 MS. KINDT: So the residents of
23 Pennsport have been arguing for over a
24 decade.

25 And I think at one point, even

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2 Councilman DiCicco, you were against this
3 sign becoming non-accessory, along with
4 John Dougherty.

5 COUNCILMAN DiCICCO: That I
6 doubt.

7 MS. KINDT: Okay.

8 (Laughter.)

9 COUNCILMAN DiCICCO: I doubt
10 there was an agreement there.

11 MS. KINDT: Well, we do --
12 there is a letter from Pennsport as well
13 as from some of the riverfront, CDAG,
14 that -- they feel very strongly about
15 this. And these folks can see the sign
16 from their front windows. So -- and a
17 lot has been invested in this area to
18 really beautify underneath 95.

19 And to allow this to be
20 legalized by an ordinance in this fashion
21 would really reward this property owner
22 for years of noncompliance and for years
23 of being in violation. It would just
24 really go against everything that this
25 neighborhood is really working towards

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2 and striving towards.

3 So I would ask the Council to
4 absolutely not support this ordinance.

5 And also included is just a
6 timeline of all of the different
7 litigation that's occurred with this
8 billboard in the back of your packet.

9 Thanks so much.

10 COUNCILMAN KENNEY: Any
11 questions for this witness?

12 Councilman.

13 COUNCILMAN DiCICCO: Thank you,
14 Mr. Chairman.

15 Just for the record, I'm not
16 certain if that sign is visible to the
17 residents on Front Street from their
18 bedroom windows any longer because
19 since -- and I don't know if that shows
20 it or not, but there is now a sound
21 barrier that has been placed all along
22 95. And I think -- I could be wrong, but
23 I believe it also acts as a visual in
24 addition to a sound barrier to the folks
25 who live on Front Street.

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2 Reference was made about
3 Pennsport. I did get an e-mail -- I'm
4 not certain if my colleagues got one --
5 yesterday from Tom Otto representing the
6 Pennsport Civic Association being in
7 opposition.

8 Mr. Otto is no longer the
9 President of Pennsport. I received a
10 phone call from the new president of
11 Pennsport, Dr. James Moylan, who
12 indicated to me that Pennsport was not in
13 opposition to the sign, and they will
14 work with the owner of the sign, as a
15 result of the some of my conversations,
16 to create a community benefits agreement
17 for some investment back into that
18 community.

19 And I believe Mr. Patterson,
20 who's representing the applicant, will
21 speak to that as well.

22 COUNCILMAN KENNEY: Any other
23 questions for this witness?

24 (No questions.)

25 COUNCILMAN KENNEY: Seeing

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2 none, Mr. Patterson, please identify
3 yourself for the record.

4 MR. PATTERSON: Thank you.

5 Good afternoon. Ronald Patterson,
6 attorney with the Klehr Harrison law
7 firm. I do represent the owner of this
8 property, which is 1700 Columbus
9 Associates, which also owns the property
10 on which the gentlemen's club is located,
11 but that entity does not operate the
12 club.

13 The property is located west of
14 I-95, on Water Street, and it is right
15 behind Target.

16 My version of the story
17 naturally is different. We're basically
18 here to correct what I see as --

19 COUNCILMAN DiCICCO: Excuse me,
20 Mr. Patterson. That's east of 95.

21 MR. PATTERSON: East of 95,
22 sorry.

23 COUNCILMAN DiCICCO: Okay.

24 MR. PATTERSON: 95 is west of
25 that.

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2 COUNCILMAN DiCICCO: That's
3 right.

4 MR. PATTERSON: I see this as a
5 way to correct a wrong. This is a sign,
6 it's there.

7 It was originally approved as
8 an accessory sign at 20-feet-by-50-feet,
9 2,000 square feet, an area of 1,000
10 square feet each side. And that is
11 because the property is located in a
12 G2-General Industrial zoning district,
13 which gives you very liberal amounts of
14 sign area based on your street frontage.

15 This property fronts on three
16 streets: Water Street, Moore Street, and
17 Swanson Street. So with that street
18 frontage, we were allowed probably up to
19 3,000 square feet of signage, and we
20 proposed and received 2,000 square feet.

21 So the sign is there, it's not
22 moving. It's not adding any additional
23 blight, so to speak, to I-95.

24 It all comes down, frankly, to
25 what the copy is today. And I handed up

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2 an exhibit package. And it's important
3 to go through the exhibit quickly.

4 There's an aerial photograph
5 aerial where the sign is located on the
6 east side of I-95, which is the more
7 industrial, commercial side.

8 In 2005, I obtained a zoning
9 permit for this sign, for an accessory
10 sign. At the time, there was a retail
11 mattress store onsite and a private
12 parking lot. The sign was 20-by-50-feet,
13 67 feet high.

14 And you'll see in my Exhibit 3,
15 there's photographs of the sign that said
16 "Parking," with an arrow, because, as an
17 accessory sign, you're only allowed to
18 put copy on the sign as to what
19 businesses or services are taking place
20 on the property.

21 So all L&I allowed us to do --
22 and you'll see my Exhibit 4 -- I'm sorry.
23 Exhibit 2 is the permit that says
24 accessory sign for parking.

25 In 2008, we applied to the

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2 Zoning Board to convert that to a
3 non-accessory sign, to be able to
4 advertise uses that are not on that
5 property. Mainly, one of the uses was to
6 advertise and to locate the nightclub
7 across the street. But because it was
8 separated by a street, it was considered
9 a non-accessory sign.

10 So we applied in 2008 to
11 convert the sign to non-accessory. We
12 had a hearing before the Zoning Board of
13 Adjustment. The Zoning Board of
14 Adjustment approved our variance.

15 SCRUB appealed the variance to
16 the Court of Common Pleas. Common Pleas
17 agreed with us again. SCRUB appealed to
18 the Commonwealth Court, where we were
19 reversed.

20 So, in 2010, which is my
21 Exhibit 6, L&I issued a letter revoking
22 the zoning permit. And the language
23 that's in here -- and I highlighted it
24 for you -- says: "The non-accessory
25 signage on this sign must be removed.

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2 Any new accessory sign on the
3 premises" -- and I'll jump to the last
4 sentence -- "will require an application
5 for a face change to the previously
6 approved sign." Fair enough.

7 So my Exhibit 7, I applied for
8 a zoning permit to add a structure to the
9 existing structure -- that's Exhibit 7 --
10 which was to be used for offices.

11 Exhibit 8 is my zoning permit
12 to use the office specifically for the
13 corporation offices of Club Risqué and
14 David Auto.

15 So you would think following
16 the rules that L&I said, Okay, if you --
17 you will get an accessory sign for
18 whatever uses are on that site. So my
19 Exhibit 9 is my application to L&I, which
20 I was told bluntly, Well, we're not going
21 to approve that because we don't believe
22 that they're legitimate offices. You can
23 go there and check. And, frankly,
24 whatever has that copy on that, we're
25 never going to approve it.

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2 I said, "Well, where do I sit?"

3 Go back to the Zoning Board. And where
4 does that get me?

5 So the bottom line is, I'm
6 entitled to a sign there. I tried it for
7 non-accessory, to comply with what we
8 were told to do in order to advertise
9 certain uses. It was overturned. I was
10 told I could have accessory. An office
11 was built, there was a business there,
12 and now we're not being permitted to
13 advertise or identify that business
14 there.

15 So we tried to follow the
16 rules, the rules kept changing. So we're
17 stuck with L&I's subjective view as to
18 what copy is proper, even though we are
19 entitled to this accessory for the uses
20 that take place on the site.

21 Councilman DiCicco supported
22 the variance in 2008, and, obviously, he
23 supports this now, I believe, because
24 he's proposed this ordinance.

25 In 2011, as mentioned, there

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2 was even a lesser impact on any resident
3 on the west side of I-95, if any, because
4 of the 20-foot sound barrier that is now
5 there.

6 The bottom line is, the sign
7 exists, there's no added blight. And
8 this is all about copy; that is what it
9 comes down to, what is being placed on
10 that sign.

11 So you may hear that the
12 sign -- you did hear that it is
13 noncompliant. It may be, but that's the
14 way L&I has taken it because they refuse
15 to issue the permit.

16 Approving this bill will allow
17 a copy change on an existing structure
18 that will have no adverse impact on
19 anything or anybody. And, of course, we
20 are in agreement to do public service
21 announcements.

22 I've also heard mentioned that
23 it's spot zoning, and I heard
24 Mr. McElhatton mention spot zoning
25 earlier. And I thought I'd address it.

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2 And I did look at the case law.

3 And one of the key terms is saying -- it
4 says that -- are you creating an island
5 that's different from what is around you?
6 And that's true.

7 But the case law that I've seen
8 that mentions that phrase is where you
9 create an island that creates a use
10 that's more restrictive than the uses
11 that are all around you.

12 This ordinance would allow a
13 relaxation of the code to allow an
14 adaptive or a reuse or a better use or an
15 additional use of the existing structure
16 that is there. So, therefore, I don't
17 feel that this is spot designing.

18 COUNCILMAN GOODE: Councilman
19 Goode.

20 COUNCILMAN GOODE: Thank you,
21 Mr. Chairman.

22 Good afternoon, Mr. Patterson.

23 MR. PATTERSON: Good afternoon.

24 COUNCILMAN GOODE: How long
25 have you been dealing with this issue?

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2 MR. PATTERSON: How long have I
3 been dealing with this issue?

4 COUNCILMAN GOODE: Mm-hmm.

5 MR. PATTERSON: Well, we
6 started in 2005.

7 COUNCILMAN GOODE: And so, what
8 were you trying to accomplish then?

9 MR. PATTERSON: We were trying
10 to accomplish that we could have a sign
11 on the property, that we could identify
12 the uses that were on the property?

13 COUNCILMAN GOODE: And so, what
14 sign did you want to put up in 2005?

15 MR. PATTERSON: We were -- we
16 wanted to put up whatever was on the
17 property, which was parking. That was
18 all that was there, parking.

19 COUNCILMAN GOODE: So --

20 MR. PATTERSON: We were hoping
21 we could say parking for the club across
22 the street, but we were told because it
23 was across the street, we could not add
24 that --

25 COUNCILMAN GOODE: So the sign

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2 that you actually wanted to put up was a
3 parking sign.

4 MR. PATTERSON: Correct.

5 COUNCILMAN GOODE: And that's
6 the sign that you put up.

7 MR. PATTERSON: That's what we
8 put up, correct.

9 COUNCILMAN GOODE: And then you
10 changed the sign.

11 MR. PATTERSON: Then we applied
12 for a variance to allow for copy on the
13 sign that was not located on the
14 property.

15 COUNCILMAN GOODE: And that was
16 no longer legal.

17 MR. PATTERSON: But we received
18 a variance. And, as I mentioned, it was
19 revoked in 2010.

20 And you're -- now, you may say
21 it's illegal.

22 COUNCILMAN GOODE: No, I asked
23 a question.

24 MR. PATTERSON: Pardon me?

25 COUNCILMAN GOODE: I simply

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2 asked a question.

3 MR. PATTERSON: Could you
4 restate the question, then?

5 COUNCILMAN GOODE: I said: So
6 it wasn't legal for you to put that sign
7 up?

8 MR. PATTERSON: Was it legal to
9 put that sign up?

10 COUNCILMAN GOODE: No, it was
11 legal for you to put the parking sign up
12 --

13 MR. PATTERSON: Correct.

14 COUNCILMAN GOODE: -- as an
15 accessory sign --

16 MR. PATTERSON: Correct.

17 COUNCILMAN GOODE: -- because
18 it's related --

19 MR. PATTERSON: Correct.

20 COUNCILMAN GOODE: -- the use
21 of the building.

22 MR. PATTERSON: Right.

23 COUNCILMAN GOODE: You then
24 changed your sign.

25 MR. PATTERSON: Right, after we

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2 received the variance.

3 COUNCILMAN GOODE: And then you
4 were told it was illegal.

5 MR. PATTERSON: Told it was
6 illegal?

7 COUNCILMAN GOODE: Yeah.

8 MR. PATTERSON: In 2010,
9 correct.

10 COUNCILMAN GOODE: You were
11 told it was illegal, so is it illegal
12 now?

13 MR. PATTERSON: Well, that's
14 the question. L&I claims it's illegal,
15 but they say, Follow this procedure.
16 You're allowed an accessory sign.

17 So I have a zoning permit for
18 an office use that has those uses
19 there -- the Club Risqué office and the
20 David's Auto office.

21 COUNCILMAN GOODE: So --

22 MR. PATTERSON: And when I
23 planned for the accessory sign, I was
24 told they're not going to give it to me.

25 COUNCILMAN GOODE: So do you

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2 still have parking there?

3 MR. PATTERSON: We still have
4 parking there.

5 COUNCILMAN GOODE: Do you need
6 to advertise parking there?

7 MR. PATTERSON: If we want to.

8 COUNCILMAN GOODE: All right.
9 Well, why did you need to advertise
10 parking in 2005?

11 MR. PATTERSON: 'Cause it was a
12 parking lot.

13 COUNCILMAN GOODE: It was a
14 paid parking lot?

15 MR. PATTERSON: No. It was
16 private and it was free.

17 COUNCILMAN GOODE: So why do
18 you need to advertise parking there?

19 MR. PATTERSON: Why don't I
20 advertise it now?

21 COUNCILMAN GOODE: Why did you
22 need to advertise parking in 2005?

23 MR. PATTERSON: So people could
24 park and -- and attend the businesses in
25 the area.

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2 COUNCILMAN GOODE: Do you
3 advertise parking there now?

4 MR. PATTERSON: No, I don't.

5 COUNCILMAN GOODE: Why not?

6 MR. PATTERSON: I don't know.
7 I think it's well known that there's
8 parking there.

9 (Indiscernible; parties talking
10 over each other.)

11 COUNCILMAN GOODE: So you don't
12 advertise parking for the businesses in
13 the area anymore?

14 MR. PATTERSON: Not at this
15 point, no. I advertise -- what's on
16 there is a sign identifying what uses are
17 on the property right now.

18 COUNCILMAN GOODE: And the uses
19 for the property are...?

20 MR. PATTERSON: Well, there's a
21 daycare, which is not on the sign.
22 There's a corporate office for Club
23 Risqué and a corporate office for David
24 Auto.

25 COUNCILMAN GOODE: Okay.

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2 MR. PATTERSON: And that's the
3 copy that's on -- that's what's on the
4 signs right now.

5 COUNCILMAN GOODE: So the sign
6 says what? Does it list the corporate
7 offices on the sign?

8 MR. PATTERSON: Yes. It has
9 the address on it. Yes, it does.

10 COUNCILMAN GOODE: Of the
11 corporate offices?

12 MR. PATTERSON: Correct.

13 COUNCILMAN GOODE: Does it list
14 other places?

15 MR. PATTERSON: It lists the
16 other locations, yes.

17 COUNCILMAN GOODE: Okay. So
18 the sign is noncompliant in terms of
19 being an accessory sign.

20 MR. PATTERSON: Well, I'm not
21 going to agree because --

22 COUNCILMAN GOODE: You don't
23 have to agree; I'm just asking what the
24 law is.

25 MR. PATTERSON: Yeah. I mean,

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2 technically, we don't have a permit for
3 it, correct. I've applied for it and I
4 do not have a permit.

5 COUNCILMAN GOODE: So if you do
6 not have a permit for it, it's illegal
7 for you to have that sign there?

8 MR. PATTERSON: I'm sorry?

9 COUNCILMAN GOODE: If you don't
10 have a permit for it, it's illegal for
11 you to have that sign there.

12 MR. PATTERSON: Correct.

13 COUNCILMAN GOODE: Okay, thank
14 you.

15 COUNCILMAN KENNEY: Any other
16 questions for Mr. Patterson?

17 (No further questions.)

18 COUNCILMAN KENNEY: Seeing
19 none.

20 (Ms. Tracy comes forward.)

21 MS. TRACY: Mr. Chairman, if I
22 may say a few words on this.

23 COUNCILMAN KENNEY: Sure.

24 MS. TRACY: My name is Mary
25 Tracy. I'm the Executive Director of

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2 SCRUB, and I actually go back to the very
3 early history, and I wanted to make a few
4 clarifications.

5 Prior to 2005, Mr. Begano, the
6 owner of Risqué Video had applied --

7 MR. PATTERSON: That's not
8 true, and I want to object to that.

9 COUNCILMAN KENNEY: Wait, wait,
10 hold on. Here's --

11 MS. TRACY: Well --

12 COUNCILMAN KENNEY: First of
13 all, first of all, first of all, first of
14 all, this is not going to be a debate;
15 it's a hearing with testimony. There's
16 no debate.

17 MS. TRACY: Thank you.

18 COUNCILMAN KENNEY: So whatever
19 you have to say, please say. Whatever
20 you have to respond to, please respond
21 to. And then we'll go on our merry way.

22 MR. PATTERSON: Thank you.

23 MS. TRACY: So, as I was
24 saying, Mr. Begano, who, the neighbors
25 all told me, had owned Risqué, applied

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2 for a variance with Mr. Schwartz, which
3 was the attorney at that time.

4 (Addressing Mr. Patterson.) So
5 you may not know, you know, what that
6 part of the history was.

7 COUNCILMAN KENNEY: Please.

8 MS. TRACY: Okay.

9 COUNCILMAN KENNEY: I'm going
10 to ask again --

11 MS. TRACY: Gotcha.

12 COUNCILMAN KENNEY: This is a
13 hearing.

14 MS. TRACY: Yes.

15 COUNCILMAN KENNEY: It's not a
16 debate.

17 MS. TRACY: So prior to 2005 --

18 COUNCILMAN KENNEY: Talk to us;
19 you don't need to talk to him.

20 MS. TRACY: Okay. There was an
21 application for a variance on that
22 property. The neighborhoods were
23 strongly opposed. They came to us and
24 ask asked for help.

25 MR. PATTERSON: What year was

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2 that?

3 COUNCILMAN KENNEY: I'm --

4 MS. TRACY: I think in --

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

7 COUNCILMAN KENNEY: I mean,
8 we're adults here. How many times do I
9 have to ask people not to speak out.
10 Just give us your testimony, she'll take
11 it down --

12 MS. TRACY: So --

13 COUNCILMAN KENNEY: It will be
14 a part of the record.

15 MS. TRACY: -- that was about
16 2003, 2004, somewhere around there.

17 COUNCILMAN KENNEY: Hold on for
18 a second.

19 MS. TRACY: But at the end of
20 the day, they withdrew that application
21 for a variance because of the
22 neighborhood opposition.

23 About a year later, they went
24 and got an over-the-counter permit for an
25 accessory sign. And we've learned why

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2 get an over-the-counter: Because they
3 faced -- and how much excessive square
4 footage that they were allowed.

5 And their whole intention of
6 putting up that accessory sign was to
7 really turn it into a non-accessory sign.
8 They were cited by L&I, and L&I watched
9 them very carefully, because they said
10 all you can do is put parking on there.

11 About a year later -- I guess
12 that would have been in 2008 -- they
13 applied for a variance to turn that
14 accessory sign to a non-accessory sign.
15 And the Zoning Board denied it. The
16 Zoning Board denied it.

17 And when they said, Well, it's
18 an accessory sign, the sign's already
19 there, why don't we just put the message
20 on that if we want, the Zoning Board
21 warned that this was really a backdoor
22 way to get a non-accessory sign.

23 They had -- they knew the
24 community didn't want it, they knew they
25 were in opposition. It was across from a

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2 playground, it was across from people's
3 homes, it was too close to other existing
4 billboards, it was higher than was
5 allowed. All these reasons means they
6 needed a variance, and they were denied
7 it.

8 And then they went to the
9 Common Pleas Court, and the Common Pleas
10 Court, since no one from the Law
11 Department showed up to defend the
12 decision, which happens not irregularly
13 these days, then the Common Pleas Court
14 gave it to them.

15 Then the City realized, because
16 the neighborhood groups were in an
17 uproar -- they said, What are you running
18 here? We don't want this sign. It's
19 across from our homes, our playgrounds,
20 our community.

21 This guy has been trying every
22 which way to get this sign up here, and
23 it's unfair, it's unjust, and we'd like
24 to see the law defended. And so, the Law
25 Department defended that law, and they

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2 won at the Commonwealth Court.

3 Since that winning, the -- L&I
4 has been citing them for the illegal use
5 of this sign and their continuing
6 disregard.

7 When they get the citations
8 now, they scratch their head. What can
9 we do now? Okay, I know. Let's put a
10 trailer up there, and we'll put a little
11 sign on there and say "Risqué Video
12 Office" and whatever the car company
13 office is.

14 Well, I'm telling you, if this
15 City Council Rules Committee passes this
16 particular ordinance, I have some
17 swampland to sell you, because you are
18 turning your face on the law of the land.

19 The law of the land of the City
20 of Philadelphia, they did not pass the
21 test, and now we have as spotty a zoning
22 as you possibly can --

23 MR. PATTERSON: We applied for
24 and were granted a variance, Mary.

25 MS. TRACY: The Zoning Board

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2 did not grant you a variance.

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

5 COUNCILMAN KENNEY: All right,
6 all right. Folks, folks, I'm giving you
7 a lot of leeway with your assertions
8 allegations, and I'm not stopping you. I
9 mean, I'm not doing any of this stuff
10 because you're getting there.

11 I'm just curious as to how --
12 you said L&I watched them very carefully?

13 MS. TRACY: Yeah, because --

14 COUNCILMAN KENNEY: Now, answer
15 my question: How do I get L&I to watch
16 everything else?

17 (Laughter.)

18 MS. TRACY: I know. Well --

19 (Indiscernible; parties talking
20 over each other.)

21 COUNCILMAN KENNEY: I've got a
22 whole bunch of stuff they should watch
23 really carefully, and why they're
24 watching billboards --

25 MS. TRACY: Because the

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2 community --

3 COUNCILMAN KENNEY: -- when I
4 can't get --

5 MS. TRACY: Because the
6 community reports it, and they go in and
7 they see.

8 COUNCILMAN KENNEY: When I
9 can't get them to pay attention to a
10 nuisance business and do something about
11 that, but they're out there in what,
12 undercover, looking at billboards?

13 MS. TRACY: I don't think
14 undercover. I mean, these things are
15 very --

16 COUNCILMAN KENNEY: I mean, I
17 understand. I'm just curious as to how
18 L&I became so intense on billboards.

19 MS. TRACY: Because the
20 community was outraged. And --

21 COUNCILMAN KENNEY: They're
22 also outraged about a bunch of nuisances,
23 and I should be asking the Commissioner
24 --

25 MS. TRACY: Well, then I should

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2 think you should be able to do a better
3 job of --

4 COUNCILMAN KENNEY: I should be
5 asking the Commissioner this. I try all
6 the time. I bang my head against that
7 wall, but it doesn't seem to work. But I
8 would -- if you can give me some insight
9 as to how I can get them to pay attention
10 to --

11 MR. THORNTON: Well, Councilman

12 --

13 COUNCILMAN KENNEY: -- some
14 really serious stuff, I'll be happy to
15 take your testimony.

16 MS. TRACY: I'd be glad to work
17 with you on that issue because I think
18 it's one across the City that we all
19 share.

20 COUNCILMAN KENNEY: Okay.

21 MS. TRACY: We may not share
22 our view of billboards, but I think we
23 share our frustration with the lack of
24 enforcement in the City.

25 COUNCILMAN KENNEY: Absolutely.

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2 MS. TRACY: I would totally
3 agree with you on that.

4 COUNCILMAN KENNEY: Are you
5 concluded or...

6 MS. TRACY: I am concluded.

7 COUNCILMAN KENNEY: Okay.

8 MS. TRACY: Thank you.

9 COUNCILMAN KENNEY: Councilman
10 DiCicco.

11 COUNCILMAN DiCICCO: People
12 were talking over each other, and you
13 were making reference to if this City
14 Council were to approve this, this Rules
15 Committee, and then you -- this was
16 something against -- could you --

17 MS. TRACY: Oh, you know, did
18 anybody get the tape on that? I forget
19 what I said --

20 COUNCILMAN DiCICCO: Spot
21 zoning or --

22 MS. TRACY: -- because it comes
23 out from the heart. But I think I said,
24 you know, for City Council to approve
25 this spot zoning legislation, which

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basically singles out one property owner who has skirted the law, has gone around and around to try to get a billboard and now wants to make it digital, when it's right across the street, and our laws say you can't have digital signs within, I don't know, 400 feet of residential property, not to mention that you can't have outdoor advertising within 660 feet of a school or a daycare center, and this is basically, you know, out the back door of one.

I mean, there are so many instances that this totally flies in the face of the laws that we have on outdoor advertising. And so to come in here with an ordinance that lets Mr. Begano not have to comply with the laws that everybody else has to comply with is an outrage. To pass that bill is an outrage.

COUNCILMAN DiCICCO: You know, I was really hesitating on getting back into history. Do you not think it was an

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2 outrage when your organization accepted a
3 half a million dollars from a sign
4 company, with the understanding that you
5 would withdraw your appeals at the
6 Commonwealth Court level? Do you not
7 think that that was inappropriate?

8 MS. TRACY: Well, I think, you
9 know, in retrospect, maybe it was --

10 COUNCILMAN DiCICCO: But a half
11 a million dollars --

12 MS. TRACY: -- maybe it wasn't.

13 COUNCILMAN DiCICCO: -- to your
14 office and your --

15 MS. TRACY: You know, I would
16 say, Mr. DiCicco, that at that moment,
17 there were about ten cases, and we
18 weren't sure if we were going to win or
19 not.

20 COUNCILMAN DiCICCO: Oh,
21 really?

22 MS. TRACY: We litigated many
23 more of that same company's, and we won.
24 And we -- actually, it was at the Common
25 Pleas Court and it hadn't gone to the

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2 next level --

3 COUNCILMAN DiCICCO: The
4 Supreme Court.

5 MS. TRACY: -- and so, the
6 Common Pleas Court --

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

9 MS. TRACY: -- they withdrew.
10 So, I mean, I think if you want to go
11 back twelve years, you can go.

12 COUNCILMAN DiCICCO: I --

13 MS. TRACY: We all make
14 mistakes, including you.

15 COUNCILMAN DiCICCO: I never
16 said I didn't.

17 MS. TRACY: So I think,
18 though -- I am not a public official; you
19 are.

20 COUNCILMAN DiCICCO: I am.

21 MS. TRACY: I'm not an elected
22 official; you are.

23 COUNCILMAN DiCICCO: And I get
24 to make decisions --

25 MS. TRACY: And we expect

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2 you -- to comply with the same rules that
3 you put down on the --

4 COUNCILMAN DiCICCO: If I took
5 a half a million dollars from a company
6 or an individual --

7 MS. TRACY: I didn't take any
8 money.

9 COUNCILMAN DiCICCO: Your
10 organization did, with the understanding
11 that you would not appeal those cases
12 that involved the billboards in the
13 Stadium District.

14 If I would have done that --
15 and I'll repeat what I said then because
16 it was probably a couple weeks after Joey
17 Merlino was sent to prison -- you would
18 have been sending me cookies in prison.
19 And I would have been in jail because I
20 am a public official and I'm held to a
21 different standard.

22 MS. TRACY: And you should be.

23 COUNCILMAN DiCICCO: Well, I
24 didn't take a bribe; you did.

25 MS. TRACY: And wait a minute.

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2 Didn't I just hear that there's going to
3 be a special agreement between Pennsport
4 now? If they don't fight this --

5 COUNCILMAN DiCICCO: No.

6 MS. TRACY: They're going to
7 sign some agreement, whether they're
8 going to get T-shirts or trees. What are
9 they going to get?

10 COUNCILMAN DiCICCO: Trees
11 would be good, T-shirts would be good,
12 money for the little leagues; that would
13 be a great thing.

14 MS. TRACY: So --

15 COUNCILMAN DiCICCO: It doesn't
16 go to an individual.

17 MS. TRACY: It didn't go to an
18 individual.

19 COUNCILMAN DiCICCO: No, it
20 went to your organization.

21 COUNCILMAN KENNEY: All right.

22 MR. PATTERSON: I would like
23 to --

24 COUNCILMAN KENNEY: Could we
25 wrap up?

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2 MR. PATTERSON: Yeah. I just
3 want to include that it's not been my
4 intention to skirt the law. I've been
5 trying to play within the rules, and
6 every time I get to the next step, the
7 rules change.

8 So I don't know what to do at
9 this point.

10 COUNCILMAN KENNEY: Thank you
11 very much.

12 MR. PATTERSON: Thank you.

13 COUNCILMAN KENNEY: Anyone else
14 to testify on this bill? Hope not.

15 (No response.)

16 COUNCILMAN KENNEY: We're on
17 billboards now.

18 The next bill is Bill No.
19 100678, which is an ordinance amending
20 Title 14 of the Philadelphia Code,
21 entitled "Zoning and Planning," by adding
22 a new Section 14-1642, entitled "I-95
23 Condemnation Corridor," to permit the
24 relocation of certain structures and
25 devices in connection with the PennDOT

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2 Project to widen portions of I-95 that
3 pass through the City, under certain
4 terms and conditions.

5 Mr. Jastrzab.

6 (Witness comes forward.)

7 COUNCILMAN KENNEY: We'll let
8 the Administration testify first, please.

9 Gary, please identify yourself
10 for the record and plead.

11 MR. JASTRZAB: Good afternoon.
12 I'm Gary Jastrzab. I'm --

13 COUNCILMAN KENNEY: Hold on.
14 Could we limit the amount of extraneous
15 conversation, please.

16 MR. JASTRZAB: Good afternoon.

17 COUNCILMAN KENNEY: Good
18 afternoon.

19 MR. JASTRZAB: I'm Gary
20 Jastrzab. I am the Executive Director of
21 the City Planning Commission.

22 COUNCILMAN KENNEY: Gary, speak
23 up.

24 MR. JASTRZAB: Thanks for the
25 opportunity to testify on Bill No.

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2 100678. The bill was introduced by
3 Councilman DiCicco with regard to the
4 Pennsylvania Department of
5 Transportation's current improvement
6 project on Interstate 95 in the City,
7 which will result in PennDOT acquiring
8 property on either side of the highway by
9 eminent domain in order to widen the
10 roadway.

11 The bill addresses the
12 relocation of certain billboards and
13 other businesses in the area of
14 condemnation along the highway.
15 Billboards located along the right-of-way
16 of federal highways such as I-95 are
17 subject to the federal Highway
18 Beautification Act, which is implemented
19 in Pennsylvania by PennDOT through the
20 Pennsylvania Outdoor Advertising Control
21 Act of 1971.

22 Under this statute, PennDOT
23 regulates billboards along these highways
24 in residential zones, although it has
25 conferred regulatory jurisdiction to the

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2 City for commercial and industrial zones
3 along these federal highways.

4 Both the City Planning
5 Commission staff and PennDOT raised
6 concerns about the bill in its original
7 form with regard to some of the project
8 sites where the relocation of billboards
9 would be allowed, spacing requirements,
10 and whether this could jeopardize
11 compliance with State law.

12 As a result, we understand that
13 an amendment to this bill has been
14 drafted that addresses many of these
15 concerns, and I have a copy of those
16 amendments.

17 The purpose of the amendment is
18 to limit the areas available for the
19 relocation of signs, require that they
20 relocate to parcels that are zoned
21 commercial or industrial only, and to
22 further require that they meet other
23 restrictions in the City's Zoning Code.

24 It's important to note that
25 this bill, with its proposed amendment,

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2 does not permit any additional billboards
3 in Philadelphia. In fact, there will be
4 a reduction, as several signs that will
5 be lost to this project -- expansion
6 project will not be replaced.

7 Under the bill in its proposed
8 amendment, only currently lawful
9 billboards may be relocated, and they may
10 only be relocated to properties zoned
11 commercial or industrial and within the
12 corridor designated by the bill.

13 In addition, they must remain
14 spaced at 500 feet apart and may not be
15 closer to any residential property than
16 they are at present.

17 Relocated billboards are also
18 not allowed to become electronic
19 variable-message signs, commonly known as
20 digital signs.

21 We understand that if this
22 amendment is adopted, PennDOT will not
23 oppose the bill. And, likewise, the
24 staff recommendation to the City Planning
25 Commission, at its June 14th meeting,

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2 would be not to oppose the bill.

3 Finally, there is one other
4 amendment before the committee today
5 which would revise the area of the
6 corridor to remove a portion of it from
7 Councilwoman Krajewski's district. This
8 has been proposed at her request, and we
9 support that amendment. And I have a
10 copy of that amendment as well.

11 That concludes my testimony.
12 I'd be happy to answer any questions that
13 you may have.

14 COUNCILMAN KENNEY: Any
15 questions for this witness?

16 (No questions.)

17 COUNCILMAN KENNEY: Seeing
18 none, please identify yourself for the
19 record.

20 MR. KESSLER: Good afternoon,
21 Mr. Chairman.

22 COUNCILMAN KENNEY: Good
23 afternoon.

24 MR. KESSLER: My name is Alan
25 Kessler, and I am here with George

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2 Kroculick from my office and Deputy
3 Costa.

4 And we know it's late, and
5 you've heard a lot. In fact, after
6 sitting through the last hearing, which
7 dealt with a single sign, I can't wait to
8 hear what we're going to hear with this
9 hearing, where we have 60-some signs, but
10 I'm sure it's ready to come.

11 Typically, I've come to this
12 Council in the past to address things
13 that were initiated by a client. Today,
14 we wouldn't be here but for a new
15 initiative, which we had nothing to do
16 with. It is literally the case of
17 sitting there, doing your business,
18 minding your own business, and finding
19 out that things have changed a bit.

20 In this instance, it's a great
21 thing, and it's the widening of I-95.
22 Unfortunately, to do that work, it is
23 going to require that properties
24 contiguous to 95 be acquired, and those
25 are properties that currently contain

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2 businesses and structures, including our
3 billboards.

4 And, by the way, when I say
5 "our billboards," there are a number of
6 companies here today. Mr. Chairman, if I
7 can just ask them to please rise.

8 We're here on behalf of CBS,
9 but we have been working for CBS Outdoor
10 Clear Channel, Steam, Keystone.

11 Could you all rise.

12 (Billboard reps stand up.)

13 MR. KESSLER: Thank you very
14 much, guys.

15 COUNCILMAN KENNEY: Thank you.

16 MR. KESSLER: So the issue that
17 we're dealing with is not one that we
18 would have come here for, but for the
19 fact that the road work is being done.

20 If we are not permitted to move
21 back -- and I stress move back when we
22 first discussed this with Councilman
23 DiCicco, who was good enough to introduce
24 the bill. One of the things that he
25 asked us to make sure was that these

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2 structures would all actually be at the
3 same distance or further back from
4 residential properties than would
5 currently exist. And we're doing that.
6 And, I think, in almost ever instance --
7 in fact, they will be further back from
8 residences than would currently exist.

9 These are signs that generate
10 significant income and revenue through
11 taxes and through other civic
12 contributions to the City: Approximately
13 a million dollars in taxes and
14 approximately -- or close to \$2 million
15 in civic contributions.

16 This proposal, as I think the
17 Planning Commission mentioned, will not
18 result in a single additional billboard
19 beyond what exists now. And, in fact,
20 because of -- there will be a reduction
21 of at least 10 percent of the boards.
22 And with the latest amendment offered in
23 Councilwoman Krajewski's office, that
24 will add another additional board.

25 So, not more; less. And,

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2 again, the theme here is, we didn't ask
3 for this, we wouldn't be here. It's the
4 widening of the road.

5 And we very much appreciate
6 your consideration on this request.

7 I'm going to ask Mr. Kroculick
8 to address some of more specifics of the
9 proposed ordinance, but I would
10 respectfully request at this time a
11 suspension of the rules.

12 COUNCILMAN KENNEY: I have to
13 make an announcement before that
14 testimony.

15 At the request of the Chair of
16 the Public Health and Human Services
17 Committee, Bills No. 100011 and 110346
18 will be recessed until Monday, June 13th,
19 at 10 a.m.

20 So anyone who is here to
21 testify regarding those two bills -- I
22 think they're dealing with lead paint and
23 wild raccoons -- will come back Monday,
24 June 13th, at 10 a.m.

25 Please proceed.

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2 MR. KROCULICK: Mr. Chairman.

3 My name is George J. Kroculich. I'm Alan
4 Kessler's partner, at Duane Morris.

5 And I just wanted to emphasize
6 that something that -- and Gary's last
7 name might be more difficult to pronounce
8 even than mine and so, I'll just call him
9 "Gary."

10 One of the things that Gary
11 pointed out and I'd like to highlight was
12 that this was a collaborative effort
13 between the City and PennDOT and the
14 outdoor advertisers affected in this
15 corridor.

16 As Gary indicated, back in
17 October, certain concerns were raised at.
18 That point, we had already been working
19 with PennDOT about our relocated --

20 COUNCILMAN KENNEY: I'm sorry.

21 Excuse me, excuse me. I'm sorry.

22 I'm going to ask, please, for
23 everyone to take whatever private
24 conversation -- hello, hello. Private
25 conversators, can we go outside.

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2 Thank you.

3 Please continue with your
4 testimony.

5 MR. KROCULICK: Thank you,
6 Mr. Chairman.

7 We had already been working
8 with PennDOT, Local District 6 about new
9 locations, and I have two different sets
10 of plans that I can provide to you that
11 will show you that in all cases, we are
12 moving back away from the highway; and,
13 therefore, further away from residential,
14 as Alan had indicated.

15 And in almost all instances, we
16 are moving onto the same piece of
17 property. A large part of this is
18 Conrail property. So we're moving back
19 onto the same piece of property in almost
20 all of the cases.

21 And just to highlight one of
22 the things Alan had indicated also, we
23 are, in fact, losing about 20 percent of
24 the total boards in this little corridor
25 as a result of complying -- being in

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2 compliance with the revised edition of
3 the ordinance.

4 And I think that's all I have
5 to say.

6 COUNCILMAN KENNEY: Okay.
7 Councilman Greenlee.

8 COUNCILMAN GREENLEE: Just real
9 quickly, just to get it on the record,
10 and I think this might have been said
11 'cause there's a lot of things going on
12 here right.

13 Right now, all these are legal
14 signs, correct? They're all legal signs,
15 right?

16 MR. KROCULICK: All of these
17 are -- pursuant to the consent agreement
18 between the City and the outdoor
19 advertisers, they are legal structures,
20 correct.

21 COUNCILMAN GREENLEE: Okay. I
22 just wanted to make sure that was on --
23 'cause that -- there's been some
24 information going around differently. So
25 I just wanted to make sure.

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2 Okay, thank you.

3 COUNCILMAN KENNEY: The 20
4 percent of the boards represent how many
5 numerically?

6 MR. KROCULICK: Well, we're not
7 a hundred percent sure because we don't
8 have all of the plans, all of the
9 construction plans, from PennDOT yet, but
10 we think we have somewhere in the range
11 of the low 60s in terms of the number of
12 faces.

13 And we know we'll lose, we
14 believe, at least 17 faces.

15 COUNCILMAN KENNEY: Okay.
16 Thank you.

17 Anyone else have any questions?

18 (No response.)

19 COUNCILMAN KENNEY: Seeing
20 none...

21 Stephanie Kindt. Tom Potts, if
22 he's here. Tony Knaccarato, if he's
23 here.

24 (Witnesses come forward.)

25 MS. KINDT: Hello. My name is

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2 Stephanie Kindt. I'm here on behalf of
3 SCRUB, the public voice for public space.

4 The primary issue is the
5 proximity to residences and the
6 compliance with our own Philadelphia
7 Zoning Code. So the billboards that are
8 located along 95, many of them are not
9 within our current zoning. They're on
10 top of houses, next to houses.

11 So there's an incredible
12 opportunity right now, as I-95 is
13 expanding, to come into compliance with
14 our current laws.

15 The consent agreement is
16 actually being disputed right now in the
17 court system, whether or not a government
18 can contract away its own zoning laws.

19 So in Los Angeles and in
20 several other cities, where similar
21 agreements were formed with the outdoor
22 industry, those agreements have been
23 thrown out.

24 So when you have a billboard
25 that's too close to an exit or an

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2 entrance, when it's too close to a park
3 or church, you can't contract away the
4 City's laws.

5 So right now, the nonconforming
6 billboard along I-95, there's an
7 opportunity, when they come down, to put
8 them back in compliance, or not put them
9 back up at all.

10 So you can see examples of
11 billboards, and some of them are way too
12 tall, the size is not in compliance.
13 Some of them literally hang over homes.

14 COUNCILMAN KENNEY: Who are the
15 parties to the consent decree?

16 MS. KINDT: So there's one --

17 COUNCILMAN KENNEY: Excuse me.

18 MS. KINDT: Mm-hmm?

19 COUNCILMAN KENNEY: Who are the
20 parties to the consent decree?

21 MS. KINT: There were three
22 parties initially, and then more
23 billboard employees were added later. I
24 think the three initial was CBS, Steam,
25 and Clear Channel.

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2 COUNCILMAN KENNEY: And of the
3 non-billboard companies, who were parties
4 to the consent agreement?

5 MS. KINDT: Well, the City, the
6 City Law Department --

7 COUNCILMAN KENNEY: So there
8 were three parties?

9 MS. KINDT: Oh, I'm sorry.
10 Three billboard companies.

11 COUNCILMAN KENNEY: Three
12 billboard companies and the City.

13 MS. KINDT: And the City.

14 COUNCILMAN KENNEY: Was a SCRUB
15 a part of that --

16 MS. KINDT: No.

17 COUNCILMAN KENNEY: -- legal
18 action or consent decree?

19 MS. KINDT: No, not at all.

20 COUNCILMAN KENNEY: All right,
21 thank you.

22 MS. KINDT: So here are some
23 examples of, you know, the encroachment
24 on our public space.

25 COUNCILMAN KENNEY: I'm just

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2 laughing 'cause of the audience there.

3 I'm sure they're not that upset.

4 MS. KINDT: Right, yeah, yeah.

5 So --

6 COUNCILMAN KENNEY: I'm sorry.

7 MS. KINDT: And sign owners
8 have been compensated. They've already
9 been paid for their signs, they've
10 already been paid for the structures.
11 Just like if you had a house there, you
12 were paid for your structure.

13 So this would be like someone
14 being allowed to rebuild their home in
15 your backyard just because they were
16 forced to move.

17 So if it's non-compliant now,
18 it shouldn't be allowed to continue with
19 a non-compliant use.

20 So we would ask that you not
21 support this and support all of the
22 neighborhood revitalization and
23 redevelopment that's happening along 95
24 right now. There are so many efforts
25 with vacant land, taking back that land

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2 underneath 95, all kinds of creative
3 solutions. Billboard is not the highest
4 and best use.

5 And thank you so much.

6 COUNCILMAN KENNEY: Okay. Any
7 questions anything else for this witness?

8 (No questions.)

9 COUNCILMAN KENNEY: Anything
10 else to add, Mr. Potts, please?

11 MR. POTTS: I just want to
12 reiterate --

13 COUNCILMAN KENNEY: You have to
14 identify yourself for the record.

15 MR. POTTS: Hi. Tom Potts, New
16 Kensington Community Development
17 Corporation, (indiscernible) Director.

18 I just want to reiterate what
19 Stephanie had said. I don't want to take
20 up much time. Just as all of the
21 development on 95 is occurring in the
22 Fishtown, Port Richmond section, I would
23 like to see them all fall under
24 compliance.

25 COUNCILMAN KENNEY: Okay.

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2 MR. POTTS: Okay. Thank you.

3 COUNCILMAN KENNEY: Sir, do you
4 have something to add.

5 MR. KROCULICK: Mr. Chairman,
6 if I could just add, I'm told by my
7 client that picture up there is not even
8 one of the billboards within the I-95
9 corridor. So it's slightly misleading.

10 COUNCILMAN KENNEY: Where is
11 it?

12 MR. KROCULICK: We don't think
13 that's one of the boards impacted by
14 PennDOT's --

15 COUNCILMAN KENNEY: Where is it
16 located, 95 and where?

17 MR. KROCULICK: Bridesburg.

18 COUNCILMAN KENNEY: Okay, all
19 right.

20 MR. KROCULICK: I have one more
21 witness with your permission,
22 Mr. Chairman.

23 COUNCILMAN KENNEY: Who is it?

24 MR. KROCULICK: This is Terry
25 Steen, the owner of Steen Outdoor.

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2 COUNCILMAN KENNEY: Okay.

3 Please identify yourself for the record.

4 MR. STEEN: My name is Terry
5 Steen, the President of Steen Outdoor
6 Advertising, in Philadelphia.

7 I usually like to sit these
8 things out and not to get too hot under
9 the collar. However, I'm upset. And I'm
10 upset because several photographs were
11 shown showing my billboards in the
12 vicinity of houses.

13 When these billboards were
14 built, the land was industrial zoning.
15 When these billboards -- the pictures
16 were taken, the land is still industrial
17 zoning.

18 By inference, it is suggested
19 that if somebody has an industrial use
20 and they happen to build a house near
21 that industrial use, that industrial use
22 should be eliminated.

23 I question the legality of
24 that. I question the realty of a taking
25 block compensation.

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2 These properties all over
3 Philadelphia had all kinds of goofy
4 zoning through the years, which I know
5 there's a committee trying to change it
6 around.

7 COUNCILMAN KENNEY: And we
8 still have it.

9 MR. STEEN: There was mixed
10 zoning. You had houses on almost every
11 block next to scrap yards, so we're
12 saying that the scrap yards should be
13 removed.

14 Now, just let me -- bear with
15 me a few minutes because I have not
16 testified ever in the years we've been in
17 business. We started in business in
18 1930. Steen Outdoor Advertising has been
19 involved in Philadelphia for 81 years.
20 I'm a resident of Philadelphia. I have
21 our national headquarters in
22 Philadelphia. We have other operations
23 across the country.

24 I don't have to be in
25 Philadelphia, but I'm here. I chose it,

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2 and I'm still here.

3 We have several hundred
4 employees. I'm the chairman of the board
5 of Big Mountain Imaging, Anchor
6 Associates, and a few other real-estate
7 companies, and large-format printing
8 companies which are national.

9 But Steen Outdoor Advertising
10 is what I'm known for in Philadelphia,
11 and I'm here. I pay my taxes, I'm in
12 Councilman DiCicco's. My house, I live
13 in Center City.

14 Just a couple points. And bear
15 with me.

16 What is outdoor advertising?
17 We're very flippant when we discuss
18 outdoor advertising, but what is outdoor
19 advertising?

20 Outdoor advertising is usually
21 an advertisement, a message, or
22 information that is placed on property
23 which is not connected with that physical
24 location of that ad, of that sign. We
25 give out information, advertisements, and

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2 messages. We put out happy birthday
3 messages, we put out political messages,
4 do a tremendous amount of charity work.

5 Checking my records, in 2010,
6 the last complete record we had, during
7 the recession, I don't know about the
8 other companies, but my company, in the
9 City of Philadelphia, gave \$1.2 million
10 in free advertising for charities and
11 public service. And I can prove it.

12 We helped local businesses with
13 free added advertising to help them stay
14 in business in the Philadelphia market to
15 the tune of \$1.4 million. That's
16 \$1.4 million that we gave free
17 advertising to local businesses,
18 businesses that couldn't afford
19 advertising. We allowed them to stay up
20 on our boards.

21 And historically, from my
22 experience, your most vibrant cities and
23 areas are those that have vibrant outdoor
24 advertising. Areas that do not have
25 outdoor advertising usually wither and

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2 die. This is proven. If you travel
3 around the world and around this country,
4 your most vibrant civic areas are
5 Florida, Atlanta, China, Brazil, Tokyo,
6 and Times Square, New York have a lot of
7 outdoor, out-of-home advertising
8 (indiscernible) signs.

9 The golden years of
10 Philadelphia, the golden years when
11 Philadelphia had its greatest growth, you
12 had a lot more outdoor advertising than
13 you have today. In the last 25 years, my
14 company has had -- we had about 800 signs
15 in Philadelphia twenty-some years ago;
16 now we have about 150. And I think the
17 other companies can say the same numbers
18 in reduction.

19 Who is outdoor advertising? I
20 only got two more minutes, and then I'll
21 leave.

22 Who is outdoor advertising?
23 Not only are we national companies but
24 we're also local companies. I'm a local
25 company. As I said before a minute ago,

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2 I pay taxes, I hire at good wages, and we
3 don't lay people off. And I'm shaking a
4 little bit because I didn't take my
5 medication. I have Parkinson's, so bear
6 with me.

7 In 2010, when I did my analysis
8 my numbers for my company -- and I'm sure
9 it mirrors the other companies -- travel
10 and tourism, travel and tourism, which is
11 movie theaters, travel, shopping,
12 sightseeing, 31 percent of my business
13 was on travel and tourism in Philadelphia
14 signs. Signs physically located in
15 Philadelphia, 31 percent was travel and
16 tourism. Consumer goods, clothing
17 retail, 18 percent. Media, you know, TV
18 stations and radio, 8 percent. Food, 4
19 percent. Restaurants, fast food, 12
20 percent. Education, 11 percent. Medical
21 12 percent. Miscellaneous, it doesn't
22 fit into -- 4 percent.

23 That is my little story 'cause
24 I'm a little hot under the collar.

25 Another thing. I'm losing my

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2 company, as well as the other companies,
3 are losing many locations. We're not
4 being compensated. All we're being
5 compensated for the nuts and bolts of the
6 steel, the depreciated value of the steel
7 structure.

8 How would you like it if you
9 have a shoe store, a shopping center, and
10 somebody comes along and wants to put up
11 a highway by your -- take your property
12 away and only pay you for the mortar, the
13 bricks and mortar of the property, but
14 that's the real estate value. You
15 wouldn't like it; I don't like it,
16 either.

17 I'm being taken to the ringers,
18 I'm being taken to the cleaners.

19 All I want to do is move my
20 signs, a couple of 'em back slightly,
21 within an industrial, commercial area.
22 We're not moving any closer to
23 residential than is presently allowed in
24 the code.

25 And with that, I'm going to sit

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2 down. Thank you for your --

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

5 Anyone else to testify on this
6 bill?

7 MR. KROCULICK: Thank you.

8 (Mary Tracy returns to the
9 witness table.)

10 COUNCILMAN KENNEY: Mary, we
11 just heard from SCRUB. I'm not going
12 to -- we're not going to have a debate on
13 this. We have another hearing that's
14 going to be about three hours long, and I
15 have another bill yet that's going to be
16 about another 45 minutes to another hour.

17 MS. TRACY: Well, I'm -- I'll
18 be very brief, and I think I do have a
19 right as a taxpayer and a citizen to --

20 COUNCILMAN KENNEY: Yeah, you
21 do --

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

24 MS. TRACY: And I do want to
25 clarify --

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2 COUNCILMAN KENNEY: Your
3 organization's already been represented.
4 What --

5 MS. TRACY: Well, it is, but --

6 COUNCILMAN KENNEY: And she did
7 a very good job.

8 MS. TRACY: Well, she did. She
9 does a much better job than me.

10 COUNCILMAN KENNEY: And she's
11 actually helping more than you are right
12 now.

13 MS. TRACY: She is, but one
14 thing she -- one point -- and I'd just
15 like the Councilmembers to think about
16 this, and that is, the neighborhoods, the
17 people who live in these places whose
18 homes and neighborhoods have been divided
19 by I-95. And after that, the billboards
20 came. They have an opportunity to clear
21 that.

22 And I would say this bill, you
23 know, if they want to rebuild their
24 billboards, but they shouldn't be able --
25 there is a stipulation in there that if

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2 they can't find a spot that's 500 feet
3 from a residential property, then they
4 can put it the same distance that it is
5 now. And I think the same height, I
6 think it should come into compliance with
7 height and with size.

8 I think those amendments would
9 be fair to the neighborhoods and would be
10 fair to the owners.

11 COUNCILMAN KENNEY: Thank you.

12 Anyone else to testify on this
13 bill?

14 (No response.)

15 COUNCILMAN KENNEY: Seeing
16 none, we will now to Bill No. 100720,
17 which is an ordinance amending Title 9 of
18 the Philadelphia Code, entitled
19 "Regulation of Businesses, Trades and
20 Professions," and Title 14 of the
21 Philadelphia Code, entitled "Zoning and
22 Planning," by adding special provisions
23 regulating advertising signs in
24 Designated Commercial Advertising
25 Districts; designating Market Street

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2 between Seventh Street and 13th Street as
3 a Commercial Advertising District; and
4 making conforming amendments to other
5 provisions of the Philadelphia Code
6 regulating advertising signs; and
7 amending Chapter 19-3400, entitled
8 "Excise Tax on Outdoor Advertising
9 Transaction," by imposing a tax on these
10 signs, all under certain terms and
11 conditions.

12 Please identify yourself for
13 the record and proceed with your
14 testimony.

15 MR. GREENBERGER: Good
16 afternoon, Mr. Chairman and members of
17 the Committee on Rules. Alan
18 Greenberger, Deputy Mayor for Economic
19 Development.

20 Thanks for letting me be 3 of 3
21 on the signs.

22 I'm here to testify in support
23 of the proposed amendments to Bill
24 100720, which was introduced into City
25 Council on October 28, 2010.

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2 I'd also like to start by
3 thanking Councilman DiCicco for his
4 leadership throughout the development of
5 this legislation.

6 This bill allow for the
7 establishment of the Market East
8 Advertising District between Seventh
9 Street and 13th Street and the creation
10 large-format signs as redevelopment tools
11 for Market East.

12 Part or all of the revenue
13 generated from these signs would be
14 required to go into major improvements to
15 the publicly-visible portions of these
16 properties.

17 Market Street is arguably one
18 of the most significant corridors in the
19 City. Originally named High Street, it
20 has served as the primary east-west
21 corridor in Philadelphia since William
22 Penn outlined the City's street grid in
23 1683.

24 Early in the City's history,
25 Market East functioned as a center of

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2 commercial activity in Philadelphia, home
3 to the City's first market, giving it the
4 name Market Street, and later to seven
5 major department stores.

6 The area has historically been
7 a high-density retail and entertainment
8 district in Philadelphia because of its
9 unique scale, proximity to City Hall and
10 Independence Mall, and transit
11 connectivity.

12 In the last few decades, Market
13 East has experienced a decline in
14 commercial activity, and the creation of
15 the Gallery was an early effort to boost
16 the economy along Market East. Recent
17 investments, including the Convention
18 Center and its expansion and hotel
19 development, along with various proposed
20 projects such as the redevelopment of the
21 Gallery and the popularity of
22 Independence Mall has so-called primed
23 the pump for the area's rebirth as the
24 center of commercial activity in the
25 City.

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2 Despite the corridor's inherent
3 strengths and renewed interest in
4 investment, many of the properties in
5 this area, both built upon and vacant,
6 continue to underperform. There is a
7 striking mismatch between the actual and
8 the potential revenue streams achieved by
9 these properties.

10 To help address this
11 disconnect, the Philadelphia City
12 Planning Commission established the
13 Market East Plan in 2009. This plan
14 outlined various projects along Market
15 Street that together would create a
16 corridor worthy of its history and
17 potential.

18 One of the many issues
19 addressed in the Market East Plan is the
20 overall quality of the properties in the
21 area. Many of the buildings in the
22 corridor are poorly maintained and in
23 need of significant renovations and
24 repairs. Others are in reasonable repair
25 but offer little quality of life to the

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2 street.

3 The conditions of these
4 properties are limiting the full
5 commercial potential of the corridor and
6 detracting from the experience of area
7 patrons. Without a funding source, these
8 properties are likely to continue to
9 deteriorate or remain underdeveloped and
10 cause additional gaps in the street
11 fabric along the corridor.

12 In the past, that funding would
13 have been the federal or state
14 government. Today, we have to be more
15 creative.

16 Bill 100720 is one such
17 creative solution to this issue. If the
18 proposed amendments are adopted, the bill
19 would allow for the creation of a Market
20 East Advertising District between Seventh
21 Street and 13th Street. This district
22 would allow buildings that meet certain
23 criteria, including frontage and
24 occupancy requirements, to install
25 large-scale non-accessory signs.

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2 In exchange, the owners of the
3 buildings must invest a minimum of
4 \$10 million in the property that
5 materially improves the façade or
6 exterior of the property in a manner that
7 has a material public benefit.

8 Through the revenues generated
9 by large-format signs, property owners in
10 the area will be able to make key
11 investments in the exterior appearance of
12 their property.

13 These investments will improve
14 the quality of the pedestrian experience
15 in the area, add vibrancy to an area
16 sorely lacking in it, and ultimately make
17 the area more attractive for residents,
18 visitors, shoppers, investors, and
19 retailers.

20 This legislation represents a
21 unique opportunity for the city to
22 catalyze additional capital investments
23 in the corridor, adding vitality to an
24 area that lies at the heart of our city.

25 That concludes my testimony.

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2 I'll be happy to answer any questions.

3 COUNCILMAN KENNEY: Thank you
4 very much.

5 Could you give me an example of
6 what one of these signs would be? Is
7 there anything that's in your --

8 MR. GREENBERGER: I can think
9 of a couple. They're not obviously in
10 Philadelphia.

11 But for example, if you go to
12 the Penn Station area of New York, 34th
13 and Seventh Avenue, there's a series of
14 pavilions that are located at corners --
15 in this case, with vertical signage above
16 them on a structure. We've seen -- the
17 signs are probably 30 feet high, I'm
18 going to guess, by maybe 10 feet wide.

19 They're advertising, as we've
20 been talking about today. They give a
21 lot of life to the area. I've seen these
22 kind of signs actually in many cities the
23 world over. Some of them are static
24 signs, a lot of them are static. Some of
25 them are electronic.

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2 I'm sure I could reel off more
3 examples.

4 COUNCILMAN KENNEY: I'm trying
5 to give the record a flavor of what we're
6 talking about. For example, one of the
7 things -- and it wasn't necessarily
8 advertising, but an electronic treatment
9 recently during the Festival of the Arts
10 on Broad, you know, the cube was just
11 phenomenal. I mean, it was -- it changed
12 that intersection tremendously.

13 And, of course, there were
14 artistic things that were going on. It
15 wasn't necessarily -- I think there may
16 have been even been advertising, but it
17 was --

18 MR. GREENBERGER: For at least
19 the festival itself, yeah.

20 COUNCILMAN KENNEY: For at
21 least the festival.

22 But, I mean, the whole -- when
23 you walked down the street and came upon
24 it, it was like such a change of
25 attitude. It really just brightened up

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2 the whole intersection and the whole
3 area. It felt more festive and vibrant.

4 MR. GREENBERGER: Yeah. It was
5 probably bigger than people think it was,
6 although it certainly wasn't the size of
7 some of these. But we're dealing with a
8 very big street that, frankly, is not
9 very activated at the moment.

10 So the thing that's interesting
11 here is that I don't know if another city
12 that has tried to tie the use of this
13 both to creating vibrancy on a street but
14 also tying it very specifically to
15 economic development that benefits the
16 public.

17 COUNCILMAN KENNEY: And though
18 I personally happen to love Times Square,
19 we're not talking about Time Square.

20 MR. GREENBERGER: No.

21 COUNCILMAN KENNEY: Okay.

22 MR. GROZIER: I don't think the
23 amount of signs that we're talking about
24 could even come close to that.

25 That's why I think the example

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2 at 34th and Seventh is actually a better
3 one. It's more in the context of
4 buildings that are not covered by signs.

5 COUNCILMAN KENNEY: Okay.

6 Thank you.

7 Anything?

8 Okay, thank you.

9 MR. GREENBERGER: Okay, thank
10 you.

11 COUNCILMAN KENNEY: Mr. Levy,
12 Mr. Cordino, Mr. Soens, and Mr. Connors,
13 please.

14 (Witnesses come forward.)

15 COUNCILMAN KENNEY: Please
16 identify yourself for the record and
17 proceed.

18 MR. LEVY: Good afternoon. My
19 name is Paul Levy. I'm President of the
20 Center City District.

21 And given the time, I will try
22 to be brief. I have brought you pictures
23 instead of words today.

24 But I think, very simply, I
25 want to set the context of why we are

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2 supporting this. And then
3 representatives of three developers, one
4 who will be doing renovation, one doing
5 new construction, and one who is doing
6 historic preservation will talk about the
7 impact for them.

8 A simple story Alan went over
9 very quickly, but this was the major
10 street of the 19th century for shopping
11 in the City, and you'll notice every one
12 of those buildings has large advertising
13 on it. It then grew with John
14 Wanamaker's, Strawbridge & Clothier,
15 Litts Department Stores, until we had
16 eight major regional shopping stores
17 here.

18 The street, as many know, began
19 to go into decline in the 1950s. And in
20 that period of time, we had 17 regional
21 shopping centers built outside the
22 downtown. The city truly lost market
23 share.

24 We began a process of
25 revitalization in 1977. The Gallery was

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2 path-breaking, it was the very first
3 regional shopping center built in a
4 downtown after 15,000 had been built
5 across the country in the suburbs.

6 It was directly connected to
7 regional rail, it was great economic
8 development, but it was inward-facing,
9 and we are still facing the challenges
10 from that.

11 Beginning in the '90s, this
12 city began a huge investment in the
13 hospital industry. Going from the east,
14 Independence Visitor Center and a new
15 home for the Liberty Bell, those were the
16 number-one and number-two destinations in
17 the City. In terms of visitation, the
18 Constitution Center, the President's
19 House. The Convention Center, with its
20 expansion, a 95 percent increase in hotel
21 rooms.

22 So everywhere you look around
23 Market East, it's a thriving community:
24 Residential to the south, a vibrant
25 Chinatown to the north, visitor

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2 destinations on either end.

3 But if you flip forward, just
4 in the interest of time, to page 10,
5 eight or nine major parcels that are
6 undeveloped on the street.

7 And just to put it in
8 perspective, on page 11, you start with:

9 The 600 of Market Street and
10 you have a garage, with very, very poor
11 or empty retail.

12 The Gimbel's site has been
13 vacant for 34 years, no development in 34
14 years.

15 The Gallery was path-breaking
16 in 1977, but it is inward-facing today.

17 The 9 and 1000 block are
18 one-story buildings in what ought to be
19 in the middle of a very dense area.

20 The Girard Estate is a major
21 development parcel, and the last
22 developer had it taken back by the bank.

23 You go up to 13th and Market,
24 that has been a parking lot for 25 years.

25 It's a simple message. This

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2 street has enormous opportunity based on
3 investment and hospitality and
4 convention, but it's a hole in the middle
5 of the donut. It's a gap and it needs
6 some form of support so that development
7 can go forward.

8 The simple goal here is to
9 connect the great visitor destinations in
10 Independence Mall with the Convention
11 Center and its hotels and create a
12 first-class shopping district, our Fifth
13 Avenue, our Michigan Avenue.

14 As Alan said, virtually all of
15 the major buildings -- and John Connors,
16 who's done almost all the historic
17 preservation on the street was using
18 federal incentives that are no longer
19 there. I don't have to tell you that
20 both the State and the City budgets are
21 severely constrained.

22 We see this large-format sign
23 bill as you, City Council, authorizing a
24 incentive which enables developers to
25 carry out development they would not

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otherwise be able to do.

I think, Councilman Kenney, you raised this on page 17. We have a digital moving screen in front of the Kimmel Center. We have checked with traffic police; there have been no accidents there. It's exciting, it's vibrant, it shows what can happen.

John Connors will talk about
the advertising that used to be on top of
the Litts Building.

I want to emphasize on the bottom of 17 that all of those one-story buildings cannot stick signs on their roof based on this ordinance because they fail to meet the minimum width. This is for comprehensive redevelopment.

The image at the bottom page 17, which has appeared on various web communications, totally misrepresents the intent of this.

Pete Soens will talk and show diagrammatically that if he maxed out his site on the Girard Estate site, he could

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2 cover no more than 20 percent of the
3 building façade with large-format
4 non-accessory signs.

5 And then, as Alan said, a
6 minimum of 10 million must be invested
7 back into these buildings. This is an
8 incentive to prompt major redevelopment.

9 I will just say, in a
10 comparison, that this is more
11 conservative -- far more conservative
12 than New York, far more conservative than
13 Los Angeles, far more conservative than
14 Toronto. This is a very limited use of
15 signs to achieve an animation strategy.

16 The last image is hard to
17 interpret, but we did a computer
18 modeling, looking from all the high-rise
19 apartments and condominiums in Society
20 Hill. From none of them could you see
21 the position of signs on the Gallery or
22 on the Girard Estate because other
23 buildings obscure their view.

24 I think Nick is going next. Is
25 Nick here?

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2 (Witness comes forward.)

3 MR. LEVY: Joe Cardino from
4 PREIT was unable to stay. And so, why
5 don't you introduce yourself.

6 MR. BAUER: Good afternoon.

7 COUNCILMAN KENNEY: Good
8 afternoon.

9 MR. BAUER: My name is Dennis
10 Bauer. I'm with the law firm of Saul
11 Ewing, and we represent the Pennsylvania
12 Real Estate Investment Trust, PREIT.
13 I'll just keep my remarks very brief.

14 PREIT, as you know, has
15 substantial interest in the district
16 that's proposed -- the Gallery and
17 Strawbridge -- and PREIT strongly
18 believes that this is an important tool
19 for the redevelopment of that
20 neighborhood in which it has such a
21 substantial interest.

22 And with that, I conclude my
23 comments.

24 COUNCILMAN KENNEY: Thank you.

25 Who's next?

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2 (Witness comes forward.)

3 MR SOENS: I'm Pete Soens, from
4 SSH Real Estate. And just by way of
5 background, we own nine office buildings
6 in Philadelphia along with our partners,
7 seven of which are east of Broad Street,
8 and we just recently completed a
9 \$30 million apartment renovation of an
10 office building at Twelfth and Chestnut
11 into 100 high-end apartment units. So we
12 have a very large stake in Market East
13 and in the long-term success of the
14 corridor.

15 We acquired the Girard Estate
16 site about three years ago and have been
17 working towards different development
18 options and plans to try to develop the
19 site or certain parcels.

20 We focus most of our attention
21 on the Market Street building, which is
22 the first building you see on the handout
23 there, based on the location across the
24 street from the Loew's to the Marriott
25 and the entrance of the Convention

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2 Center.

3 We incorporated the sign
4 district bill into our marketing efforts.
5 And through that, we've been able to
6 secure an anchor retail tenant for
7 200,000 square feet that we're
8 negotiating a lease with now that would,
9 in essence, you know, kick off this
10 project.

11 And, basically, they -- the
12 sign district bill did two things for us.
13 It, one, created some excitement and some
14 vitality for this anchor tenant to
15 believe that there's a long-term plan for
16 Market East.

17 And it also, as Paul mentioned,
18 kind of helped the revenue to bridge that
19 gap, which has been the biggest issue in
20 Philadelphia. The rents don't support
21 new construction, but that helped with
22 that.

23 The result is really on page 2
24 of your handout, which is a 450,000-
25 square-foot retail center, with the

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2 anchor tenant on two floors, and then the
3 second floor and first floor will be
4 additional national retailers that will
5 come in with them, parking underground,
6 and we're going to also open up the
7 concourse to the subway below, which will
8 be a big amenity for the commuters in the
9 City.

10 So I think the last page is
11 important because it shows, as Paul said,
12 we had our architect maximize to give you
13 really a good visual of what this will
14 look like on a new building in the
15 rendering.

16 And the third page shows that
17 we maximized the amount of signage that
18 could be put on the building based in
19 compliance with the ordinance

20 So we think the --
21 esthetically, I think the picture is, you
22 know, is very clear on the difference in
23 quality of the first building and the new
24 building.

25 And the economic impact lastly

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2 is 1334 jobs, 687 of which would be
3 long-term, permanent annual jobs in the
4 city. And we think without the sign
5 district bill, this will not be a reality

6 And we appreciate your
7 consideration. Thank you.

8 COUNCILMAN KENNEY: Actually,
9 it's a pretty dramatic change from what's
10 there now to what's proposed. It's just
11 pretty phenomenal, what the new look is.

12 And I think also, the
13 brightness, or the ultimate brightness of
14 the street, will create a very safe
15 feeling in environment, I think, overall.

16 I mean, in the kind of
17 transition from Old City through the
18 historic area and then into this kind of
19 lit up place to do business.

20 MR. LEVY: A very sad
21 commentary. The concierges of the hotels
22 on East Market Street direct all of their
23 people to go West Walnut Street in the
24 evening 'cause there's no vitality on the
25 street.

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2 We think between what PREIT is
3 proposing to do with the Gallery with
4 restaurants and cafés and what SHS is
5 proposing to do really can add life,
6 street life, and capture the economy of
7 the hospitality evening economy, which
8 will be very helpful.

9 COUNCILMAN KENNEY: Who's next?
10 Is there any more presentation? Who's
11 next?

12 (Witness comes forward.)

13 COUNCILMAN KENNEY: Please
14 identify yourself for the record.

15 MR. CONNORS: Good afternoon.

16 COUNCILMAN KENNEY: Good
17 afternoon.

18 MR. CONNORS: My name is John
19 Connors, and I am President of Brickstone
20 Realty Corporation, as well as Chairman
21 of the Market East Improvement
22 Association.

23 And 2011 marks 25 years on East
24 Market Street for Brickstone. Our work
25 on East Market totals about 3.8 million

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2 square feet of Class A development at a
3 cost -- an initial cost of just about a
4 half a billion dollars. It includes the
5 Litt Brothers Department Store, the
6 Wanamaker Department Store, the City Hall
7 Annex, 1234 Market Street, and we also
8 bought the Headhouse from the City just
9 as a throw-in.

10 So we have been toiling on East
11 Market Street for the better part of
12 two-and-a-half decades, most of my adult
13 life. And I dare say that no one cares
14 more about East Market Street than we do
15 at Brickstone.

16 And we are delighted that we
17 have new partners in the endeavor. When
18 we started, we had Wanamaker's and
19 Strawbridge & Clothier, and Reading
20 Company and PNB and Stern's and Rohm and
21 Haas, all of which are now extinct. So
22 Market Street needs some help.

23 And we have been promoting the
24 idea of large-format signs for the better
25 part of six or seven years now. And,

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2 finally, it's beginning to gain some
3 traction.

4 You're exactly right when you
5 say that the environment will be
6 dramatically changed by the large-format
7 sign package. There are historic assets
8 to Independence Mall that are valued at
9 over a billion dollars in investment.
10 And, frankly, precious few of the 4 to 6
11 million people a year that visit there
12 trickle their way up East Market Street.

13 So we would like to use the
14 sign package to invite and excite and
15 inform, and maybe even entertain those
16 folks, and to bring them to the district
17 on a permanent basis.

18 It is also true that
19 speculative investment on East Market
20 Street is probably not possible without
21 some help. In the past, all of the
22 historic assets have been fully developed
23 with the help of the federal tax credits,
24 but the rest of the inventory on the
25 street is not, frankly, not so blessed.

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2 So we need other tools to help
3 make this happen. And I think that this
4 large-format sign package is a very, very
5 important first step.

6 There seems to be a particular
7 aversion to signage on historic
8 properties, and I wanted to address that
9 as well because, obviously, we have a
10 vested interest in those historic
11 properties. They led the way in terms of
12 the revitalization of East Market Street,
13 and they should not be denied the
14 opportunity to continue to participate at
15 the highest possible level.

16 It has -- it's sort of ironic
17 that when we were doing the renovations,
18 the guidelines under the Secretary of the
19 Interior's process for certification
20 would not have allowed us to do the
21 Wanamaker Building or the Litt Brothers
22 Building or, for that matter, the City
23 Hall Annex. They had to be modified to
24 recognize certain realities.

25 And one of those realities

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2 there's was, there's no such thing as an
3 880,000-square-foot heritage icon. These
4 buildings have to function at the
5 absolute highest level to compete.

6 And that's always been our
7 mission, to make sure that the buildings
8 we rehabilitate under the historic
9 rehabilitation process compete at the
10 very highest level.

11 We are constitutionally
12 incapable of desecrating a historic
13 structure. If anyone's going to do that,
14 it's not going to be us.

15 Litt Brothers has historically
16 had, since its inception, rooftop signage
17 approximately 16 feet high and 600 feet
18 long. And in the handout that I gave
19 you, you can see from it's earliest
20 inception in 1898, that signage was
21 there. It was changed regularly, but as
22 near as we can tell, continued right on
23 up till the day that we began our
24 renovation process.

25 And we had to negotiate with

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2 the National Park Service to actually
3 allow us to remove the existing signage.
4 So it's sort of ironic that we have to
5 make an argument to get that signage
6 back.

7 But I think that it would be
8 just one more element that would make the
9 street more dynamic, the property that
10 much more dynamic. And I think it can be
11 done in a way that is compelling for
12 everyone.

13 I don't think -- and, by the
14 way, there's no attempt to sidestep the
15 historic process or anything else. The
16 signage package that we would propose
17 would have to be approved and -- reviewed
18 and approved by the Historic Commission
19 and all else concerned.

20 So we have absolute confidence
21 that we can deliver a package that would
22 make everybody happy, and it would
23 greatly advance our cause.

24 COUNCILMAN KENNEY: Thank you.
25 Thank you very much for your testimony.

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Councilman Clarke would like to
question Mr. Greenberger.

MR. GREENBERGER: Yes,
Councilman.

COUNCILMAN CLARKE: Good afternoon, sir.

MR. GREENBERGER: Good afternoon.

COUNCILMAN CLARKE: Real quick.
This is pretty exciting stuff.

Mr. Greenberger, I've actually had conversations with Councilman DiCicco over the last year or so about, you know, the process that he had established in working through the lighting of Market Street and had some areas that I'd like to see developed, that needed some level of stimulus -- not necessarily money from the federal government, but possibly from other outside sources of revenue.

And looking at North Broad --
and I don't want to be specific in terms
of the location 'cause I don't want to
give people a heads-up on where the next

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2 level of opposition may be.

3 But my question is from the
4 City's perspective, a planning
5 perspective, is this type of development
6 something that you could -- you, the
7 City, or the Planning Commission could
8 conceivably support in areas other than
9 East Market or traditional downtown
10 areas, up in maybe other commercial
11 corridors, on larger corridors?

12 Just generally. And I know you
13 can't -- you're not responding to a
14 specific location, but where would you
15 guys come down on something like that?

16 MR. GREENBERGER: There have
17 been no other areas that we've discussed
18 that would use this tool.

19 COUNCILMAN CLARKE: Okay.

20 MR. GREENBERGER: So it just
21 simply wasn't discussed.

22 However, as you know, we're
23 deeply interested in places like North
24 Broad Street. And I don't want to say
25 never say never.

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2 What I'd like to see happen is
3 this take root in a place like Market
4 East and see how it does, prove the
5 point, and show what it can do:
6 Demonstrate that it does the economic
7 development, which is important, and
8 demonstrate that the character of the
9 street that would come as a result of it
10 is agreeable and would be an exciting
11 thing.

12 So for me, that's my first
13 order of business.

14 If that proves out and then
15 there's a belief that that has
16 applicability elsewhere, of course we'd
17 want to talk about that, absolutely.

18 Separate but sort of related to
19 it, not related necessarily to the signs,
20 but we're deeply interested in working
21 with you and other Councilmembers to find
22 similar kinds of economic-development
23 tools that we might be able to apply in
24 other areas of the City that are specific
25 to both improvement of character of place

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as well as the capacity to do economic development.

So in another area of the City,
it might not be signs; it might be
something else.

COUNCILMAN CLARKE: All right.
Let me make sure I understand it in terms
of your --

MR. GREENBERGER: I'm not sure
what the "something else" is.

COUNCILMAN CLARKE: All right.

MR. GREENBERGER: I'm not trying to -- you know, I'm not holding back here. I just --

COUNCILMAN CLARKE: All right.
I understand.

MR. GREENBERGER: You know.

COUNCILMAN CLARKE: I understand. No, I mean, it's kind of hitting you, you know, blind.

In terms of the potential for your support, if it was a comparable type of development, a comparable size corridor, which Broad Street is, you say

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2 that you may want to wait and see if this
3 is successful.

4 MR. GREENBERGER: I'd like to
5 see this succeed, yeah.

6 COUNCILMAN CLARKE: Does that
7 mean until this is approved, first of
8 all, and then developed, and then there's
9 an analysis done on the economic health
10 of the project, you would not be
11 interested in considering something in
12 another location that somebody might, six
13 months from now, say, You know what? I
14 like what's being proposed down there.
15 I'm interested in developing something
16 like that.

17 Would your response be, Well,
18 you have to wait until three, four, five
19 years, six years, until this thing on
20 Market Street is done?

21 MR. GREENBERGER: No. I know
22 your question, and I don't think it's
23 that kind of time period. I think we
24 need to see over the next probably year
25 or two whether projects start to form.

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2 You know, I mean, getting done
3 is one thing. I'd like to just see them
4 get formed, get financing, and feel like
5 they're moving ahead.

6 If we see real signs that this
7 tool helps do that, obviously, we'd be
8 interested, then, in having another
9 discussion, or other discussions, about
10 other areas.

11 And that said, I don't think
12 this is a tool that you would just
13 generally apply to any area of the City.

14 COUNCILMAN CLARKE: I
15 understand, but --

16 MR. GREENBERGER: But
17 absolutely, we'd want to have to have --

18 (Indiscernible; parties talking
19 over each other.)

20 COUNCILMAN CLARKE: I don't
21 want to belabor it, but my point is, if a
22 developer that can show the capability of
23 developing a site, using this tool --

24 MR. GREENBERGER: Right.

25 COUNCILMAN CLARKE: -- in a

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2 comparable location, with a comparable
3 style, would that --

4 MR. GREENBERGER: Yeah. That
5 would be --

6 COUNCILMAN CLARKE: Would you
7 look at that as a standalone project in a
8 standalone proposal separate and aside
9 from the time frame of this?

10 MR. GREENBERGER: Yeah. I
11 mean, that would make it worthy of, then,
12 a further discussion to be taken
13 seriously elsewhere; I do agree with
14 that.

15 Because what we'll wind up
16 seeing is, we'll see a business plan that
17 shows how this tool sort of fits into the
18 economic development and the financing of
19 a project. And we'll see designs.

20 COUNCILMAN CLARKE: Right.

21 MR. GREENBERGER: And I think
22 we'll be able to judge from there whether
23 the tool is an effective one. And I
24 think, you know, barring flattening of
25 the economy, I think we'll see that

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2 relatively soon, in the next 12 to 24
3 months.

4 COUNCILMAN CLARKE: Okay, all
5 right. Thank you.

6 Thanks, Mr. Chairman.

7 COUNCILMAN KENNEY: Thanks you
8 very much for your testimony.

9 Is Mr. Gallery in the room?
10 Amy Hillier? You're Mr. Gallery?

11 UNIDENTIFIED SPEAKER: I am
12 not. I work for the Preservation
13 Alliance, and he left me a statement that
14 he'd like me to read into the record.

15 COUNCILMAN KENNEY: Okay, hold
16 on.

17 Amy Hillier.

18 Greg Young. Is Greg Young in
19 the room?

20 Steve Wexler.

21 Please come forward, identify
22 yourself for the record, and proceed.

23 (Witnesses come forward.)

24 COUNCILMAN KENNEY: Please
25 identify yourself for the record and

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2 proceed.

3 MR. LEECH: My nature is Ben
4 Leech. I'm the Director of Advocacy for
5 the Preservation Alliance. John Gallery
6 has prepared a statement that he'd like
7 to put into the record.

8 The proposed amendments to Bill
9 100720 result in a bill that is highly
10 unfavorable to the important historic
11 landmark buildings located along Market
12 Street. The Preservation Alliance urges
13 you not to approve Bill 100720 in its
14 current form.

15 Market Street, between Seventh
16 and 13th, contains many of Philadelphia's
17 most outstanding historic buildings.
18 These include Litt Brothers, Strawbridge
19 & Clothier, the Reading Terminal
20 Headhouse, PSFS. All these buildings are
21 listed on the Philadelphia Register of
22 Historic Places and on the National
23 Register of Historic Places.

24 In addition, most of the
25 buildings on the south side of Market

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2 between Seventh and Eighth are also
3 listed on the National Register.

4 Allowing large-format signs on
5 any of these historic buildings is
6 inappropriate and would significantly
7 detract from the primary reasons visitors
8 come to Philadelphia; that is to
9 appreciate its historic character.

10 Moreover, all of these
11 buildings are generally in very good
12 condition and are not poorly maintained,
13 underperforming, or outmoded, the terms
14 used in the bill to define why
15 large-format signs should be testified on
16 buildings in the Market East area.

17 The version of this bill,
18 introduced in October 2010, explicitly
19 stated in Section 14-1604-249(A) that
20 historic buildings would be excluded from
21 this bill unless, during its history,
22 that building had an exterior sign
23 equivalent to the one proposed.

24 This was a minimally acceptable
25 provision. However, as the Preservation

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2 Alliance stated in previous comments on
3 this bill, no such signs should be
4 allowed on any of these historic
5 buildings.

6 We are also concerned that the
7 signs on these buildings about historic
8 buildings and will detract from these
9 buildings, and are concerned that
10 allowing a sign to turn the corner along
11 South 12th Street will have a very
12 negative effect on the PSFS Building.

13 As we know, the second floor is
14 the Lowe's Hotel main ballroom, and it
15 has a very large glass window facing
16 east. A large-format sign across the
17 street may have a negative impact on the
18 use of this ballroom for events and a
19 negative impact on the hotel.

20 We urge the committee to reject
21 this bill or to amend the bill to
22 prohibit large-format signs on any
23 historic building listed on the
24 Philadelphia Register or abutting any
25 building listed on the Philadelphia

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2 Register.

3 COUNCILMAN DiCICCO: I just
4 have a question.

5 The last paragraph before the
6 last, "We are concerned that signs on
7 buildings that abut historical buildings
8 will detract from these buildings."
9 You've mentioned the PSFS Building.

10 MR. LEECH: Mm-hmm.

11 COUNCILMAN DiCICCO: Isn't
12 across the street a huge guitar? You
13 think that guitar in any way minimizes or
14 causes some loss of business or character
15 to the Loewe's building?

16 MR. LEECH: Well, I think the
17 concern is from the ballroom, and I don't
18 know what --

19 COUNCILMAN DiCICCO: You can
20 see it from the ballroom. I mean, you
21 see Hard Rock Café.

22 MR. LEECH: I think it's a
23 matter of opinion.

24 COUNCILMAN DiCICCO: That's
25 what most of it comes down to.

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2 Thank you.

3 COUNCILMAN KENNEY: Please
4 identify yourself for the record.

5 MR. WEXLER: Good afternoon,
6 Councilman Kenney.

7 COUNCILMAN KENNEY: Good
8 afternoon.

9 MR. WEXLER: My name is Steven
10 Wexler, and I'm President of Society Hill
11 Civic Association.

12 I am here this afternoon out of
13 two concerns. One is for my constituents
14 and myself concerning large-format,
15 programmable digital advertising and the
16 visibility of same from Society Hill.

17 There seems to be a rather
18 informal criteria developing in the
19 Planning Commission and in Council
20 regarding visibility and visual intrusion
21 of advertising signs that are coming into
22 our culture and its visibility from the
23 residences.

24 We have seen this happen
25 several times in individual cases, from

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2 billboards along highways and the Race
3 Street hotel project and other instances.

4 In this case, I think there is
5 a concern for Society Hill in the fact
6 that we are separated by not just
7 proximity in terms of feet, but in
8 height.

9 There are five high-rise
10 residential towers in Society Hill that
11 are separated from Market Street by the
12 very low-rise Jewelers Row District and
13 the Gimbel's site. They are the 40-some
14 St. James Towers, the NWAR building,
15 Hopkinson House, and the two high-rise
16 towers of Independence Place.

17 I personally live at Hopkinson
18 House, on the 18th floor, which is not
19 quite halfway up the building. And from
20 my apartment, I can see the sidewalk in
21 front of the former Strawbridge's
22 building and the entire height of that
23 building at Eighth and Market Streets and
24 a half of the Gallery.

25 The problem will probably be

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2 more severe for my neighbors at the
3 St. James Towers in terms of the
4 visibility of flashing, moving,
5 distracting, very bright digital signage.

6 So there's a quality-of-life
7 issue at play here, even though the
8 distance is somewhat greater than what we
9 talked about this afternoon in Pennsport
10 of a large billboard adjacent to
11 neighbors.

12 In addition, I think that we
13 saw a five-star sales team bring us a
14 very exciting new idea, including the
15 Planning Commission, for revitalizing
16 what is a sad problem for Philadelphia,
17 which is the lack of vitality along
18 Market Street.

19 And I think that having been
20 involved as chairman the Central Delaware
21 Advocacy Group and Urban Planning for the
22 last six years that we might be asked to
23 take a rather unusual risk with urban
24 planning in Philadelphia, as the
25 Preservation Alliance points out, with

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2 our unique history and legacy in
3 Philadelphia on a new and untested idea
4 in terms of this large, digital-format
5 advertising.

6 This isn't New York, it's not
7 Hong Kong, and I've heard very little to
8 convince me that this large-format
9 brightness on the street is going to
10 stimulate the kind of investment in the
11 Market East corridor that seems to be a
12 solution for what is now a moribund
13 commercial district.

14 So I would really like Council
15 to very carefully consider where is the
16 proof, what is the rationale, and what
17 are the chances that this gamble with the
18 cultural heritage of Philadelphia is
19 going to pay off and is perhaps a smaller
20 test project, more information. Is this
21 really is the scale of the project that
22 we need to take.

23 And, also, I would like to
24 point out that we're making an assumption
25 here, is that the tourism that visits the

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2 historical icons of Independence Mall,
3 the Liberty Bell, Independence Hall, and
4 the Constitution Center is daytime
5 tourism, that there are events held there
6 at night, but people who come to visit
7 Philadelphia do other things at night,
8 and they're not traveling up and down
9 Market Street to visit Independence Mall
10 at night.

11 And we hope that they'll visit
12 the riverfront, but they're going to
13 other venues at night so that this is not
14 a major thoroughfare necessarily.

15 And that will be the end of my
16 comments. Thank you.

17 COUNCILMAN KENNEY: Councilman
18 Greenlee.

19 COUNCILMAN GREENLEE: I don't
20 want to get in a debate, and you do a
21 great job with your organization.

22 But I think that's the point,
23 that people aren't there. We want to try
24 to bring people in.

25 MR. WEXLER: I agree with you

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2 that Market Street needs to be animated
3 at night.

4 COUNCILMAN GREENLEE: Right.

5 MR. WEXLER: I doubt -- I just
6 dispute that we've proved that the
7 overhead signs on buildings are the way
8 to animate that.

9 To animate a street, you need
10 activity at street level, inside the
11 buildings. You need retail, you need
12 restaurants, you need things going on
13 inside the buildings that are going to
14 motivate people to walk down that
15 sidewalk. And signs by themselves don't
16 do that.

17 COUNCILMAN GREENLEE: Well, not
18 by themselves, but I think that's part of
19 it. I think that's the idea, to get that
20 whole area stimulated.

21 But, okay, we're not going to
22 agree on that.

23 MR. WEXLER: Yeah.

24 COUNCILMAN KENNEY: Thank you.

25 Councilman DiCicco.

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COUNCILMAN DiCICCO: Yeah,
thank you.

Steve, your last comment about sidewalk bringing people in. This whole conversation began with me and PREIT maybe three years ago, maybe even a little bit longer, about the Gallery, and how will they be able to reconfigure the skin of the Gallery, change the appearance to bring activity at the street level in.

And that -- we're really saying the same thing. And a lot of -- some of that, the way we get there is by being able to do some signage.

I put it on the table there. I don't know if the public had a chance to see one of the proposals. If you flip to the next page, that's currently what's on Market, and that's what would happen, could happen, with the proposed signage legislation.

MR. WEXLER: Well, I can offer information that we've gotten during the

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2 Central Delaware master planning process,
3 is that once you get above maybe 15 or 20
4 feet above a pedestrian's head, a
5 building is just tall. Yeah, light and
6 activity through the windows up there is
7 a good thing. But in the distance, you
8 can see a building with a sign on it and
9 advertising that's good. But when you're
10 up against the building wall, above a
11 certain height, it's just tall.

12 And maybe it's lit, maybe it's
13 not. Maybe you feel safe, maybe you
14 don't. That's more a matter of the
15 streetscape itself rather than the
16 building that you're standing next to.

17 So I just want to point out to
18 Council that I don't really read the
19 proof that this investment that we're
20 making, this incentivization that we're
21 giving to landowners, which is pretty
22 hefty, is an idea that has been
23 resoundingly proven to be a worthwhile
24 investment.

25 COUNCILMAN DiCICCO: Well, I'll

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2 agree on the tall-building theory about
3 PSFS.

4 MR. WEXLER: Mm-hmm.

5 COUNCILMAN DiCICCO: I mean, we
6 know it's there 'cause we're
7 Philadelphians. Unless you live in the
8 distance, most people don't see the PSFS
9 sign. You do, however, see the PECO sign
10 even pretty much at street level, and
11 Comcast as their thin.

12 MR. WEXLER: Well, Comcast is a
13 different thing because you have the
14 animation within the lobby, and you're
15 forced -- you're out on the sidewalk, so
16 you look across this interior space to
17 see the Jumbotron at Comcast. And so,
18 that's not the same thing.

19 COUNCILMAN DiCICCO: Yeah, I
20 respect -- you and I have had a great
21 relationship over the last 16 years, and
22 you've always been very reasonable, so I
23 do appreciate your coming in today.

24 I think that the devil might be
25 in the details. And what we're trying to

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2 accomplish may not necessarily be signage
3 on the top of the building but also on
4 the façade of the building, not unlike
5 the Hard Rock Café is obviously an
6 extreme example with the guitar.

7 MR. WEXLER: Yeah.

8 COUNCILMAN DiCICCO: But that
9 is the kind of thing we're looking at.

10 MR. WEXLER: I do want to
11 reiterate my quality-of-life issues for
12 my constituency. Several hundred,
13 probably 5 or 600, households are going
14 to have these lights shining into their
15 living rooms. And if we've established
16 the precedent of we're considerate of
17 people who live within sight of flashing,
18 very bright billboards, all you have to
19 do is walk down Market Street and look
20 across, and you can easily see five very
21 well-kept, in a very good neighborhood,
22 high-rise buildings, and you're looking
23 into people's living rooms, albeit from a
24 distance.

25 And I am duty-bound to make

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2 that point to Council.

3 COUNCILMAN DiCICCO: Thank you.

4 COUNCILMAN KENNEY: Thank you.

5 Please identify yourself for
6 the record.

7 MS. HILLIER: My name is Amy
8 Hillier. I'm an assistant professor of
9 city and regional planning at the
10 University of Pennsylvania School of
11 Design. And my research focuses
12 primarily on public health, and that's
13 what I came to speak with you about. I'm
14 also a resident of West Philadelphia.

15 I have a number of serious
16 concerns about the proposal, and I'll
17 just outline.

18 The first is that Philadelphia
19 already has liberal signage laws,
20 particularly around accessory signs. And
21 even the liberal laws we have are not
22 being systematically enforced, and that's
23 been an issue in the neighborhoods, and
24 that's something that I've researched.

25 As a result, our kids are

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2 disproportionately exposed to ads for
3 unhealthful products such as sugary
4 beverages, alcohol, tobacco, even tobacco
5 on corner stores.

6 And our research, which I'm
7 happy to share, compared Los Angeles,
8 Austin, and Philadelphia. And
9 Philadelphia had by far the most ads for
10 unhealthful products, and they are
11 clustered around places where kids spend
12 time, so schools and daycares.

13 And we know that because of the
14 grandfathering of billboards that were
15 within 660 feet of schools that kids are
16 further exposed to that.

17 There's one school right in
18 this corridor on Market Streets. There's
19 a daycare that's right in this proposed
20 zone. And then Constitution High School
21 and the public library are just off
22 Market Street, just south of Market
23 Street.

24 I spent time at Constitution
25 High School this spring, and I don't know

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2 if folks know it but it's a fabulous
3 place where people are doing really good
4 stuff. The kids pour out of their at the
5 end of the day, and they go to the Eighth
6 Street stop on the Market-Frankford El.
7 So whatever's in that corridor, these
8 kids -- you know, not even to say all of
9 the kids that are spending time at the
10 Gallery.

11 A primary problem with this is
12 that we cannot regulate the content of
13 what goes on those ads. It could be a
14 four-story Sprite bottle, it could be the
15 ad for the new iPhone.

16 It's unconstitutional. We've
17 tried -- Council, to your credit, has
18 tried to regulate content of ads around
19 places that kids spend time; we can't.
20 Once it's there, we have no control over
21 the content of those ads.

22 Just to end, I'd say that I'm
23 extremely proud as a public-health
24 researcher to be working in a city that
25 is really leading the way nationally with

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2 its communities putting prevention to
3 work campaign around obesity and tobacco
4 cessation. We've spent tens of
5 thousands, if not hundreds of thousands,
6 of dollars in this city on a media
7 campaign to help people make healthful
8 choices. And, you know, that's the city
9 that I want to live in.

10 As a researcher, I would say
11 I'd love to see Market East revitalized;
12 I think all of us would. But there's
13 really no evidence that this, which is a
14 pretty modest proposal, would be enough
15 to change an historic problem that we've
16 seen for a long time with a lack of
17 vitalization.

18 And I'd say, at the very
19 minimum, I would think that Council
20 should call for a health-impact
21 assessment on something of this
22 significant of change in an historic
23 corridor so we could actually do a
24 thorough assessment of what the health
25 impact would be on the people who spend

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2 time there and live there.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you
5 for your testimony.

6 Any questions for this witness?

7 (No questions.)

8 COUNCILMAN KENNEY: Seeing
9 none, Jon Snyder, Jovida Hill, Ursula
10 Reed, Mary Tracy, Norma Van Dyke.

11 (Witnesses come forward.)

12 COUNCILMAN KENNEY: You can
13 identify yourself for the record and
14 proceed.

15 MR. SNYDER: Certainly. Thank
16 you, Councilman Kenney and members of the
17 Rules Committee, for having me here
18 today. My name is Jonathan Snyder. I
19 graduated from the University of
20 Pennsylvania, with my master's in city
21 planning. I previously had an internship
22 at the Philadelphia Department of
23 Commerce, where I worked with the
24 Department of Licenses and Inspections on
25 improving the permitting process for

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2 accessory signs. And I'm currently a
3 Samuel S. Fels fellow working with SCRUB
4 to examine how billboards impact cities.

5 And I wanted to talk to you
6 about legislative findings and testify
7 against this bill.

8 The legislative findings are
9 vague, unsubstantiated, and do not
10 demonstrate that the special signage
11 district along Market East will support
12 economic development efforts.

13 The first finding was that
14 other cities have found that when
15 properly regulated, very large-format
16 signs serve materially useful purposes in
17 areas having a high volume of pedestrians
18 and a concentration of hospitality,
19 entertainment, or retail uses

20 What materially useful
21 advantages? Without an underlying reason
22 to attract new patrons, shoppers, and
23 visitors, it's just putting up lights.
24 The area already has foot traffic, yet
25 the demand for new and different retail

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2 establishments has not materialized.

3 In other cities, they're taking
4 various approaches to signage. Houston,
5 Texas bans billboards, new ones. El
6 Paso, Texas bans new billboards. San
7 Francisco rejected a special signage
8 district after banning new billboards.
9 Los Angeles banned new billboards in
10 their special signage district, which
11 wrapped entire buildings in digital
12 signage remains controversial

13 Internationally, Toronto
14 created a special signage district, but
15 there are counter examples: Sao Paolo,
16 in Brazil, eliminated all signage
17 completely.

18 The experience of other cities
19 is varied, and many have rejected
20 additional signage

21 The next finding, the scale and
22 creative displays of large-format signs
23 accentuate the vibrancy of these areas,
24 heighten the public sense of these areas
25 as venues of hospitality, entertainment

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2 and retail activities, and serve as
3 gateways, thereby attracting more
4 entertainment, patrons, shoppers, and
5 tourists.

6 Local residents and area
7 workers already know what the area has to
8 offer. Visitors travel through this
9 district to visit historic areas already.
10 They may benefit from more way-finding
11 signage, but it is doubtful that a new
12 Coca Cola or Pepsi ad would add
13 additional foot traffic to the area.

14 The area already has room for
15 development, yet no development has
16 occurred, and one cannot expect signage
17 to induce demand to an area with limited
18 amenities

19 However, with the expansion of
20 the Convention Center and an eventual
21 need for more hotels, Market East would
22 be a great place to expand. However, in
23 a signage district, the rooms would face
24 these bright, large, huge signs, and is
25 that really a way to attract visitors?

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2 Next finding. Large-format
3 signs will become part of the ambience
4 the public has come to identify with
5 areas having high-density hospitality,
6 entertainment and retail uses in many
7 global cities.

8 Two cities come to mind known
9 for their signage districts. Times
10 Square, New York City, which has gone
11 through many ups and downs but has the
12 underlying theater district as a draw to
13 the local area. And Ginza, Tokyo, which
14 is recognized as a luxurious shopping
15 district.

16 Those two districts have an
17 underlying draw, which Market East does
18 not. Many world-class cities are not
19 known for their signage. London. Paris
20 is known as "the City of Lights," not
21 "the City of Signs."

22 The next finding. Properties
23 that are poorly maintained,
24 underperforming, or outmoded, whether in
25 terms of general deterioration,

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2 technology, or modern commercial
3 feasibility in areas of a high density of
4 hospitality, entertainment, and retail
5 uses inhibit the full commercial
6 potential of such areas and detract from
7 the positive experience of patrons,
8 shoppers, and tourists. This is not in
9 dispute

10 Signage is not the answer. It
11 would obscure the very enhancements
12 you're attempting to make. The way to
13 create a worthy space for patrons,
14 shoppers, and tourists is to break up the
15 visual monotony of the streetscapes so
16 more trees, varied sidewalk materials,
17 more interesting architecture, et cetera,
18 provide people a central gathering space
19 or at least street furniture adjacent to
20 restaurants and cafés, and provide the
21 retail experience that will attract
22 visitors

23 Signage may visually stunning
24 in some circumstances. However, it by
25 itself will not induce people to go from

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2 the hotels adjacent to the Convention
3 Center to the Historic District and shop
4 in between.

5 Next finding. Large-format
6 signs generate revenue that can be
7 directed to support the reuse or
8 rehabilitation of poorly maintained,
9 underperforming, and outmoded buildings.

10 Now, the proposed legislation
11 states that owners thus invest at least
12 \$10 million into their property, and you
13 can use the sign revenues to offset that
14 investment. They will still realize a
15 pretty substantial profit

16 What happens if they decide
17 that the sign is the improvement, and the
18 Planning Commission concurs? I don't
19 think that the reality will actually
20 match the intent of this finding.

21 There are other ways of
22 financing the improvements that do not
23 rely upon the commercialization of public
24 space. And moreover, it turns public
25 space into a commodity. It turns the

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2 visual landscape, which is one of the
3 City's best assets, into an
4 advertisement.

5 This extracts a social cost,
6 which is very difficult to quantify. I
7 personally think it represents a taking
8 of public space, but this cost cannot be
9 factored in

10 The next finding. Market
11 Street, between Seventh and 13th Street,
12 has historically been a high-density
13 shopping entertainment corridor in the
14 City, unique in its scale and scope, with
15 simple traffic patterns and slow-moving
16 traffic. Much of the statement is true

17 Although the traffic patterns
18 are simple as the streets lay, they're
19 complicated because of multiple bus stops
20 by both New Jersey Transit and SEPTA and
21 numerous pedestrians, and fast-moving
22 left-hand lane, with a much slower-moving
23 right-hand lane, with buses pulling in
24 and out and cabs pulling over to let
25 people off and pick people up

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2 A sign's purpose is to draw
3 your attention. Another way to say this
4 is that they distract you. And this
5 includes drivers as well, so drivers to
6 those areas

7 Lastly, the findings contradict
8 the legislation currently adopted as part
9 of the City's Zoning Code with regard to
10 outdoor advertising.

11 In conclusion, the legislative
12 findings are vague, do not represent the
13 broad experience of cities with respect
14 to signage.

15 The findings do not justify the
16 1200 percent increase in permitted
17 signage over currently allowable levels.

18 The findings do not demonstrate
19 that the signage will create the desired
20 end of increasing the number of patrons,
21 shoppers, and tourists.

22 Nor has it been guaranteed that
23 the funding required to have a sign will
24 be applied only to the façade improvement
25 despite the protections that are there.

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2 This area needs investments,
3 and a carefully crafted plan to achieve
4 increased commercial activity. Despite
5 the best intentions, allowing advertising
6 signage on a wall is not the best method
7 of achieving these end.

8 Thank you.

9 COUNCILMAN KENNEY: Thank you
10 for your testimony.

11 Please identify yourself for
12 the record.

13 MR. BURNFIELD: Good afternoon.
14 My name is Rich Burnfield. I'm the Chief
15 Financial Officer for SEPTA.

16 SEPTA supports the proposed
17 legislation and enhancements of Market
18 Street East Corridor between Seventh and
19 13th Streets. Market Street East is a
20 major transit corridor with SEPTA, New
21 Jersey Transit, and the Philadelphia
22 Phlash tourist bus serving this corridor.

23 In the early 1990s, SEPTA
24 committed to this corridor with the
25 acquisition of the 1234 Market Street

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2 office building. Over the last 15 years,
3 SEPTA has invested more than \$70 million
4 to acquire, renovate, and modernize this
5 building.

6 This office tower has
7 maintained close to 100 percent occupancy
8 with its central location to City Hall,
9 the Pennsylvania Convention Center, along
10 with providing excellent transit access.

11 The proposed legislation would
12 further stimulate development and
13 investment by building owners in this
14 corridor by the requirement to invest in
15 their facilities. These improvements
16 would promote the use of public
17 transportation in this corridor.

18 SEPTA supports this legislation
19 and looks forward to Council's favorable
20 consideration.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony.

23 Please identify yourself for
24 the record and proceed.

25 MS. HILL: My name is Jovida

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2 Hill, and I am the former Board Chair of
3 SCRUB, the public voice for public space.

4 I am also very proud to have
5 served on this board with two of the
6 City's biggest cheerleaders: The late
7 Judith Eden, who served on the Zoning
8 Board; and the late Lenore Burson

9 I take this risk at sounding
10 crass for even bringing up their names in
11 this setting, but I'm not using their
12 names in vain; I only recall them because
13 they were passionately opposed to
14 unregulated outdoor advertising, and I
15 share their passion.

16 I want to make it very, very
17 clear that I support development efforts
18 to revitalize Market East. I'm also old
19 enough to remember when this part of town
20 was an economic engine for the City, with
21 the likes of Strawbridge's, Gimbel's,
22 Litt Brothers, and Snellenburg's.

23 I also remember that the new
24 best thing was the Gallery at Market
25 East, and we know that the Gallery never

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2 lived up to its hype.

3 In any case, I appear before
4 you today to ask you to be very careful
5 about considering this bill. This would
6 have an enormous effect on the landscape
7 of outdoor advertising.

8 First of all, I think it is a
9 false argument that the only way Market
10 East can be revitalized is to allow
11 advertising messages on digital
12 non-accessory signs.

13 If revitalizing Market East
14 makes sense -- and we all agree that it
15 does -- it makes absolutely no sense that
16 the only way for solvency is to trade our
17 public space for non-accessory digital
18 signage. It's illogical to think that
19 turning Market Street East into Las Vegas
20 is in our best interest.

21 Please keep in mind that this
22 is the backyard of Independence Mall, the
23 Liberty Bell, the President's House, the
24 Betsy Ross House, and the Constitution
25 Center. This is Philadelphia. Market

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2 Street East is not Times Square South.

3 My fear is that this bill could
4 also create new precedents in terms of
5 what is permissible. This bill clearly
6 is not permissible under current Zoning
7 Code laws, and the Zoning Code Commission
8 has yet to determine what is in the best
9 interests of the City with regard to
10 non-accessory digital signs. I believe
11 this bill is premature.

12 In my own neighborhood, Craig
13 Leban, the Inquirer food critic, has
14 already started referring to Callowhill
15 Street as "Callowhill Restaurant Row."
16 And once the Barnes Foundation in the
17 Parkway and the proposed granary project
18 development is complete, what would keep
19 an entrepreneur from asking that my own
20 neighborhood, where I live a half a block
21 from Callowhill Street and the Barnes,
22 becomes an entertainment district
23 eligible for the signs requested in this
24 bill. I would absolutely, positively
25 hate this designation.

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2 As far as I can tell, this bill
3 is nothing more than putting lipstick on
4 a pig. And I implore you that
5 Philadelphia has enough to offer that we
6 are not pigs, and we are not in need of
7 lipstick.

8 Rather, Market Street East is a
9 diamond in the rough, and this bill
10 offers absolutely nothing to make it
11 shine.

12 And I'm sorry that Councilman
13 DiCicco has left because it's not in my
14 prepared testimony, but I was absolutely
15 offended that he compared SCRUB to a
16 convicted criminal. I am offended by
17 that.

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 Who's next?

21 (Witnesses come forward.)

22 COUNCILMAN KENNEY: Please
23 identify yourself for the record and
24 proceed with your testimony.

25 MS. REED: My written testimony

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2 says "good morning," so I've been here
3 since 10 o'clock.

4 COUNCILMAN KENNEY: Revise it.

5 MS. REED: My name is Ursula
6 Reed. I've been a resident of Center
7 City, Old City, Queen Village
8 neighborhoods since 1976. Although I
9 grew up in Southwest Philadelphia, on
10 Cobbs Creek, where legend told us that
11 George stopped at the historic Washington
12 Bluebell Inn on Woodland Avenue, over 50
13 years, I learned this to be true from the
14 research on this new project here that I
15 think provides an excellent tool.

16 I heard Alan Greenberger talk
17 about the need for tools for economic
18 development along Market Street, and I
19 think that there are other options out
20 there.

21 I'm here primarily today as the
22 Vice President of the Washington
23 Rochambeau Revolutionary Route, W3R, for
24 short, National Historic Trail, which was
25 designated by Congress and signed into

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2 law by President Obama in March of 2009
3 as part of the Omnibus Public Land Bill.

4 I'm surprised that some of the
5 other people in this room who are in
6 planning positions didn't mention that
7 because surely they knew about it. It's
8 been -- there was a major editorial in
9 the Inquirer on April 11th called "On the
10 Road to History," and the entire
11 Philadelphia Congressional Delegation
12 supported this important federal
13 legislation.

14 This 685-mile trail, the first
15 national historic trail in the
16 northeastern United States, extends from
17 New Port, Rhode Island to Yorktown,
18 Virginia, commemorates the American and
19 French alliance in the War for
20 Independence. In 1781, over 5,000 troops
21 and their livestock marched approximately
22 15 miles per day with campsites at those
23 intervals.

24 For the 225th anniversary in
25 2006, three American Revolution

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2 reenactors walked the entire 685 miles,
3 following the same schedule and campsites
4 as in 1781.

5 This year, the march was
6 planned to do it again, honoring the 230th
7 anniversary to raise public awareness
8 about this W3R National Historic Trail,
9 working with the National Park Service,
10 which has only 20 national historic
11 trails in the entire USA.

12 Another gentleman by the name
13 of Bill Poindexter plans to cycle the
14 entire route, 685 miles, the Washington
15 Rochambeau National Historic Trail.

16 To give you a picture of what
17 the W3R Trail looks like on the ground
18 today, after crossing the Delaware River
19 at Trenton, there was a campsite at
20 Bristol where the trail comes down Route
21 13 to Red Lion Road with a campsite at
22 Holy Family University today, then down
23 Frankford Avenue to Second Street in
24 Northern Liberties, to Old City, past
25 Elfreth's Alley to Christ Church at

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2 Second and Market Street, turns right
3 across Market Street to the Schuylkill
4 banks, to the Schuylkill River, where
5 they encamped on the present-day
6 Schuylkill banks around Market Street,
7 where there is a new sign commemorating
8 the Revolutionary River installed by the
9 Schuylkill River Development Corporation,
10 which W3RPA will dedicate this July 14th,
11 Bastille Day.

12 That's a picture of the sign.
13 It's jut this side of the river from the
14 30th Street Station, thanks to Joe Cernik
15 (sp?).

16 That ceremony will be held
17 before the opening day of a three-day
18 conference on the Society of Historians
19 of the Early American Republic (SHEAR), a
20 partner with the McNeil Center for Early
21 American History on Woodland Walk, where
22 the W3R Trail continues through the
23 University of Pennsylvania campus to
24 Woodland Avenue, to Cobbs Creek, crossing
25 into Darby, down Chester Pike, to the

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2 last of the Pennsylvania four campsites
3 to Trainor, Chester, before crossing the
4 state line into Delaware.

5 So this National Historic Trail
6 will be an asset in the neighborhood and
7 districts that many of you represent.

8 My concerns about Bill 100720
9 arise from the perspectives as both a
10 resident and historic preservationist and
11 environmental sustainability advocate,
12 and as one of the many folks who have
13 worked to improve Market Street East over
14 the almost 40 years.

15 I had the privilege to work
16 with Ed Bacon and Jim Rouse, while with
17 the Rouse Company in 1978 to 1986, so I
18 know much of the history and most of the
19 people involved.

20 I also served on the Old City
21 Civic Association Board on the Historic
22 East Market Street Project and was
23 responsible for bringing the National
24 Trust Main Street Program to the table.

25 And I recently learned, since I

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2 only just entered back into this Market
3 Street East picture around this issue,
4 that there was a Main Street manager in
5 charge of the Old City Business District
6 until about a year ago, Cynthia Filo.

7 For today, let's focus on W3R
8 Trail along the historical East Market
9 Street, where we have the only Unesco
10 World Heritage site in Philadelphia.

11 It's surprising to me to know
12 that people don't realize that
13 Independence Hall, even people in
14 historic preservation don't know that
15 it's the Unesco World Heritage site.
16 They typically think of that something in
17 Quito, Ecuador, or something like that.

18 But that is an international
19 tourist attraction. Every day visitors
20 come from all over the globe to visit
21 this birthplace of democracy.

22 Clearly, historic East Market
23 Street, from Front Street to City Hall,
24 needs a sustainable plan for retail and
25 commercial revitalization for the

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2 residents of Philadelphia, the primary
3 market for Center City retail, and the
4 more fully repopulated neighborhoods,
5 from river to river, within walking,
6 cycling, and public-transit systems that
7 we have been seeing in our communities
8 and places of worship, as documented,
9 thanks to the Center City District in
10 their recent report.

11 Another person who was going to
12 be here today is Norma Van Dyke. She
13 lives in Society Hill but she had to
14 leave.

15 I think one of the points she
16 was going to make is that as someone who
17 lives in that community, she was looking
18 forward to possibly having some changes
19 in Market Street retail that would come
20 by virtue of an improved leasing plan.
21 It's not all in signage.

22 The problem with Market
23 Street -- and I know this from my
24 background working for the Rouse
25 Company -- is that, you know, the leasing

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2 plan is really out of sorts. You have
3 all of the low-end things on street
4 level, and probably the south side of the
5 street is the worst.

6 So if they really wanted to do
7 something to bring back the retail life
8 on Market Street East and fill in the
9 gaps, they would pay attention to that.

10 We respectfully propose that we
11 extend the Main Street Program to City
12 Hall, providing an appropriate
13 (indiscernible) and sustainable framework
14 for economic revitalization and heritage
15 towards and along historic East Market
16 Street from Front to Broad Street, where
17 there is a bronze plaque in City Hall
18 courtyard, which W3PRA and the SAR, Sons
19 of the American Revolution, restored and
20 rededicated recently.

21 The National Trust and Historic
22 Preservation Main Street Program has been
23 used for revitalization not only in Old
24 City but also along East Passyunk Avenue,
25 Manayunk, Roxborough, Frankford Avenue,

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2 West Philadelphia, and University City.

3 Lets bring Main Street back to
4 its Market Street roots. When we brought
5 them in in Old City years ago, the Main
6 Street people told us that they were
7 really happy to be there because that was
8 the first main street.

9 Why not have green roofs on top
10 of the major transit hub at the Gallery.
11 While we who live here often take history
12 for granted, others do not. History is
13 Philadelphia's brand. Let folks go
14 elsewhere for the glitz.

15 Let's focus on Mayor Nutter's
16 goal of making Philadelphia the greenest
17 city in the country by 2015. Imagine a
18 real green country town. William Penn
19 would be proud.

20 And thanks to the American
21 Historical Theater who inspired us today
22 to have William Penn come down from
23 above.

24 WM. PENN IMPERSONATOR: If I
25 could take a moment of your time. When

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2 Charles the II of England gave me
3 Pennsylvania in a chamber slightly less
4 grand than this, I envisioned for this
5 land a green country town unlike any
6 other, which would always be wholesome as
7 London was not, which would never burn,
8 as London did.

9 And I invited everyone from
10 everywhere to come to Pennsylvania to be
11 free and safe. And come they did. Until
12 this place became the sort of open-
13 minded, liberty-loving, tolerant place,
14 where a lot of radicals could get
15 together and write a Declaration of
16 Independence and start a new birth of
17 freedom and then a constitution to
18 guarantee that this country would always
19 be free and safe.

20 And then they raced the future
21 with its innovations and its progress
22 often at the expense of its history until
23 now, much of the history of this city
24 lies in ruins and dust and ashes beneath
25 other not-so-charming buildings.

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2 This city is our home. And
3 each year, we open our doors to visitors
4 from all over the (indiscernible),
5 millions of them, in fact. They come to
6 see our home.

7 Would we obscure our home to
8 their sight? Is it necessary to gild the
9 lily.

10 On behalf of your project,
11 friend Reed, I offer my encouragement.
12 Please do not embrace the future at the
13 expense of the past.

14 I thank you for your time
15 today.

16 And having spent the day in
17 this chamber, I must say, gentleman,
18 whatever they're paying you, it is not
19 enough.

20 (Laughter.)

21 (Applause.)

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

24 MS. TRACY: It certainly is
25 hard to follow that. I probably should

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2 have dressed up as Betsy Ross.

3 WM. PENN IMPERSONATOR: Gilding
4 the lily again.

5 MS. TRACY: So my name is Mary
6 Tracy, as you know, and I am here today
7 as the representative of SCRUB and also
8 as the President of Scenic America.

9 I have brought a few photos
10 just to share with you some things that
11 we had in our records and to freely --
12 before we go this route -- and I can
13 understand why you want to, why it's
14 attractive, why we need to make something
15 happen here, but I also want to point out
16 that it could be at a very great cost to
17 the visual beauty of our Market Street.

18 And not too long ago, a lot of
19 people called our office complaining
20 about this sign on 1234 Market Street.
21 They had erected a Dunkin' Donuts sign on
22 their building, unlawfully actually. But
23 it was there.

24 And we found that the other
25 tenants in that building, one of the

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2 banks, people were coming in there to buy
3 coffee and donuts. So you have that
4 confusion between accessory and
5 non-accessory.

6 The bank sign would be an
7 accessory sign. And in this area, it's
8 allowed to be no bigger than 100 square
9 feet.

10 A non-accessory sign is
11 absolutely not allowed in Center City.
12 And this particular one was about the
13 size of five billboards.

14 We've had other ones too. This
15 one was at Eighth and Market, and it also
16 was unlawful. And the interesting thing
17 about this particular sign -- it's about
18 eight stories high, and I think it was
19 8,850 square feet, but it was on a
20 building owned by the Rappaport estate.
21 And there was nothing else happening in
22 that building; it was simply a shell for
23 this advertising.

24 And I know that's not going to
25 happen in this particular bill. There

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2 seems to be precautions on that. But let
3 me tell you, when we won this case -- and
4 this went all the way to the U.S. Supreme
5 Court, because the sign was unlawful, and
6 our signs are very -- our sign laws are
7 every stringent here in Philadelphia,
8 when they're enforced. And our
9 organization litigated this all the way
10 to the Supreme Court, and we won.

11 And the building was sold. And
12 now, the new owner has invested over
13 \$9 million. There's condominiums in
14 there. And that's the kind of
15 development -- and, by the way, didn't
16 need advertising on the building in order
17 to make that investment.

18 And I think they're the kinds
19 of developers that we need to attract,
20 those that are willing to put their own
21 skin in the game and not be looking for
22 the kind of income that's really going to
23 have a long-term detriment for twenty
24 years in our city, we believe.

25 You know, here is 1234 there

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2 now. And I think as look and walk down
3 Market Street, I would agree with John
4 Gallery, we have a lot of great
5 buildings, and those buildings shouldn't
6 be covered with advertising. And it will
7 be so tempting for these buildings
8 because this is such a comprehensive --
9 from 13th Street down to Seventh Street,
10 not -- and how can anybody in this
11 economy walk away from 30, 40, 50, 100,
12 200, a million dollars in income in a
13 year, in two years, in five years. None
14 of us really would be able to do that.

15 And so, we really are putting a
16 sore temptation to turn this historic
17 corridor into one of commercialism. And
18 I think the size, that is very generous.

19 So let's move on this. You
20 know, this obviously is a building that
21 this bill is built for. It's the
22 Gallery, and it's tired, and it doesn't
23 have the kind of retail in there that a
24 lot of us would be looking for on a
25 regular basis. And it does have a lot of

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2 empty wall apace. And they need some
3 help.

4 But I had a wonderful visit
5 along with one of my colleagues, with Joe
6 Cordino, who works there and is very
7 knowledgeable about malls. In fact, they
8 have malls all over the country, and
9 they've just rehabbed the one in Cherry
10 Hill and other places.

11 But what he has told us is that
12 the real problem here is with the lease
13 and with the ownership. And I talked to
14 Councilman DiCicco, and he agreed, and
15 he's working on that.

16 But we've been working on it
17 for a lot of years, and it's really
18 stymied this company that I think has
19 really beautiful malls and really great
20 ideas from doing anything because they
21 don't have the ownership.

22 So I would ask this Council,
23 before we start giving away the walls of
24 our public spaces, to get to the heart of
25 an issue that's been really stymying the

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2 development in this building for a very
3 long time.

4 The other thing, just to review
5 again. You know, we have accessory
6 signage, we have non-accessory. This is
7 accessory signage. And SCRUB would be
8 very interested in seeing some vibrant
9 accessory signage, even ones that may
10 have some digitalization.

11 But when we start to walk that
12 route of non-accessory signage, we open
13 up the door to litigation from the
14 industry, because how can we say that
15 these signs are a danger to the health,
16 safety, and welfare, that they contribute
17 to blight and disinvestment, which our
18 bill says now, and it's very airtight and
19 well-litigated, when we turn around and
20 we give these findings that we've
21 analyzed earlier, you know, one of our
22 interns took that apart for us. So I
23 think we might just want to look at that.

24 And, you know, other buildings,
25 we talked about this. I think it's good

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2 for everybody to look at what we're
3 talking about.

4 One of my favorite developers
5 in the City is Tony Goldman of Goldman
6 Properties, and I've just been amazed at
7 what he's been able to do with buildings
8 by just removing that kind of frontage,
9 putting on more interesting roofs, a
10 different kind of siding, and, most
11 importantly, bringing in a more varied
12 retail. That's what's going to bring
13 people to Market Street.

14 If I've heard it once, I've
15 heard it a hundred times, that there's
16 nothing going on there. We need to do
17 something. No one is there, no one is
18 going there. And the simple reason no
19 one is going there is because there is
20 nothing to do.

21 I spent a lot of time there
22 this weekend, taking photos and walking
23 up and down and looking at the buildings.
24 And I realized that it's a pretty dead
25 zone on Sunday afternoon and late at

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2 night, and that's why nobody's there.

3 So, you know, we have some
4 properties that really do need some work.

5 But I don't know and I don't
6 agree that turning our Market Street into
7 a place where we have these huge vinyl
8 signs or digitalized signs, animated
9 signs that will really have a negative
10 impact on the quality of life of many
11 residents who have invested a lot of
12 money in their condominiums, in their
13 apartment buildings.

14 And I think none of them have
15 been brought to the table. As we look
16 around this room, there are very few
17 residents from any of these buildings
18 that are. We just heard one from Society
19 Hill, but I think he's the first to
20 really find out about it.

21 So here we have -- again, I
22 would go back to how could we change
23 those façades. Here's a vision really of
24 the Hopkinson House, so you can kind of
25 see there that they do look out onto

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2 Market Street.

3 We also have the building that
4 John Gallery referred to, the PSFS
5 Building, and the people in those hotel
6 rooms will be looking at something
7 different.

8 And then here is the St. James,
9 and they do have a tremendously open view
10 to what would be going on on Market
11 Street and those signages.

12 And as the President of Scenic
13 America, I get calls every week from
14 people who suddenly have a digital sign
15 in their viewpoint, and you can see these
16 signs from up to six files away. And
17 these are just -- these aren't even
18 animated signs for the most part; they're
19 just changing messages every four to six
20 seconds, but they're so bright.

21 And as humans, we're hard-wired
22 to look at the brightest light. So even
23 when you don't want to look at these, you
24 find yourself looking at them.

25 I'm not going to go in too much

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2 into the traffic-safety issues here, but
3 they're very real, and that was brought
4 up earlier. And there have been numerous
5 studies over the last six years that have
6 shown a correlation between driver's
7 distraction, and I know you don't want to
8 hear this --

9 COUNCILMAN KENNEY: I'm here to
10 hear everything.

11 MS. TRACY: -- but anything
12 that takes your eyes off the road for two
13 seconds or more greatly increases your
14 risk for a crash or a near crash.

15 And three seconds, 63 percent
16 of the accidents are from those eyes off
17 the road. And those eyes go off the road
18 not just because you're on your cell
19 phone but because you're looking at
20 something off the road.

21 So I think I would ask that if
22 we're going to do this, that we do it in
23 a much more careful way, that the sign --
24 you know, for example, I think when you
25 use the computation that is currently in

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2 this bill of 24 times a linear square
3 foot, well, the Gallery has, I think, 840
4 linear feet, so you're really talking
5 about twenty-some thousand square feet.
6 And I don't see a stipulation in there to
7 say what the max can be of a sign.

8 And I also -- you know, it also
9 worries me that we're going to be
10 finding -- I guess I don't have that in
11 there. But, you know, we are limiting
12 tobacco, but do we want the alcohol and
13 do we want it to turn it into a lot of
14 casino gambling, where we're luring
15 people off and out of Center City down to
16 gambling here and other places in the
17 State and in New Jersey.

18 And once we allow this
19 advertising, we really can't go back and
20 say, Well, you can't do this but you can
21 do this. It can't look like this, it
22 can't look like that.

23 So I would really ask to
24 continue this bill, and let's make it
25 better, because right now, I think it

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2 still has a lot of areas that need to be
3 improved.

4 Thank you very much.

5 COUNCILMAN KENNEY: Thank you
6 for your testimony.

7 MS. REED: Can I ask a
8 question?

9 COUNCILMAN KENNEY: Yes.

10 MS. REED: Regarding the
11 maintenance and the exterior appearance
12 of the Gallery, from my background,
13 having worked for the Rouse Company
14 during development the development phase,
15 I know that the Mall Maintenance
16 Corporation agreement, does that still
17 exist? And who's responsible for what?

18 I mean, the outside of that
19 building, if I were still working there
20 as assistant general manager and went
21 through there with a punch list, there
22 would be a number of things that need to
23 be addressed from just a retail -- a
24 routine maintenance standpoint.

25 One thing that really bothers

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2 me is those flags that are at the
3 entrance to the Market East part of
4 Gallery II. Those poles were designed
5 for seasonal banners which would hang
6 lengthwise and be changed with the
7 seasons of the year, not the little --
8 what they've done is they've taken down
9 those banners, and they just put flags up
10 there that hang up. They're filthy, it's
11 a disgrace. And so, nobody is minding
12 the store when it comes to the routine
13 maintenance of that facility.

14 The exterior of the building is
15 five-hour fire-rated panel that would
16 steam-clean beautifully. Now they're all
17 streaked and filthy. Who's responsible?
18 Is that the City's, or is it PREIT?

19 COUNCILMAN KENNEY: I guess
20 you'd have to talk to PREIT. They
21 probably could tell you.

22 COUNCILMAN DiCICCO: It's a
23 very convoluted situation over there
24 between the lease agreements with the
25 City and the Redevelopment Authority and

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2 PREIT.

3 As I said earlier, I've been
4 working with PREIT about three years now
5 on trying to deal -- figure out ways in
6 which we can get some investment in
7 there. Again, I'm not a lawyer and I'm
8 not even going to try to explain how
9 convoluted it is. I had suggested that
10 they try to make it more simpler for
11 everyone.

12 And this -- again, this
13 conversation started with that building.
14 How do we make it a more attractive
15 building? How do we get some more retail
16 at the street level so that when people
17 are walking, you don't need to walk into
18 one of the main entrances; you can walk
19 into a restaurant, another type of
20 business from the street level and not to
21 have to go into the Gallery.

22 Kind of what we had when I was
23 a kid was all of the retail shops and
24 stores were lined up, and you didn't have
25 to walk in to this concrete box, if you

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2 will.

3 (Addressing Councilman Kenney.)

4 What?

5 COUNCILMAN KENNEY: They had
6 horses too back then.

7 COUNCILMAN DiCICCO: And they
8 had horses in those days. That's right,
9 they did. They delivered milk when I was
10 a kid, horses delivered milk. That's why
11 I'm retiring.

12 So anyway --

13 MS. REED: I mean, just
14 cleaning it up and --

15 (Indiscernible; parties talking
16 over each other.)

17 COUNCILMAN DiCICCO: Well, but
18 somebody's responsible. Whether it's
19 RDA, whether it's PREIT.

20 Cleaning it isn't going to
21 change it. We need a massive overall of
22 the building, including the way the
23 exterior is designed; change that design.

24 And if you're going to have
25 individual retailers, they're going to

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2 need a sign or some sort of advertising
3 to let you know where they are in terms
4 of that big box. And that's how this
5 whole conversation began. Someone has to
6 take responsibility.

7 I don't agree with the e-mails
8 that I've been getting saying that this
9 is going to allow for enormous --
10 humongous banners hung on buildings just
11 for the sake of advertising. That is not
12 the intention; it's certainly not my
13 intention.

14 And the building that was
15 referenced in the slide at Eighth and
16 Market, where the Rappaport building was,
17 that owner called me more times than I
18 can remember, asking me to approve that
19 sign. I wouldn't do it, I wouldn't do
20 it, because there's got to be some rhyme
21 or reason to it.

22 It's just not advertising; it
23 has to be connected to something. And
24 that's what the intent is bill is. Ten
25 million dollars is a minimal amount of

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2 investment that goes in.

3 This is not about putting a
4 billboard on what is now a vacant
5 building, or could be a vacant building,
6 so that the owner of the building can
7 generate revenue for himself or herself.

8 It's about taking monies,
9 revenues and reinvesting in that
10 building. And in cases where it's an
11 unoccupied building, the building would
12 have to be occupied. And if there's a
13 building that is occupied now and it's
14 vacated, they will lose -- and correct me
15 if I'm wrong, Alan, the way I -- I
16 remember I put this on the table. I want
17 to look at buildings that may be
18 currently occupied.

19 If for whatever reason, they
20 lose their tenants, we don't want
21 advertising to be the single only
22 generator for that building. They're
23 going to have to come up with leases and
24 reoccupy that building at 60-some or 70
25 percent; I can't remember the exact

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2 number.

3 So it's not about putting a
4 billboard on a building and creating a
5 "Billboard Boulevard" on Market Street.

6 MS. REED: That's not going to
7 achieve your goal.

8 COUNCILMAN KENNEY: All right.
9 Thank you.

10 MS. TRACY: Well, you know,
11 it's great to hear that, and I know the
12 intentions are great.

13 Would there be possible to add
14 amendment on there then too, you know --
15 because we're talking twenty years.
16 You're not going to be here, I'm not
17 going to be here, this Council won't be
18 here, that would put a guarantee that,
19 you know, if there's litigation that
20 needs to be enforcing that, that the
21 company would pay for that litigation
22 rather than put it on the City and the
23 taxpayers because, you know, to go back
24 to Councilman Kenney's complaint,
25 enforcement is very difficult in this

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2 city, and --

3 COUNCILMAN KENNEY: 'Cause

4 L&I's watching the billboard.

5 (Laughter.)

6 MS. TRACY: But the Law

7 Department --

8 (Indiscernible; parties talking

9 over each other.)

10 COUNCILMAN KENNEY: L&I's

11 taking out the billboards undercover.

12 COUNCILMAN DiCICCO: I don't

13 have the exact --

14 (Indiscernible; parties talking

15 over each other.)

16 MS. TRACY: And I think that

17 may be --

18 COUNCILMAN DiCICCO: I think

19 there's something in there that because

20 it's part of the bill, the language of

21 the bill, what other criteria for

22 signage, how much signage on the

23 building, I think that's already covered

24 in there, and I think the enforcement is

25 in that language --

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2 MS. TRACY: That part is not.

3 COUNCILMAN DiCICCO: I'm not
4 sure.

5 MS. TRACY: That part is not.
6 And it basically could be that they would
7 have to sign a covenant or something. I
8 mean, that would be a guarantee.

9 COUNCILMAN KENNEY: William
10 Penn is hungry. Let's go.

11 Okay, thank you. Thank you for
12 your testimony.

13 MS. TRACY: Thank you.

14 COUNCILMAN KENNEY: That comes
15 to end of our witness list.

16 We will end the public hearing
17 and convene a public meeting.

18 * * *

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1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 COUNCILMAN KENNEY: The Chair
3 recognizes Councilmember DiCicco for a
4 motion to approve the two amendments to
5 Bill No. 100678.

6 COUNCILMAN DiCICCO: Thank you,
7 Mr. Chair.

8 I move that the amendments to
9 Bill No. 100678 be approved.

10 (Motion duly seconded.)

11 COUNCILMAN KENNEY: It's been
12 moved and seconded.

13 All in favor?

14 There are none opposed.

15 The amendments are passed.

16 The Chair recognizes
17 Councilmember DiCicco on a motion on the
18 amended bill.

19 COUNCILMAN DiCICCO: Thank you,
20 Mr. Chair.

21 I move that Bill No. 100678, as
22 amended, be reported out this committee
23 with a favorable recommendation and that
24 the rules of Council be suspended so as
25 to permit first reading at our next

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 session of Council.

3 (Motion duly seconded.)

4 COUNCILMAN KENNEY: It's been
5 moved and seconded.

6 All in favor?

7 None opposed.

8 Bill No. 100678, as amended,
9 will be reported out of this committee
10 favorably and a request made for a rules
11 suspension to allow for first reading at
12 our next Council session.

13 The Chair recognizes
14 Councilmember DiCicco for a motion to
15 approve the amendment to Bill No. 100720.

16 COUNCILMAN DiCICCO: Thank you,
17 Mr. Chairman.

18 I move that the amendment to
19 Bill No. 100720 be reported out of this
20 committee with a favorable
21 recommendation.

22 COUNCILMAN KENNEY: We're
23 approving the amendment.

24 COUNCILMAN DiCICCO: That the
25 amendment be approved.

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2 (Motion duly seconded.)

3 COUNCILMAN KENNEY: It's been
4 moved and seconded.

5 All in favor?

6 There are none opposed.

7 Bill No. 100720 will be amended
8 accordingly.

9 The Chair recognizes
10 Councilmember DiCicco for a motion on the
11 amended bill.

12 COUNCILMAN DiCICCO: Thank you,
13 Mr. Chairman.

14 I move that Bill No. 100720, as
15 amended, be reported out of this
16 committee with a favorable recommendation
17 and that the rules of Council be
18 suspended so as to permit first reading
19 at our next session of Council.

20 (Motion duly seconded.)

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

23 All in favor?

24 There are none opposed.

25 Bill No. 100720, as amended,

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 will be reported out of this committee
3 favorably, and a request will made for a
4 rules suspension to allow for first
5 reading at our next session of Council.

6 The Chair recognizes
7 Councilmember DiCicco for a motion to
8 approve the amendment to Bill No. 110185.

9 COUNCILMAN DiCICCO: Thank you,
10 Mr. Chairman.

11 I move that the amendment to
12 Bill No. 110185 be approved.

13 (Motion duly seconded.)

14 COUNCILMAN KENNEY: It's been
15 moved and seconded.

16 Councilmember Clarke?

17 COUNCILMAN CLARKE: Just for
18 the record. Thank you, Mr. Chair.

19 Mr. Chair, I just want to say
20 for the record that I will be voting no
21 on the amended bill, but that doesn't
22 necessarily mean that I will not support
23 the bill ultimately.

24 I asked that the sponsor and
25 the developer who had indicated a

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 willingness to do that -- to do so
3 between now and the time of the final
4 passage come up with either a letter or
5 some document that indicates that there's
6 going to be a process that will be
7 all-inclusive of the pertinent community
8 group --

9 COUNCILMAN DiCICCO: Understood
10 and accepted. Thank you.

11 COUNCILMAN KENNEY: Should the
12 record reflect that you approve the
13 amendment to this bill?

14 COUNCILMAN CLARKE: Yes.

15 COUNCILMAN KENNEY: Okay. It's
16 been moved and seconded.

17 All those in favor?

18 The amendment's been approved.

19 The Chair recognizes
20 Councilmember DiCicco for a motion on the
21 amended bill, Bill No. 110185.

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

24 I move that Bill No. 110185, as
25 amended, be reported out of this

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 committee favorably and that the rules of
3 Council be suspended.

4 (Motion duly seconded.)

5 COUNCILMAN KENNEY: Moved and
6 seconded.

7 All in favor?

8 Councilmember Greenlee and
9 Councilmember Clarke should be recorded
10 as -- well, let the record reflect that
11 Council President Verna voted aye on all
12 amendments and bills before leaving the
13 chamber. The Chair also recognizes that
14 the two no-votes on the amended Bill No.
15 110185 are Greenlee and Clarke.

16 The Chair recognizes
17 Councilmember Miller to approve the
18 amendment to Bill No. 110302.

19 COUNCILWOMAN MILLER: Thank
20 you, Mr. Chair.

21 I move that the amendment to
22 Bill No. 110302, the amendment be
23 approved.

24 (Motion duly seconded.)

25 COUNCILMAN KENNEY: It's been

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 moved and seconded.

3 All in favor?

4 There are none opposed.

5 The amendment passes.

6 The Chair recognizes

7 Councilmember Miller on the amended bill.

8 COUNCILWOMAN MILLER: I move
9 that Bill No. 110302 be reported out of
10 this committee, as amended, with a
11 favorable recommendation, and further
12 move that the rules of Council be
13 suspended so as to allow for first
14 reading at our next session of Council.

15 (Motion duly seconded.)

16 COUNCILMAN KENNEY: It's been
17 moved and seconded.

18 All in favor?

19 There are none opposed.

20 Bill No. 110302, as amended,
21 will be reported out of this committee
22 favorably, and a request made for a rules
23 suspension to allow for reading at our
24 next Council session.

25 The Chair recognizes

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 Councilmember DiCicco on a motion to
3 approve Bill No. 110306.

4 COUNCILMAN DiCICCO: Thank you,
5 Mr. Chairman.

6 I move that Bill No. 110306 be
7 approved and that the rules of Council be
8 suspended so as to permit first reading
9 at the next session of Council.

10 COUNCILMAN KENNEY: Are you
11 asking for a favorable recommendation?

12 COUNCILMAN DiCICCO: I'm asking
13 for a favorable recommendation.

14 (Motion duly seconded.)

15 COUNCILMAN KENNEY: All right.
16 It's been moved and seconded.

17 All in favor, aye?

18 There's one no-vote,
19 Councilmember Goode. Let the record
20 reflect that Bill No. 110306 will be
21 reported out of this committee favorably
22 and a request will be made for a rules
23 suspension to allow for first reading at
24 our next Council session.

25 The Chair recognizes

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 Councilmember Clarke for a motion to
3 approve Bill No. 110312.

4 COUNCILMAN CLARKE: Thank you,
5 Mr. Chair.

6 I move that Bill No. 110312 be
7 reported out of committee with a
8 favorable recommendation and a rules
9 suspension to allow for reading at our
10 next session of City Council.

11 (Motion duly seconded.)

12 COUNCILMAN KENNEY: It's been
13 moved and seconded.

14 All in favor?

15 There are none opposed.

16 Bill No. 110312 will be
17 reported out of this committee favorably,
18 and a request will be made for a rules
19 suspension to allow for first reading at
20 our next session of Council.

21 The Chair recognizes
22 Councilmember Greenlee for a motion on
23 Bill No. 110344.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Chair.

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2 I move that Bill No. 110344 be
3 reported out of this committee with a
4 favorable recommendation and that the
5 rules of Council be suspended to allow
6 for first reading at our next session
7 City Council.

8 (Motion duly seconded.)

9 COUNCILMAN KENNEY: It's been
10 moved and seconded.

11 All in favor?

12 There are none opposed.

13 Bill No. 110344 will be
14 reported out of this committee with a
15 favorable recommendation and a request
16 made for rules suspension to allow for
17 first reading at our next Council
18 session.

19 The Chair recognizes
20 Councilmember Goode for a motion on Bill
21 No. 110345.

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

24 I move that Bill No. 110345 be
25 reported out of committee with a

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 favorable recommendation and that the
3 rules be suspended so as to permit first
4 reading at our next Council session.

5 (Motion duly seconded.)

6 COUNCILMAN KENNEY: It's been
7 moved and seconded.

8 All in favor?

9 There are none opposed.

10 Bill No. 110345 will be
11 reported out of this committee favorably,
12 and a request will be made for a rules
13 suspension to allow for first reading at
14 our next Council session.

15 The Chair now recognizes
16 Councilmember Clarke for a motion to
17 approve the amendment to Bill No. 110347.

18 COUNCILMAN CLARKE: Thank you,
19 Mr. Chair.

20 I move for the adoption of the
21 amendment to Bill No. 110347.

22 (Motion duly seconded.)

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

25 All in favor?

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 There are none opposed.

3 The bill will be amended
4 accordingly.

5 The Chair recognizes
6 Councilmember Clarke for a motion on the
7 amended bill.

8 COUNCILMAN CLARKE: I make a
9 motion on the amended Bill No. 110347 to
10 be reported out of committee with a
11 favorable recommendation and a rules
12 suspension to allow for first reading at
13 our next session of Council.

14 (Motion duly seconded.)

15 COUNCILMAN KENNEY: It's been
16 moved and seconded.

17 All in favor?

18 There are none opposed.

19 Bill No. 110347, as amended,
20 will be reported out of this committee
21 favorably and a request will be made for
22 a rules suspension to allow for first
23 reading at our next session of Council.

24 The Chair recognizes
25 Councilmember Clarke for a motion Bill

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 No. 110348.

3 COUNCILMAN CLARKE: Thank you,
4 Mr. Chair.

5 I move that Bill No. 110348 be
6 reported out of committee with a
7 favorable recommendation and a rules
8 suspension to allow for first reading at
9 our next session of Council.

10 (Motion duly seconded.)

11 COUNCILMAN KENNEY: It's been
12 moved and seconded.

13 All in favor?

14 There are none opposed.

15 Bill No. 110348 will be
16 reported out of this committee favorably,
17 and a request will be made for a rules
18 suspension to allow for first reading at
19 our next Council session.

20 The Chair recognizes
21 Councilmember Miller for a motion on Bill
22 No. 110377.

23 COUNCILWOMAN MILLER: Thank
24 you, Mr. Chair.

25 I move that Bill No. 110077 be

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 reported out of this committee with a
3 favorable recommendation and further move
4 that the rules of Council be suspended so
5 as to permit first reading at our next
6 session.

7 (Motion duly seconded.)

8 COUNCILMAN KENNEY: It's been
9 moved and seconded.

10 All in favor?

11 There are none opposed.

12 Bill No. 110377 will be
13 reported out of this committee with a
14 favorable recommendation and a request
15 made for rules suspension to allow for
16 first reading at our next Council
17 session.

18 The Chair recognizes
19 Councilmember Clarke for a motion on Bill
20 No. 110381.

21 COUNCILMAN CLARKE: Thank you,
22 Mr. Chair.

23 I move that Bill No. 110381 be
24 reported out of committee with a
25 favorable recommendation and with a rules

1 6.7.11 RULES COMMITTEE - PUBLIC MEETING

2 suspension to allow for first reading at
3 our next session of Council.

4 (Motion duly seconded.)

5 COUNCILMAN KENNEY: It's been
6 moved and seconded.

7 All in favor?

8 There are none opposed.

9 Bill No. 110381 will be
10 reported out of this committee with a
11 favorable recommendation and a request
12 made for rules suspension to allow for
13 first reading at our next Council
14 session.

15 The Chair recognizes
16 Councilmember Reynolds-Brown for a motion
17 on Bill No. 110382.

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

20 I move that Bill No. 110382 be
21 reported out of committee with a
22 favorable recommendation. I further move
23 that the rules of Council be suspended so
24 as to permit first reading.

25 (Motion duly seconded.)

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2 COUNCILMAN KENNEY: Moved and
3 seconded.

4 All in favor?

5 There are none opposed.

6 Bill No. 110382 will be
7 reported out of this committee with a
8 favorable recommendation, and a request
9 will be made for a rules suspension to
10 allow for first reading at our next
11 Council session.

12 That concludes the business of
13 Rules Committee.

14 Thank you very much.

15 (Proceedings end at 5:38 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Rules are contained fully
and accurately in the stenographic notes taken
by me on Tuesday, June 7, 2011, and that this
is a true and correct statement of same.

JOSEPHINE CARDILLO

Registered Professional Reporter

(The foregoing certification of
this transcript does not apply to any
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the certifying reporter.)