

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 4, 2012
9:10 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 120800, 120875, 120878, 120879, 120889,
120897, 120916, 120917, and 120920

- - -

1

2

COUNCILMAN GREENLEE: Good

3

morning, everyone. This is the Committee

4

on Rules. For the record, we have a

5

quorum consisting of Councilman Kenney,

6

the Vice-Chair of the Committee;

7

Councilman Goode; Councilman Green; and

8

Councilman Henon, and myself, Bill

9

Greenlee.

10

We have a long agenda today, so

11

we're going to try to move as quickly as

12

possible.

13

Ms. Marconi, will you please

14

read the title of the first bill, please.

15

THE CLERK: Bill No. 120875, an

16

ordinance to amend the Philadelphia

17

Zoning Maps by changing the zoning

18

designation of certain areas of land

19

located within an area bounded by 52nd

20

Street, Master Street, Peach Street, and

21

Media Street.

22

COUNCILMAN GREENLEE: Our

23

witness is?

24

THE CLERK: Eva Gladstein.

25

(Witness approached witness

1 12/4/12 - RULES - BILLS 120800, etc.
2 table.)

3 COUNCILMAN GREENLEE: Good
4 morning.

5 MS. GLADSTEIN: Good morning.

6 COUNCILMAN GREENLEE: I know
7 we'll see you for a while today.

8 MS. GLADSTEIN: Yes. I'm
9 hanging out with you guys today.

10 COUNCILMAN GREENLEE: Please
11 identify yourself and proceed.

12 MS. GLADSTEIN: Good morning.
13 My name is Eva Gladstein. I'm Deputy
14 Executive Director of the Philadelphia
15 City Planning Commission, and I'm here
16 today to testify on behalf of Bill No.
17 120875, which was introduced into City
18 Council on November 1st.

19 This bill will rezone the
20 Conestoga Recreation Center located at
21 5200 Media Street from its existing
22 zoning designation of "CMX-1"
23 Neighborhood Commercial Mixed-Use, "RM-1"
24 Residential Multi-Family, and "I-2"
25 Medium Industrial, to a more appropriate

1 12/4/12 - RULES - BILLS 120800, etc.
2 description of the use, which is Special
3 Purpose Parks and Open Space, Active. It
4 reflects the recommendations of the City
5 Planning Commission's recently adopted
6 Philadelphia 2035 West Park District Plan
7 and is considered a corrective zoning
8 action, in that it is correcting the
9 zoning to match the existing land use.

10 This bill was previously
11 introduced in the last session when the
12 old Zoning Code was in effect and used
13 the old zoning classifications. It was
14 considered at the City Planning
15 Commission meeting of June 12th, 2012
16 where it was recommended for approval,
17 and thus at its meeting of November 20th,
18 2012, the City Planning Commission
19 recommended that this bill be approved as
20 an item in accord with previous policy.
21 We'd be thrilled to see it approved, as
22 it will be one step towards correcting
23 the City Zoning Maps.

24 That concludes my testimony.

25 COUNCILMAN GREENLEE: And I

1 12/4/12 - RULES - BILLS 120800, etc.
2 know you're real interested in correcting
3 the Zoning Maps, right?

4 MS. GLADSTEIN: Correct.

5 COUNCILMAN GREENLEE: Thank
6 you, Ms. Gladstein.

7 Any questions?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, do we have any -- do you want to
11 say something on this, Councilwoman?

12 COUNCILWOMAN BLACKWELL: Is
13 this my bill?

14 COUNCILMAN GREENLEE: Yes; the
15 recreation, Conestoga. Do you want to
16 say anything?

17 COUNCILWOMAN BLACKWELL:
18 Absolutely. We're for it.

19 COUNCILMAN GREENLEE:
20 Councilwoman Blackwell.

21 COUNCILWOMAN BLACKWELL: Thank
22 you. Thank you. Yeah. We've worked
23 hard to try to support Conestoga
24 Playground, and we appreciate all of the
25 support that we can get.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: All
3 right. Fine. I think we're going to
4 approve this, Councilwoman.

5 Any other questions?

6 (No response.)

7 COUNCILMAN GREENLEE: Any other
8 witnesses?

9 (No response.)

10 COUNCILMAN GREENLEE: Seeing
11 none, they're all not going to go this
12 smoothly.

13 Ms. Marconi, will you please
14 read the title of the next bill, please.

15 THE CLERK: Bill No. 120897, an
16 ordinance amending Title 14 of The
17 Philadelphia Code, entitled "Zoning and
18 Planning," and Title 4 of The
19 Philadelphia Code, entitled "The Building
20 Construction and Occupancy Code," Subcode
21 "A" (The Philadelphia Administrative
22 Code), by providing for review of
23 applications subject to civic design
24 review and for accelerated review, all
25 under certain terms and conditions.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Eva Gladstein.

3 COUNCILMAN GREENLEE: Please
4 proceed.

5 MS. GLADSTEIN: Good morning
6 again. My name is Eva Gladstein, Deputy
7 Executive Director of the Philadelphia
8 City Planning Commission, former
9 Executive Director of the Zoning Code
10 Commission. I'm here to testify on
11 behalf of Bill No. 120897, which was
12 introduced into City Council on November
13 15th by Councilman Henon.

14 The bill will help streamline
15 the development approval process for
16 projects that require both Civic Design
17 Review and Zoning Board of Adjustment
18 approvals.

19 The way the new Zoning Code
20 currently reads, it prohibits the
21 Department of Licenses and Inspections
22 from issuing an approval or refusal or
23 referral until the Civic Design Review
24 process has been completed. This bill
25 would allow L&I, upon the request of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 zoning applicant, to issue a refusal or
3 referral prior to completion of the CDR
4 process. The issuance of the refusal or
5 the referral will allow the zoning
6 applicant to file an appeal and initiate
7 the timeline for Zoning Board review.
8 However, the Zoning Board of Adjustment
9 will still have to wait for completion of
10 CDR prior to holding its hearing, but
11 enables more the processes to go on
12 concurrently rather than having to go on
13 consecutively.

14 The new provision complements
15 several existing processes that are also
16 available to the applicant to expedite
17 development. The applicant can request
18 an expedited review by L&I. The standard
19 for this review is five days. I
20 understand there might be an amendment
21 today to put that into the Administrative
22 Code as a ten-day review by L&I instead
23 of a customary 30-day review.

24 In addition, the applicant can
25 request an expedited hearing in front of

1 12/4/12 - RULES - BILLS 120800, etc.
2 the Zoning Board. This hearing is
3 scheduled for the first available ZBA
4 date. While this process has been
5 operational for some time, Bill No.
6 120897 adds language to the
7 Administrative Code regarding the timing
8 of the ZBA hearing.

9 In addition to helping
10 streamline the development approval
11 process, it will also assist Civic Design
12 Review, because more information will be
13 available regarding the project
14 conformance with the Zoning Code at the
15 time of the Civic Design Review takes
16 place.

17 At its meeting of November
18 20th, the City Planning Commission
19 recommended that Bill 120897 be approved.

20 That concludes my testimony.

21 COUNCILMAN GREENLEE: Thank
22 you. And we have a copy of the amendment
23 here that you referred to.

24 Any questions for Ms. Gladstein
25 on this bill?

1 12/4/12 - RULES - BILLS 120800, etc.

2 (No response.)

3 COUNCILMAN GREENLEE: Seeing
4 none, Ms. Marconi, I think we have a
5 couple other people. I don't know if
6 they're here or not.

7 THE CLERK: Craig Schelter,
8 Development Workshop.

9 MS. GLADSTEIN: He's at another
10 meeting on the third floor. I'd like
11 leave to contact him or to let him know
12 that he's being called.

13 COUNCILMAN GREENLEE: We
14 scheduled the hearing at 9 o'clock. We
15 have a whole lot of people here that did
16 get here on time, so I don't know --
17 nothing against Mr. Schelter.

18 But who else do we have, Ms.
19 Marconi?

20 THE CLERK: Bernard Guet.

21 (No response.)

22 COUNCILMAN GREENLEE: Not
23 responding.

24 I understand Mr. Guet has
25 written testimony, and that will be made

1 12/4/12 - RULES - BILLS 120800, etc.
2 part of the record.

3 Anyone else here to testify on
4 Bill No. 120897?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, Ms. Marconi, will you please call
8 the title of the next bill, please.

9 The record will reflect that
10 Councilwoman Reynolds Brown, a member of
11 the Committee, is also present.

12 THE CLERK: Bill No. 120920, an
13 ordinance amending Title 14 of The
14 Philadelphia Code, entitled "Zoning and
15 Planning," by amending Section 14-905,
16 entitled "Non-Accessory Signs," by
17 permitting non-accessory outdoor
18 advertising signs within the area bounded
19 by 7th Street, Spring Garden Street, 6th
20 Street, and Willow Street, all under
21 certain terms and conditions.

22 COUNCILMAN GREENLEE: First
23 witness? Ms. Gladstein.

24 THE CLERK: Eva Gladstein.

25 MS. GLADSTEIN: I should have

1 12/4/12 - RULES - BILLS 120800, etc.
2 brought all my files up at once.

3 COUNCILMAN GREENLEE: Please
4 proceed.

5 MS. GLADSTEIN: Good morning.
6 My name is Eva Gladstein, Deputy
7 Executive Director of the City Planning
8 Commission. I'm here to testify on Bill
9 No. 120920 introduced into City Council
10 on November 15th, 2012.

11 This bill was -- first, the
12 content of this bill was first considered
13 by the City Planning Commission as Bill
14 110563 at its meeting of October 18th,
15 2011. At that time, the Commission
16 recommended that Bill No. 110563 not be
17 approved. Thus, at its meeting of
18 November 20th, 2012 and in accord with
19 previous policy, the City Planning
20 Commission recommended that this current
21 bill, 120920, not be approved. The
22 Planning Commission's recommendation is
23 consistent with the City's position that
24 non-accessory signage is inappropriate at
25 this location, and that position has been

1 12/4/12 - RULES - BILLS 120800, etc.
2 affirmed by both the Common Pleas and
3 Commonwealth Courts.

4 In addition, as stated in a
5 memo dated December 8th, 2011, the
6 Pennsylvania Department of
7 Transportation, PennDOT, believes that
8 passage of this bill would violate
9 federal and state law and would result in
10 a 10 percent decrease of Federal Highway
11 funds allocated to the Commonwealth. The
12 entire reduction of funds, according to
13 PennDOT, would be borne by the City of
14 Philadelphia.

15 The Commission feels that
16 non-accessory signs such as these should
17 be regulated through a uniform set of
18 citywide standards and not on a
19 case-by-case basis. It also believes
20 that by allowing buildings to become sign
21 platforms, property owners will lose
22 incentive to appropriately reuse, develop
23 or maintain their structure.

24 My testimony also includes a
25 paragraph describing the provisions of

1 12/4/12 - RULES - BILLS 120800, etc.
2 the bill, and I don't know if you'd like
3 me to skip that, because you have that in
4 front of you.

5 COUNCILMAN GREENLEE: I think
6 we know what that is, yes. Thank you.

7 MS. GLADSTEIN: With that then,
8 this concludes my testimony. I'll be
9 happy to answer any questions.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 First of all, the record will
13 please reflect that Councilwoman Tasco
14 and Councilman O'Brien, both members of
15 the Committee, are present.

16 Ms. Gladstein, I understand the
17 legal question about this particular
18 issue, and I know there's competing legal
19 opinions on that, but you say otherwise
20 it would not be appropriate here. I
21 mean, is it because you don't want it on
22 a case-by-case basis or do you see a
23 particular problem, notwithstanding the
24 legal question?

25 MS. GLADSTEIN: Notwithstanding

1 12/4/12 - RULES - BILLS 120800, etc.
2 the legal question, I think the size and
3 the location near Vine Street are of
4 concern.

5 COUNCILMAN GREENLEE: And why
6 do you see that, when you say closer to
7 Vine Street? Because, I mean, to me
8 you're not right in a residential area,
9 as I can see. So I'm just trying to
10 think -- I mean, we went through this
11 when Councilman DiCicco introduced the
12 bill, and the location, just in my
13 personal opinion, has never seemed to be
14 a problem to me. I mean, the bill was
15 approved, so I think most of the
16 Committee and the Council felt that way.
17 So I'm just trying to --

18 MS. GLADSTEIN: Well, I think
19 residents of areas near there may have a
20 different opinion with regard to it. The
21 size is also -- the permitted size is
22 quite extraordinary as well.

23 COUNCILMAN GREENLEE: The
24 record will reflect Councilman Squilla,
25 who is the sponsor of this bill, is also

1 12/4/12 - RULES - BILLS 120800, etc.
2 present.

3 Okay. Any other questions for
4 Ms. Gladstein?

5 (No response.)

6 COUNCILMAN GREENLEE: Okay.
7 Who else do we have on the list, Ms.
8 Marconi?

9 THE CLERK: Myron "Mike"
10 Berman, Vincent Mancini, Michael Tantala,
11 and Jeff Hornstein.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN GREENLEE: Mr.
15 Berman, you're first on the list. Why
16 don't you identify yourself and proceed.

17 And this goes for everybody.
18 If you have written testimony, we'll make
19 that part of the record, but you don't
20 have to read the whole written testimony.
21 Okay? If you could just summarize what
22 you would like to say, we'd appreciate
23 it.

24 MR. BERMAN: Good morning.

25 COUNCILMAN GREENLEE: Good

1 12/4/12 - RULES - BILLS 120800, etc.
2 morning.

3 MR. BERMAN: My name is Myron
4 Berman. My friends know me as Mike.
5 Chairman Greenlee, esteemed members of
6 Council, thank you for the opportunity to
7 be here and speak on behalf of Bill No.
8 120920. I also want to thank Councilman
9 Squilla for introducing the legislation.

10 In brief, this is a building
11 that we've owned for 26 years, and when
12 we acquired the building, it was broken
13 windows, no systems operating. Nothing
14 in the neighborhood had been improved.
15 We were the pioneer in the neighborhood.
16 And today the building occupies -- has
17 two entertainment venues, nine theatrical
18 and movie studios, including Milkboy,
19 1812 Productions, School of Rock. The
20 Roots have their studio there and
21 Affiliates of Gamble and Huff. Three
22 unions have their offices there, Unite
23 Here and Brotherhood of Maintenance of
24 Way, and a couple of notable businesses,
25 Graboyes Commercial Windows and Advanced

1 12/4/12 - RULES - BILLS 120800, etc.
2 Furniture Services. We've done all that
3 without any KOZ benefit, any subsidized
4 financing, tax increment financing. And
5 what makes this building special for this
6 particular purpose is that it's on the
7 highway -- visible from the highway,
8 although over 300 feet away, but very
9 visible and there are no real neighbors
10 around it to bother.

11 And what we're proposing is a
12 digital sign, which would be the same
13 size as a sign that was on the building
14 for five years, from 1998 to 2003, and
15 during that period, this sign never
16 caused any problem, never caused any
17 traffic accident, and the community
18 prospered.

19 The owners, Callowhill Center
20 Associates, my company, has entered into
21 a Community Benefits Agreement with the
22 Center City North Improvement Coalition,
23 which is an ad hoc group of home and
24 school associations and civic groups, and
25 this includes three schools. The purpose

1 12/4/12 - RULES - BILLS 120800, etc.
2 of this agreement is, it's a partnership
3 between a business such as ours and the
4 community where 20 percent of the net
5 revenue from this sign, which is
6 estimated to be -- the gross revenue is
7 estimated to be two and a half million
8 dollars, 20 percent being \$500,000, is
9 going to go to the community group, and
10 the community group has agreed that 75
11 percent of that money will go to the
12 three schools, the McCall School, the
13 Kearny School, and the Spring Garden
14 School. And this is a very positive
15 arrangement. It's strongly supported,
16 and it's an opportunity for this
17 partnership with the community to do real
18 and permanent good in Philadelphia.

19 And I know outdoor advertising
20 isn't everybody's cup of tea, and I
21 understand the arguments against
22 billboards, visual pollution, claim to
23 depress property values, distract
24 drivers. And I'm not making any
25 aesthetic judgments about signs, but in

1 12/4/12 - RULES - BILLS 120800, etc.
2 this particular case, this will be a sign
3 always of tasteful presentation because
4 of its high price. And what's around it
5 is a concrete highway. So no one is
6 interfered with. And we think this is --
7 another objection that I expect will be
8 heard from is that possibly the highway
9 funds could be jeopardized. However,
10 large and digital signs are all over the
11 Philadelphia area, and there has never
12 been any case of federal funding being
13 jeopardized. In fact, as mentioned, the
14 same size sign was on this building from
15 1998 to 2003 and no federal funds were
16 ever put in jeopardy. In fact, during
17 the five years that that sign was up,
18 there's never an allegation of any
19 traffic accidents or the public being
20 endangered. The immediate surrounding
21 communities all prospered during that
22 time.

23 The people who oppose this plan
24 have a long record of opposing progress
25 and constructive projects such as this.

1 12/4/12 - RULES - BILLS 120800, etc.

2 In summary, the fact is that
3 this is an incredibly valuable piece of
4 advertising real estate, and we believe
5 that the tangible benefits of installing
6 this particular sign outweigh any
7 abstract potential costs.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 And before we hear from the
12 next two witnesses, a question was
13 raised. Do we have a copy of this or do
14 you have the agreement?

15 MR. HORNSTEIN: Yes.

16 COUNCILMAN GREENLEE: Maybe we
17 can provide that. We can get copies made
18 of that, please, so the Committee can
19 have it. If you could just submit it and
20 we'll get copies made for everybody.

21 MR. HORNSTEIN: The executed
22 agreement is there.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Okay. Who would like to go

1 12/4/12 - RULES - BILLS 120800, etc.
2 next? Mr. Hornstein.

3 MR. HORNSTEIN: Thank you,
4 Chairman Greenlee and members of the
5 Rules Committee. My name is Jeff
6 Hornstein. I'm representing the Center
7 City North Coalition, as Mr. Berman said,
8 an ad hoc alliance of home and school
9 associations and civic groups in the
10 northeastern quadrant of what we might
11 call Greater Center City. Our member is
12 a diverse group, including the home and
13 school associations at McCall, Kearny
14 Elementary School, the Parent-Teacher
15 Community Association at the Spring
16 Garden School, Congregation Rodeph
17 Shalom, and the West Poplar CDC. We're
18 here to voice community support for
19 Councilman Squilla's Bill 120920.

20 Because of the location of the
21 building in question, the so-called
22 Electric Factory site, which you've heard
23 Mr. Berman describe, on Callowhill Street
24 at the edge of the Vine Street
25 Expressway, near the off-ramp from the

1 12/4/12 - RULES - BILLS 120800, etc.

2 Ben Franklin Bridge, its south wall has
3 the distinction of being one of the
4 highest-valued pieces of advertising real
5 estate in the country.

6 Love billboards or hate them,
7 the fact is this site is worth a lot of
8 money.

9 Bill 120920 would allow
10 Callowhill Center Associates to install a
11 large wall wrap on the side of the
12 building that will generate substantial
13 revenue, as you've heard. There are very
14 few, if any, residents who will be
15 affected by this billboard. It's
16 precisely because of its location next to
17 a massive concrete ribbon of highway that
18 makes it so lucrative.

19 The building's owners have
20 committed to putting 20 percent of net
21 revenues, estimated annually at \$500,000,
22 in a Community Benefits Agreement that
23 all parties signed last night being
24 submitted for the record. As you just
25 heard from Mike, CCA is genuinely

1 12/4/12 - RULES - BILLS 120800, etc.
2 interested in forging a long-term
3 partnership with these communities and
4 schools, utilizing a substantial portion
5 of the revenue from the proposed sign.
6 Mike Tantala, who is with us here, one of
7 the most respected traffic engineers in
8 the country, will address any concerns
9 you might have about traffic safety
10 implications of this sign. Joe Beller of
11 Offit Kurman has submitted testimony,
12 because we have started about a half an
13 hour earlier than we thought. We're
14 hoping he'll get here to answer any
15 questions you have, but we believe it's a
16 legal fiction that erecting this sign
17 will somehow automatically endanger the
18 City's highway funds under the Federal
19 Highway Beautification Act.

20 In sum, we believe that claims
21 made by anti-billboard groups and by the
22 Administration do not have merit with
23 regard to this particular sign.

24 Some people may very mistakenly
25 hear Center City North and think we're

1 12/4/12 - RULES - BILLS 120800, etc.
2 talking about affluent parts of
3 Philadelphia. Nothing could be further
4 from the truth. The neighborhoods served
5 by the members of this coalition are, by
6 and large, working-class or poor. At the
7 most affluent of our three neighborhood's
8 public schools, McCall, only 50 percent
9 of the students are economically
10 disadvantaged. At Spring Garden, it's 90
11 percent. At Kearny, it's 85 percent.
12 These are schools with great kids and
13 principals trying to make due with an
14 ever-shrinking budget. They were chosen
15 carefully after a long process of
16 interviews by myself and a team of
17 experts at Temple University. Here is an
18 opportunity to create a dedicated funding
19 stream that will make a huge difference.
20 You will hear from the leaders of each
21 home and school individually about the
22 impact, and you have their written
23 testimony.

24 Some have said that we are
25 making a pact with the devil, to quote

1 12/4/12 - RULES - BILLS 120800, etc.
2 one piece of fan e-mail I got a week or
3 two ago, for, quote, such a paltry sum of
4 money. To folks in the opposition, I ask
5 you to listen to the testimony of these
6 community leaders today and ask the
7 principals at their schools if \$100,000
8 or more a year per school for the long
9 term is such a paltry sum.

10 Like any piece of public
11 policy, the goal of the legislative
12 process is to weigh potential costs
13 versus benefits. I think you'll agree
14 that the tangible and targeted benefits
15 here greatly outweigh the very abstract
16 and minimal costs.

17 So in conclusion, we urge you
18 to support Bill 120920.

19 COUNCILMAN GREENLEE: Thank
20 you. And just for the record, I have
21 received through e-mail a handful of
22 correspondences from parents of students
23 at McCall Elementary supporting the bill,
24 and they will be made part of the record.

25 Sir, did you want to make a

1 12/4/12 - RULES - BILLS 120800, etc.
2 separate presentation or are you just
3 here to answer questions? Please.

4 To steal former President
5 Verna's comments, the noise level is
6 getting a little too high. So please.
7 It's hard to hear after a while. As
8 everybody starts whispering, it adds up
9 to more than a whisper.

10 Please.

11 MR. TANTALA: Good morning,
12 Chairman Greenlee, esteemed members of
13 the Committee. My name is Michael
14 Tantala. I'm a professional engineer in
15 private practice with my firm, Tantala
16 Associates, LLC.

17 During the past decade, my firm
18 and I have conducted traffic research,
19 examining the statistical relationship
20 between billboards and traffic safety in
21 Pennsylvania and five other states. The
22 digital billboards --

23 COUNCILMAN GREENLEE: Excuse me
24 a second.

25 Please, folks. Because you

1 12/4/12 - RULES - BILLS 120800, etc.
2 might think you're talking low, but it
3 can be heard up here, picked up by the
4 stenographer. So please give everybody a
5 chance, the respect to testify.

6 I'm sorry, sir.

7 MR. TANTALA: Thank you, sir.

8 The digital billboards which I
9 studied are similar to the sign which is
10 part of this City Council bill. These
11 billboards display static messages with
12 no animation. They have strictly
13 controlled brightness and are
14 professionally designed to comply with
15 current codes and industry standards.

16 My research in six states use
17 quantitative data in official accident
18 reports near digital billboards for
19 periods of comparison in excess of eight
20 years by examining when and where
21 accidents occur and how far they occur
22 from billboards.

23 The data show that these types
24 of billboards are safety neutral and not
25 statistically linked to accidents. My

1 12/4/12 - RULES - BILLS 120800, etc.
2 work is published with the Transportation
3 Research Board of the National Academies
4 and the Institute of Transportation
5 Engineers. Studies, reports and examples
6 from the academic community, federal,
7 state, and local government agencies, law
8 enforcement officials, the engineering
9 profession, and the advertising
10 industries amplify these findings.

11 Further, I examined the
12 specific location addressed in this bill
13 and the routes to which the proposed sign
14 may advertise. This location previously
15 had a comparably large wall wrap which
16 was installed circa 1999 and operated
17 safely for five years. It is my
18 professional opinion, within a reasonable
19 degree of engineering certainty and on
20 the basis of design, location,
21 configuration, size, height, and
22 lighting, that the proposed advertising
23 under Bill No. 120920 will not present a
24 physical obstruction to vehicles, will
25 not obstruct sight distances between the

1 12/4/12 - RULES - BILLS 120800, etc.
2 driver and other motorists, will not
3 detract or interfere with effectiveness
4 of official traffic control devices, and
5 should comply with professional design
6 and industrial standards to include
7 lighting, et cetera.

8 Based on these conclusions, I
9 believe that the proposed advertising in
10 this bill will raise no traffic safety
11 concerns.

12 Thank you for your
13 consideration, and I'm open to any
14 questions you may have.

15 COUNCILMAN GREENLEE: Thank
16 you, sir.

17 Any questions for this panel
18 from the Committee?

19 Councilwoman Reynolds Brown.

20 COUNCILWOMAN BROWN: Good
21 morning, gentlemen.

22 MR. HORNSTEIN: Good morning,
23 Councilwoman.

24 COUNCILWOMAN BROWN: To the
25 gentleman, the traffic engineer, have you

1 12/4/12 - RULES - BILLS 120800, etc.
2 participated in similarly situated
3 experiences in your career at all before
4 or is this a first? I'm just curious.

5 MR. TANTALA: In testifying
6 about signage?

7 COUNCILWOMAN BROWN: No; in
8 lending your area of expertise to this
9 kind of agreement.

10 MR. TANTALA: As I mentioned,
11 ma'am, I've done six studies in several
12 states. I've testified in about 20
13 states across the country specific to
14 billboards and specific to digital
15 billboards and how they may or may not
16 affect traffic safety.

17 COUNCILWOMAN BROWN: So that
18 underscores the notion that this is not a
19 first, that there's a lot of experiences
20 that says that this can be a very, very
21 positive thing, particularly for the
22 community that stand to be the
23 beneficiaries. Would you agree?

24 MR. TANTALA: Yes, ma'am.

25 COUNCILWOMAN BROWN: And in

1 12/4/12 - RULES - BILLS 120800, etc.

2 those experiences, were there any
3 negative outcomes?

4 MR. TANTALA: With a board
5 that's been put in place in operation?
6 No, ma'am. I've studied in excess of 100
7 digital billboards, and as I mentioned,
8 I've studied them when they've been in
9 operation for four to eight years. So
10 they have a long proven track record.
11 Again, they're strictly controlled in
12 brightness. They're a static message.
13 It changes. I haven't come across any
14 negative aspects.

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

17 MR. TANTALA: Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 Any other questions from the
21 Committee?

22 Councilman Squilla.

23 COUNCILMAN SQUILLA: Yes. My
24 question is, I guess, to the Community
25 Benefits Agreement. I know that, Jeff

1 12/4/12 - RULES - BILLS 120800, etc.
2 Hornstein, you were involved in putting
3 this together and it went to several
4 groups and schools. During the process,
5 some people have decided to join on and
6 some people have not. During this
7 process, how will the actual, I guess,
8 funds from the signage go into this
9 community group and who will decide how
10 that money is being spent?

11 MR. HORNSTEIN: Thank you,
12 Councilman Squilla, for that question.
13 The group met last night to execute the
14 Community Benefits Agreement that is now
15 in front of the members of Council. They
16 are in the process of drafting bylaws,
17 but the agreement itself states that 75
18 percent of the net revenues that will be
19 deposited into a fund every year by
20 Callowhill Center Associates -- they've
21 also agreed to verification of their
22 financial, so the group feels comfortable
23 that the money is actually -- the revenue
24 is actually what they say it is. The
25 agreement says 75 percent of the money

1 12/4/12 - RULES - BILLS 120800, etc.
2 goes to the three home and schools and
3 the other 25 percent goes to the
4 community organizations.

5 There will be a vetting process
6 for proposals. There will be a Board of
7 Trustees of this fund, and there will be
8 a group of educational advisors that will
9 review any educational proposals, because
10 it's our intention to make sure that this
11 money is spent on high-impact projects,
12 and you'll hear some of that from the
13 home and school leaders in a moment.

14 COUNCILMAN SQUILLA: Thank you.
15 And this partnership that's between the
16 business and this community group that
17 now will be receiving some of the
18 revenue, they will actually be working as
19 a separate entity from the business and
20 they will then decide on their own once
21 the bylaws are set up, I guess, the
22 specifics of their organization, how it
23 will be run and set forth?

24 MR. HORNSTEIN: Absolutely. In
25 the future, Callowhill Center Associates

1 12/4/12 - RULES - BILLS 120800, etc.
2 has made a commitment to give 20 percent
3 of their revenues to this, what's going
4 to become a 501(c)(3)
5 community-controlled fund. That was very
6 important to the community groups, that
7 they retain control over how the money is
8 disbursed among them. And they've
9 already come to some agreement, some of
10 which are memorialized in the Benefits
11 Agreement, some of which will be part of
12 their bylaws.

13 COUNCILMAN SQUILLA: The
14 catchment area for the schools that are
15 in this agreement, do you know the actual
16 areas?

17 MR. HORNSTEIN: Yes. The
18 catchment area was designed to be in
19 close proximity -- this started with an
20 idea of funding a few neighborhood
21 schools. The conversations that I had
22 over a long period of time with education
23 experts were all designed around the idea
24 that we wanted to make some impact on a
25 few neighborhood schools. Again, this

1 12/4/12 - RULES - BILLS 120800, etc.
2 isn't \$10 million. This is a few hundred
3 thousand dollars, so we wanted to have
4 maximum impact. And we interviewed a
5 number of principals and used
6 dissertations that have been written
7 about some of these schools to choose
8 very carefully schools that were, A,
9 within a reasonable proximity to the sign
10 or the communities that those children
11 were coming from are in reasonable
12 proximity to the sign.

13 So, for example, the McCall
14 School, 55 percent of its students come
15 from Chinatown. So the Chinatown
16 community stands to benefit because those
17 McCall students, who recently lost,
18 you'll hear, recently lost their Chinese
19 language and cultural program, are now
20 going to have an opportunity to replace
21 programs that have been eviscerated by
22 budget cuts, as we all know.

23 So that was the criteria. We
24 essentially drew a box from Market Street
25 north to Girard Avenue, from Broad Street

1 12/4/12 - RULES - BILLS 120800, etc.
2 east to Second Street, and went for
3 neighborhood public schools within that
4 box.

5 COUNCILMAN SQUILLA: And the
6 other groups that you've spoken to that
7 decided not to, I guess, sign on as part
8 of this agreement, they are aware of this
9 agreement and of this sign?

10 MR. HORNSTEIN: Absolutely. I
11 started meeting with most of these groups
12 in September or October. I met with all
13 the groups that one could say are in
14 reasonable proximity to this sign. I met
15 with Old City Civic. I met with
16 Callowhill Neighbors. I met with
17 Callowhill -- Old City, Northern
18 Liberties, Callowhill, West Poplar, and
19 Chinatown, and they all had their various
20 reasons and various internal debates and
21 decided to be where they are today based
22 on their own internal process, and most
23 of them found it to be a difficult
24 decision.

25 COUNCILMAN SQUILLA: Okay.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilwoman Tasco.

6 COUNCILWOMAN TASC0: Good
7 morning. Are you considered an RCO?

8 MR. HORNSTEIN: I don't think
9 so, and I hope not. So this group has
10 not been founded yet, Councilwoman Tasco.
11 This is just --

12 COUNCILWOMAN TASC0: What about
13 the other organizations in -- are there
14 other RCOs over in that neighborhood who
15 are registered?

16 MR. HORNSTEIN: So, yes. The
17 West Poplar CDC is an RCO. We met with
18 all of the RCOs that have jurisdiction in
19 that area.

20 COUNCILWOMAN TASC0: Okay.
21 Now, when you become legitimate -- you
22 say you haven't organized yet -- will you
23 be an RCO?

24 MR. HORNSTEIN: That is a
25 question I think for the Board of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 group to decide. My recommendation to
3 them, if they ask me right now, would
4 probably be to say no, because they are
5 not interested in zoning questions, which
6 is what the RCO process, I believe, is
7 designed to handle.

8 COUNCILWOMAN TASC0: Thank you.

9 MR. HORNSTEIN: They're merely
10 interested in this Community Benefits
11 Agreement.

12 COUNCILWOMAN TASC0: Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilwoman.

15 Any other questions for this
16 panel?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, Ms. Marconi, you want to -- thank
20 you all for your testimony.

21 If you would please call the
22 next panel, please.

23 THE CLERK: Jenni Desnouee,
24 Merle Becker, Jeffrey Saunders, Stephen
25 Nelson.

1 12/4/12 - RULES - BILLS 120800, etc.

2 (Witness approached witness
3 table.)

4 MS. DESNOUEE: Good morning.

5 COUNCILMAN GREENLEE: Good
6 morning. How are you?

7 MS. DESNOUEE: I'm good. I'm
8 glad to be here.

9 COUNCILMAN GREENLEE: Please
10 identify yourself.

11 MS. DESNOUEE: Good morning,
12 Council. I'm thrilled to be saying good
13 morning. My notes say good afternoon, so
14 I'm very thrilled to be speaking now.
15 Unfortunately, my colleagues from the
16 other home and school association and
17 community organizations have not made it
18 here yet. We thought we'd be testifying
19 a little later. Hopefully they'll be
20 here soon.

21 My name is Jenni Desnouee. I'm
22 Co-President of the Kearny Elementary's
23 Home and School Association, a non-profit
24 organization composed of parents and
25 community allies who support our

1 12/4/12 - RULES - BILLS 120800, etc.
2 neighborhood school at 6th and Fairmount.
3 I want to thank you on behalf of all our
4 parents, all our children for the
5 opportunity to speak with you today. I
6 am here today to tell you why the Home
7 and School Association supports Bill No.
8 120920.

9 While our school is on the edge
10 of the fast-growing Northern Liberties
11 neighborhood, over 85 percent of our
12 students are classified as economically
13 disadvantaged. Many of them live in
14 subsidized housing. Our resourceful
15 principal, Eileen Spagnola, has been at
16 Kearny for 20 years and does an amazing
17 job of running a quality school on a
18 shoestring budget that gets tighter and
19 tighter every year. Our teachers are
20 some of the best in the City. We have a
21 dynamic mix of committed veterans and
22 energetic young teachers. We are
23 currently the fourth most requested
24 school in the District's voluntary
25 transfer request program. The only thing

1 12/4/12 - RULES - BILLS 120800, etc.
2 that stands between us and the schools
3 that I call the top three is our
4 resources. Our demographics simply
5 cannot sustain the support level of
6 fundraising that their parent groups are
7 able to sustain.

8 This past year, our home and
9 school association worked hard to pull
10 together enough money for the socialized
11 recess program called Playworks. With
12 budget cuts slashing many of our support
13 staff, we thought it important to engage
14 this program, whose focus is to build
15 conflict resolution skills through play,
16 but also encourages healthy exercise and
17 is shown to improve academic growth.

18 In just a few months, we have
19 already seen a dramatic impact at our
20 school. We are seeing less class time
21 absorbed by resolving small conflicts.
22 Students are returning to the classroom
23 after recess refreshed and ready to
24 learn.

25 There was no money in our

1 12/4/12 - RULES - BILLS 120800, etc.
2 school budget to fund Playworks. The
3 parents worked very hard to raise funds
4 for this program, but as funding sources
5 become scarcer and scarcer, we are
6 worried about the very real possibility
7 that we will not be able to support this
8 program next year. With no security
9 guard and reduced support staff, we are
10 sure to see school climate once again
11 threaten academic growth at Kearny.

12 We're also working hard to
13 raise money to update technology in our
14 school. District funds have dried up in
15 this area. Our computer lab is now
16 unusable, as the computers are so old,
17 they cannot handle the demands of current
18 software. We also had maintained a small
19 group of computers in our library. These
20 computers were used for our mentally
21 gifted program, small group learning
22 projects, and community use. These are
23 also now inoperable.

24 When Mr. Berman agreed -- I
25 skipped. Let me back up.

1 12/4/12 - RULES - BILLS 120800, etc.

2 I'm sure there are plenty of
3 Northern Liberties residents who are not
4 thrilled with the idea of another
5 billboard along Callowhill, but I believe
6 there are more who understand that the
7 positive impacts of a fully supported
8 quality public school in their
9 neighborhood far outweigh any negative
10 impact that the sign might have.

11 When Mr. Berman agreed to put
12 20 percent of his net revenues into a
13 Community Benefits Agreement and proposed
14 putting the bulk of the funds into three
15 neighborhood schools, including Kearny,
16 it became very hard for us to put an
17 abstract principle ahead of the needs of
18 our kids. Like our colleagues, we
19 respect that some communities oppose
20 billboards as a matter of principle, but
21 with the challenges facing our school,
22 which is on the verge of excellence, we
23 must be practical. A dedicated revenue
24 stream for our school must trump other
25 considerations. It would be a

1 12/4/12 - RULES - BILLS 120800, etc.
2 game-changer for us. Thus, on behalf of
3 the Board of the Kearny Home and School
4 Association, we urge you to support Bill
5 No. 120920.

6 Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you. Thank you, ma'am.

9 I assume you were one of the --
10 that's fine. We're trying to move along,
11 so we're moving kind of quickly.

12 MS. BECKER: Good morning. My
13 name is Merle Becker. I am the
14 Co-President of McCall Home and School
15 Association, a non-profit organization
16 composed of parents, teachers, and
17 community allies to support our
18 neighborhood school at 5th and Delancey.
19 I have a 4th grade child at the school.

20 I'm here today to tell you why
21 McCall Home and School supports Bill No.
22 120920.

23 While our school is located in
24 prosperous Society Hill, don't let that
25 fool you. Our school catchment is quite

1 12/4/12 - RULES - BILLS 120800, etc.

2 large, stretching all the way north to
3 Vine Street and from the river to Broad
4 Street. We are a neighborhood school for
5 Old City, Wash West, Society Hill, and
6 Chinatown. Fifty percent of our kids are
7 classified as economically disadvantaged.
8 Two homeless shelters are located in our
9 catchment, and 55 percent of our kids
10 live in Chinatown. Our amazing
11 principal, Carol Domb, has been at McCall
12 for eight years and does a fantastic job
13 of running a quality school on a
14 shoestring budget that gets tighter every
15 year.

16 Nevertheless, in the face of
17 budget cuts, we have lost key programs;
18 for example, our Chinese language and
19 cultural program, that did wonders to
20 help integrate our children from
21 Chinatown, many of whom are immigrants or
22 first-generation English speakers into
23 our school. We have been trying to find
24 the funds to bring this valuable program
25 back.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Like a few other schools, we
3 have implemented Playworks, which has
4 done wonders for our recess, turning it
5 from chaos to a socialized learning and
6 athletic environment, and we managed to
7 find funding this year, but who knows
8 about next year.

9 As parents in Old City, Wash
10 West, and Society Hill contemplate
11 whether to send their kids to their
12 tax-supported neighborhood school or to
13 dig deep into their bank accounts for
14 private school, our ability to improve
15 the school environment is a key factor in
16 their decision.

17 I'll be honest, many in Old
18 City, Chinatown, and Society Hill will
19 not be happy with a billboard at 7th and
20 Callowhill. Nobody loves billboards.
21 But this particular site, facing the
22 expressway and separated from residential
23 neighborhoods by 200 yards of highway
24 ramps, seems to me to be about the lowest
25 impact sign I've seen.

1 12/4/12 - RULES - BILLS 120800, etc.

2 When Mr. Berman agreed to put
3 20 percent of his net revenues into a
4 Community Benefits Agreement and proposed
5 putting the bulk of the funds into three
6 neighborhood schools, including McCall,
7 it became very hard for us to put an
8 abstract principle ahead of the needs of
9 our kids.

10 Like our colleagues, we respect
11 that some communities oppose billboards
12 as a matter of principle, but the
13 challenges facing our school, which is on
14 the verge of excellence, we must be
15 practical. A dedicated revenue stream
16 for our school must trump other
17 considerations. Therefore, on behalf of
18 the McCall Home and School Association,
19 we urge you to support Bill 120920.

20 Thank you.

21 COUNCILMAN GREENLEE: Thank you
22 very much.

23 Any questions for either of
24 these panelists?

25 Councilman Squilla.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN SQUILLA: Sorry. I
3 know you're trying to get this out of the
4 way.

5 COUNCILMAN GREENLEE: Trying
6 to.

7 COUNCILMAN SQUILLA: As a
8 parent association, I know it's important
9 to really try to bolster the school's
10 needs, and we know how hard it is, and
11 our school funding and a lot of cuts have
12 been made throughout the District.
13 Obviously I see this as an opportunity to
14 help the local schools also grow, but I
15 also see an opportunity to help the
16 catchment areas of the surrounding
17 schools.

18 When people see that schools
19 are successful and see that they have the
20 programs that they need as far as art,
21 music or the necessities, more people are
22 likely to move into those districts. And
23 what we see is an opportunity here with a
24 partnership with a private developer is
25 to come in and actually have a

1 12/4/12 - RULES - BILLS 120800, etc.
2 partnership to help benefit the community
3 and actually see the community grow from
4 something like this.

5 Do you see, by having these
6 opportunities or having a couple extra
7 dollars in your finances, to be able to
8 actually encourage more people to want to
9 come to your school?

10 MS. DESNOUEE: I believe
11 absolutely. I mean, in fact, a big part
12 of what the Home and School has been
13 doing lately is trying to get the word
14 out. Unfortunately, in our neighborhood
15 as it grows and gentrifies, a lot of the
16 middle-class families in the neighborhood
17 don't really know much about our school.
18 They simply write it off, because it's
19 the public school and, you know, they're
20 not that interested.

21 What we're working very hard to
22 do is invest the monies -- even this is
23 our strategy right now with the little
24 monies we have, is to make sure that our
25 neighborhood knows more about our school,

1 12/4/12 - RULES - BILLS 120800, etc.

2 supports our school, because it's
3 incredibly valuable to the health of the
4 neighborhood. So we believe that this
5 money would be able to help us do that.

6 MS. BECKER: I agree a hundred
7 percent as well with what Jenni had said.
8 For McCall, we've had a successful model,
9 and we sit in a neighborhood that is --
10 our catchment that's very large, and the
11 thought of cutting back more programs and
12 the thought of people having to look to
13 alternative options for schooling for
14 their children is devastating to our
15 communities and to our neighborhoods and
16 our home values. And I believe deeply in
17 supporting the neighborhood school to
18 keep the safety and the arts and the
19 music and just general textbooks and
20 learning that the kids deserve to be able
21 to have a fulfilled life.

22 MS. DESNOUEE: May I make one
23 more comment? I also think this money is
24 very important, because I think if we're
25 able to attract the middle-class families

1 12/4/12 - RULES - BILLS 120800, etc.
2 that are already in our catchment, we
3 bring an incredible amount of resources
4 to our school, which leads us to a more
5 sustainable future. So we think this is
6 just -- I can't imagine a better time for
7 Kearny to have this opportunity.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Sir, before you go,
11 Councilwoman, do you want to --

12 COUNCILWOMAN BROWN: Please.

13 COUNCILMAN GREENLEE: And
14 please let the record reflect
15 Councilwoman Bass, a member of the
16 Committee, is here.

17 Councilwoman Brown.

18 COUNCILWOMAN BROWN: Thank you
19 very much. Good morning. I'm compelled
20 to commend you for being parents that are
21 actively engaged in the life of your
22 school, since we know when you have
23 active, engaged parents, students do
24 better and communities are stronger.

25 Along the way as you have tried

1 12/4/12 - RULES - BILLS 120800, etc.
2 to find like-minded individuals in this
3 catchment area, what have been some of
4 the hurdles or impediments from those who
5 have not gotten their arms around the
6 notion that you can't think out of the
7 box and be innovative in finding new
8 dollars to help take care of services and
9 programs that have been terminated from
10 your schools?

11 MS. BECKER: For McCall and our
12 catchment, we do a great deal of
13 fundraising, but it's small dollars here
14 and there. It's not enough to sustain
15 programs, and while additional monies are
16 great, there are things that get
17 overlooked. I mean, we have -- what I
18 think has been a challenge for us at
19 McCall is safety and making sure that we
20 can bring programs like Playworks that
21 keep adults in the playground and the
22 play yard to help supervise and engage
23 kids and teach them how to reconcile
24 their differences. That's a big
25 proponent. It's not necessarily just the

1 12/4/12 - RULES - BILLS 120800, etc.
2 money, but it's sustaining what's inside
3 that school. And the schools are
4 growing, and middle-class families have
5 fewer and fewer choices, and for what we
6 see at McCall, we have a lot of young
7 families that want to raise their
8 children in the City and they want to
9 know that they have an option, and the
10 only thing that can help us support some
11 of the delipidating things that are going
12 on in the school and the lost programs is
13 some extracurricular sources of money.

14 MS. DESNOUEE: I just want to
15 say, I don't know that we have particular
16 hurdles in engaging community partners.
17 I mean, it's really just that I tell
18 people again and again, our organization
19 doesn't have enough resources at this
20 point to go beyond is there paper for the
21 teacher tomorrow. And once we have
22 enough resources to go out and
23 actually -- even just this process so far
24 has really helped us build relationships
25 with a lot of leaders in our community.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Once we have a little bit of a foothold
3 and we can go out there and start those
4 conversations, I believe wholeheartedly
5 that we're going to have a lot of
6 community support.

7 COUNCILWOMAN BROWN: Thank you
8 for your testimony.

9 Thank you, Mr. Chairman.

10 COUNCILMAN GREENLEE: Sir,
11 before you go, first, Mr. Beller, you'll
12 be next, so if you could be ready so we
13 can keep moving.

14 And, sir, please identify
15 yourself. And I'm asking everybody now
16 try to be as brief as possible. As you
17 see, we got a full room that all want to
18 talk about different things. So if you
19 could please be as brief as possible,
20 we'd appreciate it. Thank you.

21 MR. SAUNDERS: Good morning to
22 all of you. I am Jeffrey Saunders,
23 Vice-President of the West Poplar
24 Community Development Corporation. We
25 are the RCO that takes care of an area

1 12/4/12 - RULES - BILLS 120800, etc.
2 contiguous to the proposed sign.

3 The West Poplar CDC firmly
4 supports the partnership made possible by
5 Council Bill 120920. The Spring Garden
6 School is one of three included in the
7 Community Benefits Agreement.

8 At the Spring Garden School,
9 over 90 percent of our children are from
10 economically disadvantaged households.
11 Their median income is but \$19,000, about
12 half of the City's median. Our dedicated
13 principal, Laureal Robinson, and caring
14 staff do their best with ever-shrinking
15 funds.

16 When our CDC learned of plans
17 to utilize a side of a building facing
18 highways for a large digital sign, we and
19 I were skeptical. I'm not normally
20 enamored of billboards.

21 We drove and walked the
22 immediate area and the areas away from
23 that spot. Our conclusion was that
24 because the bottom of the sign is at the
25 fourth floor level, with an elevated

1 12/4/12 - RULES - BILLS 120800, etc.
2 highway across the way, it would rarely
3 be seen at sidewalk level and minimally
4 seen from outlying areas. The only
5 consistent high visibility was at the
6 confluence of the elevated highway
7 rushing past it, exactly the intent, and
8 this is one lucky developer as a result.

9 I'm not going to go through the
10 specifics, unless you wish me to, with
11 the Community Benefits Agreement. You
12 probably --

13 COUNCILMAN GREENLEE: No.
14 That's fine.

15 MR. SAUNDERS: I will spare you
16 that.

17 COUNCILMAN GREENLEE: We get
18 you. We have a copy of it anyway.

19 MR. SAUNDERS: Okay. Given the
20 favorable location of benefits, it really
21 became a no-brainer for our CDC.

22 Now, we respect some
23 organizations that oppose billboards in
24 principle. Indeed, in a different
25 location, we might oppose it. This is

1 12/4/12 - RULES - BILLS 120800, etc.
2 why we strongly urge the Council to only
3 consider billboards on a case-by-case
4 basis. You see, the precedent here is
5 not the billboard. The real precedent is
6 the special characteristics of this
7 location, which are very tough to meet
8 elsewhere and paired with the Community
9 Benefits Agreement. The strong special
10 characteristics precedent for such
11 billboards is the real precedent you
12 would hereby set with passage of Council
13 Bill 120920.

14 Finally, we're really here to
15 request a few drops of ink. The West
16 Poplar CDC is not asking you to write a
17 big check for our schools out of your
18 strained budget. We ask only for a few
19 drops of ink, just a few drops to sign
20 Bill 120920 into law so that someone else
21 can write the fat checks for some of our
22 schools.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Any questions?

3 (No response.)

4 COUNCILMAN GREENLEE: Hearing
5 none, thank you all very much for your
6 comments, appreciate it.

7 Mr. Beller, why don't you come
8 up. And I know you have your opinion on
9 this, and I appreciate you trying to be
10 as succinct as possible. We know of your
11 long involvement in zoning issues.

12 (Witness approached witness
13 table.)

14 MR. BELLER: Thank you.

15 COUNCILMAN GREENLEE: Please
16 identify yourself.

17 MR. BELLER: Joseph Beller,
18 1801 Market Street, Suite 2300, firm of
19 Offit Kurman.

20 After over 50 years of being in
21 this august chamber, first as an
22 employee, then a suppliant, I would say,
23 sometimes even an expert, I know what you
24 want. You want it simple and you want it
25 fast, and here it comes.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Please.

3 MR. BELLER: To use a sports

4 metaphor, the ball is in your court.

5 Clearly, let's make no misunderstanding.

6 You have the absolute power to pass this

7 bill. There's nothing wrong with it.

8 The federal act grants powers to the

9 Commonwealth. The Commonwealth grants

10 the powers to you. The City of

11 Philadelphia is the only first-class city

12 in the Commonwealth. We have our own

13 Zoning Code. We're not governed by the

14 municipality's planning code.

15 I say that as a background,

16 because I've examined the cases and I've

17 examined some of the legislation. There

18 is no question that this Act permits you

19 to do what you're doing, and I dare say

20 no one could contradict that. The

21 question whether someone likes it or

22 might challenge it, as a lawyer I can

23 never object to that. That's just more

24 business for the courts.

25 COUNCILMAN GREENLEE: That's

1 12/4/12 - RULES - BILLS 120800, etc.

2 what you do.

3 MR. BELLER: But you should not
4 be held up or misled into thinking that
5 by passing this, you are going to do
6 something that's going to cause an
7 immediate harm to the City. It will not.
8 It will be an immediate benefit to the
9 City.

10 Clearly, the Act says that in
11 industrial and commercial districts, that
12 you have the right to do what this bill
13 calls for, and I don't think there's any
14 question whatsoever that the cases say
15 that. Even the case where the courts
16 said no, they said no because the
17 billboard or the sign was in a
18 residential district. So that court took
19 pains, took pains to point out that had
20 it been industrial or commercial, it
21 would have been different.

22 So without going into all the
23 Act numbers, which I don't think you
24 need, and I just want to say that it
25 seems to me, having looked at it, there's

1 12/4/12 - RULES - BILLS 120800, etc.
2 no question that this legislation is a
3 proper piece of legislation for this
4 Council to pass and without any fear that
5 you will be doing something that would in
6 fact harm the City.

7 And I can go into more detail,
8 but I don't think you need it.

9 COUNCILMAN GREENLEE: No. You
10 hit the points. Thank you, Mr. Beller.

11 Any questions?

12 COUNCILMAN SQUILLA: One
13 question.

14 COUNCILMAN GREENLEE:
15 Councilman Squilla.

16 COUNCILMAN SQUILLA: We did
17 hear that the opposition from some of the
18 people and even, I guess, some people in
19 the Administration that the Federal
20 Highway Act would prohibit such a sign
21 because it would lose funding from the
22 Federal Highway authorities, but what
23 you're stating is that cities of the
24 first class in the Commonwealth do have
25 that authority in a commercial and

1 12/4/12 - RULES - BILLS 120800, etc.

2 industrial district?

3 MR. BELLER: The Commonwealth
4 gave you the power, and remember that the
5 federal act -- and it's a good question.
6 I thank you, Councilman -- that the
7 federal act gives power to the
8 Commonwealth -- states in most cases; we
9 have a Commonwealth -- to do what it has
10 to do to enact it. They then conferred
11 special power on the City of Philadelphia
12 because of its first-class status.

13 You've just struggled over a
14 whole new Zoning Code, and it's clear
15 that what is proper in Philadelphia might
16 not be proper in Lycoming County and vice
17 versa, as a matter of fact. And I think
18 that one of the other witnesses I heard
19 said it very clearly. You have to look
20 at it on a case-by-case basis. You have
21 to look at location, and it is clear that
22 there is an exception.

23 To be frightened about a loss
24 of funding is something that is not
25 automatic. It is not -- I don't see it

1 12/4/12 - RULES - BILLS 120800, etc.
2 in the cards. It says here clearly that,
3 even in the federal act, that you have
4 the right in industrial and commercial to
5 treat it differently, and that's, of
6 course, what we have before us, is an
7 industrial/commercial area.

8 COUNCILMAN SQUILLA: Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 MR. BELLER: Thank you.

12 COUNCILMAN GREENLEE: Any other
13 questions?

14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, thank you, Mr. Beller. Thank you
17 for your testimony.

18 MR. BELLER: Thank you.

19 COUNCILMAN GREENLEE: Ms.
20 Marconi, do you want to call the next
21 witnesses, please.

22 THE CLERK: Sarah McEneaney,
23 Lorna Katz Lawson, Roseanne Loesch, Rob
24 Kettel.

25 (Witnesses approached witness

1 12/4/12 - RULES - BILLS 120800, etc.
2 table.)

3 COUNCILMAN GREENLEE: Good
4 morning. Whoever would like to go first,
5 please identify yourself for the record
6 and proceed.

7 MS. MCENEANEY: Good morning.
8 My name is Sarah McEneaney and I am the
9 President of Callowhill Neighborhood
10 Association.

11 Callowhill Neighborhood
12 Association opposes the proposed 9,000 to
13 10,000 square foot digital wall wrap
14 proposed by Callowhill Associates at 421
15 North 7th Street. The proposed digital
16 sign would be large, bright, flashing,
17 and seen clearly from many parts of
18 Callowhill, Chinatown, and Center City
19 East. It would flash and shine directly
20 into the windows of the condominium
21 building, Metro Club, at 201 North 8th
22 Street and tower over the very popular
23 Franklin Square Historic Park that is
24 heavily used by residents, families, and
25 visitors since its refurbishment six

1 12/4/12 - RULES - BILLS 120800, etc.
2 years ago.

3 We are very troubled by the
4 process Callowhill Associates is using to
5 push this bill through. The City has an
6 existing process whereby zoning variances
7 can be obtained. We are concerned that
8 the owners' decision to take the issue to
9 City Council rather than the conventional
10 request for a variance through the ZBA is
11 an attempt to bypass the established
12 process whereby community feedback is
13 provided.

14 The proliferation of digital
15 signage is a concern in many communities
16 in the United States. On November 28th,
17 just six days ago, we sat in this very
18 room while Deputy Mayor Alan Greenberger
19 and members of his staff testified on
20 this very issue. Mr. Greenberger
21 acknowledged the revenue generation
22 possibilities of non-accessory signage,
23 but stated, quote, "don't do it on an ad
24 hoc basis. Don't do it one at a time.
25 Regulation is critical."

1 12/4/12 - RULES - BILLS 120800, etc.

2 We agree with Deputy Mayor
3 Greenberger and believe the City of
4 Philadelphia should address this new type
5 of advertising in a comprehensive manner.

6 Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Just before the next witness, I
10 just have to ask you on one thing you
11 said, that through the Zoning Board,
12 there is community feedback. It looks
13 like there's a whole lot of community
14 here today to feed back on a whole lot of
15 things. So I guess why would City
16 Council -- it seems like there's a lot of
17 community feedback at City Council.

18 MS. McENEANEY: There is, but
19 with councilmanic prerogative, it can be
20 a little more difficult.

21 COUNCILMAN GREENLEE: Okay.

22 Please. Go ahead, whoever
23 would like to go next.

24 MR. KETTEL: Good morning. I'm
25 Rob Kettel.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Hold on
3 one second.

4 COUNCILMAN KENNEY: This always
5 fascinates me, this concept of
6 councilmanic prerogative. Where exactly
7 in the Charter or any code is it written
8 that the Councilmember of a district has
9 carte blanche prerogative? I've been
10 here 21 years. If you get your other
11 colleagues to agree with you, that's not
12 your prerogative. That's your debate
13 skills. It's your informational
14 providing. It's convincing your
15 colleagues that you happen to be right.

16 Councilmanic prerogative
17 doesn't exist. I don't understand why it
18 keeps on being raised. If we were
19 against this, if you could not convince
20 your other Council colleagues to be for
21 something, it's not much prerogative.

22 So I dispel this nature that
23 somehow there's this onerous process of
24 councilmanic privilege that I don't -- 21
25 years, I have to be convinced to support

1 12/4/12 - RULES - BILLS 120800, etc.
2 something or not to support something,
3 and it's not a carte blanche rubber
4 stamp. And I just want to say that for
5 the record, so with all due respect.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Sir, please identify yourself
9 and proceed.

10 MR. KETTEL: Good morning. I'm
11 Robert Kettel, a resident of Old City,
12 and I just want to make one point. As
13 you well know, you're in the process of
14 redoing the Zoning Code, the sign portion
15 of the Zoning Code right now. It seems
16 to me this is premature. You don't want
17 to sort of jump the gun. I think you
18 should wait until the Zoning Code has
19 been finished in January or February and
20 let the whole zoning process take its
21 normal course of action and don't go out
22 of the way and sort of undermine what
23 you're planning to do in the long run in
24 the short term.

25 COUNCILMAN GREENLEE: Thank

1 12/4/12 - RULES - BILLS 120800, etc.

2 you.

3 Ma'am, please identify yourself
4 and proceed.

5 MS. LAWSON: I am Lorna Katz
6 Lawson. I'm the zoning --

7 COUNCILMAN GREENLEE: Speak a
8 little bit more in the microphone.

9 MS. LAWSON: Lorna Katz Lawson,
10 Society Hill Civic Association Zoning and
11 Historic Preservation Chairperson. I'm
12 here to read into the record a letter
13 directed to Councilman Squilla from Steve
14 Weixler, our President, who could not be
15 here today.

16 Dear Councilman Squilla, I'm
17 writing to you as President of the
18 Society Hill Civic Association on behalf
19 of many citizens of Society Hill who
20 would be negatively affected by the
21 passage of Council Bill 120920, amending
22 Title 14 of The Philadelphia Code for an
23 area formerly known as the Callowhill
24 Digital District.

25 While the geographic area

1 12/4/12 - RULES - BILLS 120800, etc.
2 covered by this legislation is not within
3 the Society Hill Historic District, the
4 large, bright, animated advertising signs
5 permitted by this amendment would
6 certainly be prominently visible from
7 hundreds of residences, particularly in
8 high-rise buildings in the northern half
9 of our neighborhood. We believe the
10 interjection of this unpredictable
11 element designed primarily to attract the
12 attention of transient visitors will
13 markedly degrade the quality of the
14 historic district.

15 The City of Philadelphia, its
16 Historic Commission, the Society Hill
17 Civic Association, and many citizens of
18 Society Hill have worked for decades to
19 protect and improve the Society Hill
20 Historic District. The presence of such
21 overtly commercial advertising in the
22 visual landscape would degrade the unique
23 character of Society Hill, Independence
24 National Park, and Old City, all valuable
25 cultural assets of the City of

1 12/4/12 - RULES - BILLS 120800, etc.

2 Philadelphia.

3 We do not allow the
4 profit-making motives of some in the
5 advertising industry to alter the common
6 heritage.

7 Sincerely, Steven A. Weixler,
8 President, Society Hill Civic
9 Association.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Ms. Loesch, are you speaking
13 for the Association too?

14 MS. LOESCH: No, I'm not.

15 COUNCILMAN GREENLEE: Okay.

16 MS. LOESCH: Can you hear me?

17 COUNCILMAN GREENLEE: Pardon
18 me?

19 MS. LOESCH: Can you hear me?

20 COUNCILMAN GREENLEE: Speak a
21 little bit more in, please.

22 MS. LOESCH: Well, I'm speaking
23 as close as I can.

24 COUNCILMAN GREENLEE: It's not
25 on. Wait a minute.

1 12/4/12 - RULES - BILLS 120800, etc.

2 MS. LOESCH: Good morning,
3 Chairman Greenlee, Councilman Goode,
4 Kenney, Reynolds Brown, and Councilwoman
5 Bass. My name is Roseanne Loesch. I'm
6 testifying as a resident of Society Hill
7 regarding this bill.

8 As you know or some of you
9 know, I was a longtime Board member of
10 Society Hill Civic Association and
11 President from 2009 to 2011.

12 First, let's stipulate that the
13 primary purpose of this bill is to allow
14 the owner of the Electric Factory to wrap
15 his building with giant electronic signs
16 facing the Vine Street Expressway. He's
17 been fighting to do this for years and
18 has not succeeded. Now he's using the
19 promise of money for schools as a bribe
20 to get approval, and I urge the Rules
21 Committee to vote against this.

22 I have two main objections.
23 One involves the money; the other
24 involves the visual blight.

25 As far as the money is

1 12/4/12 - RULES - BILLS 120800, etc.
2 concerned, I ask the Committee, is this
3 the way that development is going to
4 proceed in Philadelphia for now on, a
5 free-for-all --

6 (Applause.)

7 MS. LOESCH: -- a free-for-all
8 where developers buy off needy groups in
9 exchange for disregarding the Zoning
10 Code?

11 Any billboard district should
12 be part of the City Planning process and
13 not achieved by councilmanic privilege,
14 which we in communities were told was
15 going to disappear with the new Zoning
16 Code. What happened to City Planning?
17 Is Council free just to ignore it, even
18 after the multi-year effort to create a
19 new Zoning Code?

20 The Benefits Agreement proposed
21 to parents associations and community
22 organizations is an ad hoc way of
23 distributing the money the bill's
24 proponents have been offering to various
25 groups and will certainly suffer legal

1 12/4/12 - RULES - BILLS 120800, etc.
2 challenge. The proponents are
3 hand-picking certain communities in
4 certain schools over others based on
5 their willingness to testify in
6 support --

7 (Applause.)

8 MS. LOESCH: -- of this bill.

9 Jeff Hornstein, the President
10 of Queen Village Neighbors Association
11 and apparently a tireless advocate for
12 the owner of the Electric Factory, has
13 approached Old City, Callowhill,
14 Washington Square West, Northern
15 Liberties, and the Philadelphia Chinatown
16 Development Corporation seeking their
17 endorsement in exchange for money.

18 Interestingly, Society Hill
19 Civic Association, a community whose high
20 rises are in the direct path of these
21 electronic signs, was not approached by
22 Mr. Hornstein. A member of
23 Mr. Hornstein's own Board that I spoke
24 with this weekend did not even know that
25 with a different hat Mr. Hornstein was

1 12/4/12 - RULES - BILLS 120800, etc.
2 trying to get approval for a billboard
3 district in other people's neighborhoods,
4 far from Queen Village, nor did this
5 Board member know that Mr. Hornstein
6 publicly stated at one community meeting
7 that he would get paid if this becomes
8 law.

9 Callowhill, Old City, Northern
10 Liberties, Chinatown, and Washington
11 Square West all told Mr. Hornstein that
12 they would not support this billboard
13 district in exchange for money. It goes
14 without question that Society Hill would
15 have turned down Mr. Hornstein as well.

16 The associations have said to
17 me that they did not think it was right
18 or ethical to support billboards that are
19 going up in someone else's neighborhood
20 and that billboards are under the
21 jurisdiction of the Zoning Code and the
22 Planning Commission. Some believe that
23 no amount of money to the community will
24 justify such a grab of public space.

25 My second reason for opposing

1 12/4/12 - RULES - BILLS 120800, etc.
2 the bill concerns the special category
3 that was created for the Vine Street
4 corridor in 1988. Councilman Squilla's
5 bill violates current law designating
6 Vine Street as a billboard-free corridor.
7 The purpose of the law was to create a
8 scenic gateway to the City. City Council
9 in a 19-to-1 vote supported a ban on new
10 billboards and a five-year sunset on
11 existing billboards. The City and
12 federal government spent tens of millions
13 of dollars on beautification of Vine
14 Street, and City leaders were fed up with
15 the billboards at all entrances to the
16 City.

17 The Central Philadelphia
18 Development Corporation at the time was
19 the lead advocate for banning billboards
20 on Vine Street, and the late Councilman
21 David Cohen fought a tireless fight to
22 make the bans successful. That was 25
23 years ago.

24 This law is still on the books,
25 and there is still a very good reason to

1 12/4/12 - RULES - BILLS 120800, etc.
2 keep this corridor free of billboards.
3 Vine Street is the main entrance to
4 central Philadelphia, a city that draws
5 millions of visitors each year to its
6 historic sites, convention center, and
7 business district. Billboards in
8 general, and particularly new electronic
9 billboards, uglify and cheapen the look
10 of the City. Up-and-coming residential
11 neighborhoods like Chinatown and
12 Callowhill will be blighted, and the
13 quality of life inside businesses and
14 residences will be affected in some cases
15 seriously by the electronic building
16 wraps and seven-foot signs allowed under
17 the law.

18 Common sense dictates that
19 electronically lit signs shining in
20 office and apartment buildings just feet
21 or blocks away will greatly diminish
22 enjoyment of one's property.

23 In conclusion, I urge the Rules
24 Committee to do the right thing. It was
25 a bad bill a year ago and it's a bad bill

1 12/4/12 - RULES - BILLS 120800, etc.
2 now. Spreading a few dollars around to
3 needy parents organizations desperate for
4 money does not turn a bad bill into a
5 good one or a constituency of one, the
6 owner of the Electric Factory, into a
7 broader constituency. Please vote
8 against this bill.

9 Thank you very much for your
10 time.

11 (Applause.)

12 COUNCILMAN GREENLEE: Hold on.
13 Whoa, whoa, whoa. Ms. Loesch, first of
14 all, I'm going to recognize Councilman
15 Goode in a second. Obviously everybody
16 has a right to their opinion on this. I
17 think in all fairness -- and this is my
18 opinion -- to call a Community Benefits
19 Agreement with some parents who are
20 trying to get some things for their
21 school a bribe I think is an unfortunate,
22 very inaccurate choice of words.

23 Councilman Goode.

24 COUNCILMAN GOODE: I was just
25 going to echo those sentiments as well.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Thank you for your testimony,
3 but the characterization of community
4 benefits agreements as a bribe is simply
5 a misunderstanding of progressive public
6 policy. I happen to have moderated a
7 workshop just a couple weeks ago with 30
8 municipal elected officials from 30
9 different cities and towns around the
10 country where we actually trained elected
11 officials on community benefit
12 agreements. It's a matter of economic
13 justice from our standpoint.

14 So without respect to this
15 particular bill and this particular
16 agreement, that characterization actually
17 is something that we can't accept, and we
18 will actually be pushing for community
19 benefit agreements in the future.

20 MS. LOESCH: I'm disappointed
21 that the members of the Rules Committee
22 are not addressing the question of City
23 Planning and the Zoning Code. I think
24 these are fundamental important
25 questions.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GOODE: My comments
3 were related to community benefit
4 agreements.

5 COUNCILMAN GREENLEE: Ms.
6 Loesch, we addressed something you said.
7 You used the word "bribe," and we're
8 addressing that. If you hadn't have
9 brought it up, we wouldn't have brought
10 it up.

11 MS. LOESCH: I urge the members
12 of the Rules Committee to read this bill.
13 This bill does not even include any words
14 or language -- and many of the people in
15 this room do not know this -- about this
16 money. This money is -- how do we even
17 know that this owner is going to be
18 obliged in the long term to get this
19 money to the schools? There is nothing
20 contractually obliging him to do this.
21 It's not set forth in the bill.

22 There's not one word about this
23 Community Benefits Agreement in the bill.
24 And, again, I come back to the point that
25 there are many needs in this city, and I

1 12/4/12 - RULES - BILLS 120800, etc.
2 have worked hard in order to address many
3 of those needs as well as my fellow
4 community members. It's not a question
5 of turning down the needs of schools.
6 It's a question of whether we are as a
7 city going to go in the way of Ed Bacon
8 and Charlie Peterson and all of the City
9 planners and the people that led the
10 fight on this billboard ban, David Cohen,
11 for example, the late David Cohen, that
12 had the chutzpah -- I would like to use
13 another word -- to rally 19 votes of the
14 City Council. There was only one --

15 COUNCILMAN GREENLEE: I can
16 tell you, he didn't rally 19. There's
17 only 17 of us. Dave was good, because I
18 worked for him, he was real good at
19 getting votes, but he wasn't that good.

20 MS. LOESCH: Well, Councilman
21 Greenlee, I was reading this from -- I'm
22 sorry. I was reading this from a
23 Philadelphia Inquirer article and perhaps
24 I miswrote that. But I can tell you,
25 Councilman Greenlee, that there was only

1 12/4/12 - RULES - BILLS 120800, etc.

2 one dissent in this.

3 COUNCILMAN GREENLEE: Right.

4 Okay. Fine. Thank you.

5 Councilman Kenney.

6 COUNCILMAN KENNEY: Just one
7 comment, because I've been through the
8 billboard wars for a long time here, and
9 I find it astounding sometimes that the
10 opponents of the billboards will do the
11 same exact thing that they're criticizing
12 the proponents of the billboards for
13 doing, by taking money from a developer
14 or a sign owner to go away and the folks
15 that --

16 MS. LOESCH: What are you
17 talking about, Councilman?

18 COUNCILMAN KENNEY: I will tell
19 you.

20 MS. LOESCH: Okay.

21 COUNCILMAN GREENLEE: Ma'am --

22 COUNCILMAN KENNEY: The folks
23 next to you have a lawsuit against a
24 billboard company. They're SCRUB or now
25 Scenic Philadelphia, whatever your new

1 12/4/12 - RULES - BILLS 120800, etc.

2 iteration is -- let me finish.

3 MS. LOESCH: That's called the
4 American jurisprudence process.

5 COUNCILMAN KENNEY: It is?

6 MS. LOESCH: Yes.

7 COUNCILMAN KENNEY: Well, they
8 only got \$400,000 and they're getting
9 \$500,000. So I don't know the
10 difference. What is the difference?

11 MS. LOESCH: Councilman
12 Green -- Kenney. Excuse me.

13 COUNCILMAN KENNEY: He's over
14 there.

15 MS. LOESCH: I really think
16 that --

17 COUNCILMAN KENNEY: So you're
18 justifying the taking --

19 MS. LOESCH: -- you're grabbing
20 for straws at this point.

21 COUNCILMAN KENNEY: No. You're
22 justifying the acceptance of \$400,000
23 from a billboard owner to walk away from
24 a complaint, it's not a bribe, but three
25 schools getting \$500,000 is a bribe. I

1 12/4/12 - RULES - BILLS 120800, etc.

2 find that astounding.

3 MS. LOESCH: I come back to the
4 process. This is the process, the Zoning
5 Code process and the Planning Commission.
6 Many of you were not here in the room to
7 hear Eva Gladstein testify for the
8 Planning Commission against this bill.

9 COUNCILMAN KENNEY: Yes, I was.
10 I was sitting right here.

11 MS. LOESCH: I said many -- I'm
12 talking to the audience, Councilman
13 Kenney.

14 COUNCILMAN KENNEY: I thought
15 you were talking to us, because we're the
16 committee. I don't know why you're
17 talking to the audience.

18 MS. LOESCH: Well, you know
19 what? The public should know that the
20 Planning Commission testified against the
21 bill. The public should know that
22 Independence National Historic Park
23 has -- they are not here to testify
24 today, but they have their own means of
25 enforcing federal regulations that

1 12/4/12 - RULES - BILLS 120800, etc.
2 enforce a viewshed for the park for their
3 properties at the Edgar Allan Poe site,
4 which is right near this, and also the
5 huge site of Independence Hall, which in
6 fact is already being blighted at 5th and
7 Walnut by an illegal permit that was
8 given to a billboard to transform into --
9 at Callowhill, transform into an
10 electronic billboard. Believe me, those
11 electronic billboards are shining onto
12 5th and Walnut now. That's how far they
13 go.

14 COUNCILMAN KENNEY: The
15 electronic billboards are the evil
16 empire. It's amazing to me. It's just
17 amazing.

18 MS. LOESCH: Well, you know
19 what? There are some smart cities out
20 there, Councilman Kenney --

21 COUNCILMAN KENNEY: Yeah. It's
22 called New York City.

23 MS. LOESCH: -- like Houston
24 that has --

25 COUNCILMAN KENNEY: Houston?

1 12/4/12 - RULES - BILLS 120800, etc.

2 Houston has no zoning code. They have no
3 zoning code. You can build a high rise
4 next to a church in Houston.

5 MS. LOESCH: They ban
6 billboards, and the city has been the
7 better for it.

8 COUNCILMAN KENNEY: Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 MS. LOESCH: Thank you.

12 COUNCILMAN GREENLEE: Hold on.
13 You opened the door. It's going to stay
14 open for a while.

15 Councilwoman Reynolds Brown.

16 MS. LOESCH: I welcome it.

17 COUNCILMAN GREENLEE: Okay.

18 Good.

19 COUNCILWOMAN BROWN: I too
20 thank you for your testimony. The beauty
21 of this process is that we all have our
22 say. At the end of the day, the majority
23 will have its way. And what I take
24 exception to is anyone who comes in this
25 Chamber and diminishes the fact that we

1 12/4/12 - RULES - BILLS 120800, etc.
2 have what you call "needy children." We
3 need more citizens who are going to stand
4 up, speak up, and speak out when it comes
5 to speaking up for young people in this
6 town. So to diminish the children in
7 this catchment area as, quote, "needy,"
8 end quote, is offensive to me.

9 Thank you, Mr. Chairman.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Please proceed. Identify
13 yourself for the record and proceed,
14 please.

15 COUNCILMAN SQUILLA: I have a
16 question. I know you don't want me to
17 ask another question.

18 COUNCILMAN GREENLEE:
19 Councilman.

20 COUNCILMAN SQUILLA: One
21 statement that was made, Ms. Loesch, was
22 that the other community groups outside
23 the areas, Wash West and other ones,
24 would not be in favor of a billboard
25 that's not in their communities, yet

1 12/4/12 - RULES - BILLS 120800, etc.
2 there are people that are opposed to it
3 that's not in that community. So it's
4 sort of you can't be for it but you can
5 be against it sort of doesn't give it
6 much credibility.

7 MS. LOESCH: I'm sorry. I
8 didn't follow your -- I didn't follow
9 your point.

10 COUNCILMAN SQUILLA: You were
11 saying people said they would not support
12 this because they would not support a
13 billboard in somebody else's community,
14 other community groups surrounding this
15 sign.

16 MS. LOESCH: I said that that
17 was the basis -- I spoke to all of the
18 community groups that refused
19 Mr. Hornstein's offer to be part of the
20 Community Benefits Agreement, and I said
21 that some people said that the
22 justification -- or one of their reasons
23 for opposing it was that they did not
24 feel it was appropriate to endorse
25 billboards in someone else's

1 12/4/12 - RULES - BILLS 120800, etc.

2 neighborhood.

3 COUNCILMAN SQUILLA: Okay.

4 Thank you. That was it. That's fine.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank

7 you.

8 Please identify yourself for

9 the record and proceed, please.

10 MS. KINDT: Thank you so much,

11 Councilman Greenlee. My name is

12 Stephanie Kindt. I'm attorney for Scenic

13 Philadelphia, a non-profit located in the

14 City, focused on protecting public space.

15 I'm not going to testify today

16 about the history of the case. I'm not

17 going to testify about the community

18 opposition. I would like to just start

19 out with saying, though, I completely

20 understand the needs of schools. I'm a

21 founder of Independence Charter School.

22 I was the PTO Treasurer for several years

23 of Independence Charter School. I

24 totally get this. I totally get the

25 desire to bring programming to your kid's

1 12/4/12 - RULES - BILLS 120800, etc.
2 recess. I'm a single mom of four boys.
3 My four boys are in the Philadelphia
4 School District. So I get it.

5 I'd like to talk about two key
6 things. I'd like to talk about the
7 legality of this sign from a Federal
8 Highway Beautification perspective as
9 well as the science behind why we have
10 the regulations that we do.

11 Mr. Tantala testified to six
12 studies that he conducted on digital
13 billboards. He conducted one study in
14 Ohio. The other five of his studies are
15 based on that study. That study excluded
16 animal accidents. It excluded
17 weather-related accidents. It excluded
18 for times of cloudy nighttime. He also
19 limited the distance where he was
20 capturing accidents to very close in to
21 the sign, where, in his own testimony,
22 you need eight seconds to view the sign.
23 So his study area didn't even include the
24 whole visual area that you needed to see
25 the sign.

1 12/4/12 - RULES - BILLS 120800, etc.

2 His studies have never been
3 peer-reviewed. They have never been
4 published in a professional peer-reviewed
5 journal. He has only ever worked for the
6 industry. There is no neutrally
7 sponsored research.

8 The Federal Highways themselves
9 are conducting research and have been.
10 The research on digital billboards has
11 been so controversial, Federal Highways
12 has not released the study yet. It's
13 concerning.

14 This billboard is located in
15 the key gateway area of our city.
16 There's an exit and entrance to I-676.
17 It's where 95 merges with 676. This
18 billboard is the size of a building.
19 It's not even a normal billboard, and
20 digital. It faces our national historic
21 parks, which I believe you have a letter
22 from that organization. They raise the
23 issue of have you done an environmental
24 impact. This sign is so huge, it will
25 impact the entire environment. An

1 12/4/12 - RULES - BILLS 120800, etc.
2 environmental impact needs to be done.

3 I get it. We need money for
4 our kids' schools. I get it. I see the
5 folders that my kids come home with. I
6 see their programming. I give money so
7 they can go on their field trips. I
8 totally get it. This is not the way.
9 It's not.

10 Billboards of this nature
11 reduce property values, both commercial
12 and residential, across the board. It
13 will lessen the value of that entire
14 area. There's a clear process for
15 approving signage such as this. This is
16 not the process.

17 I know Councilman Squilla when
18 I had met with him, you talked about
19 thinking outside the box. This is a
20 really old box. It's been around since
21 1999. Mr. Myron Berman has been working
22 this box for over 12 years. It's not a
23 good box. We need to think outside the
24 box. Absolutely. We need parents,
25 teachers, City Council, me, you, all

1 12/4/12 - RULES - BILLS 120800, etc.
2 together. This isn't the way. It's not
3 the way. It's going to change the most
4 beautiful part, the most historic part,
5 the birthplace of modern democracy. It
6 will change that forever.

7 In summary -- oh, I'm so sorry.
8 I did speak to PennDOT's attorney
9 yesterday. If you remember last year
10 when this bill came forward, Solicitor
11 Shelley Smith submitted a memo to all of
12 City Council basically advising City
13 Council that Philadelphia was risking 10
14 percent of Federal Highway money.
15 Actually, risking all of Pennsylvania's
16 Federal Highway money, 10 percent of
17 Pennsylvania's highway money.

18 What Shelley was advised last
19 year by PennDOT's attorney was that if
20 that was the case, Harrisburg would
21 dedicate that entire funding loss to
22 Philadelphia. It wouldn't be shared by
23 the state. It would come out of
24 Philadelphia's Federal Highway money, not
25 from the state overall.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Nothing has changed. I spoke
3 with their attorney yesterday. Nothing
4 since last year has changed.

5 Also, with regards to
6 Mr. Beller's testimony, absolutely, we
7 are a city of the first class. We kick
8 butt. Absolutely. What we can't do is
9 go beyond what the federal regulations
10 are, similar to issues like handgun
11 control. Man, that would be great.
12 Okay. We can't do it, not as the city of
13 the first class. We can't go below what
14 federal regulations say. They are the
15 bottom. They're the floor.

16 This sign is absolutely illegal
17 under federal regulations. We're risking
18 millions of dollars to the City. This
19 would be the most expensive billboard in
20 the history of billboards, even though
21 many of you, many folks here, think it
22 could be really cool. It would be really
23 expensive.

24 Questions at this point?

25 COUNCILMAN GREENLEE: Thank

1 12/4/12 - RULES - BILLS 120800, etc.

2 you.

3 (Applause.)

4 COUNCILMAN GREENLEE:

5 Councilman Goode.

6 COUNCILMAN GOODE: Good

7 morning. Very briefly. Does this sign

8 require a permit, in your estimation?

9 MS. KINDT: Does the sign
10 require a permit?

11 COUNCILMAN GOODE: Yes.

12 MS. KINDT: It would require a
13 permit, which would then, in my opinion,
14 be refused.

15 COUNCILMAN GOODE: Exactly. If
16 the Administration believes that the sign
17 is illegal, do you believe the
18 Administration would issue a permit?

19 MS. KINDT: If the
20 Administration believes that the sign
21 were illegal, should the Administration
22 issue a permit?

23 COUNCILMAN GOODE: Do you
24 believe they will issue a permit?

25 MS. KINDT: I do believe that

1 12/4/12 - RULES - BILLS 120800, etc.

2 there is a majority -- I guess I'm
3 confused as to what you're asking. Are
4 you asking if I think it will be voted?

5 Right. So if you pass this
6 billboard via legislation, it's no longer
7 within the purview of L&I that issues
8 permits.

9 COUNCILMAN GOODE: It
10 absolutely is. It's not illegal for us
11 to pass the bill. It's illegal for the
12 permit to be issued, if it's illegal at
13 all.

14 MS. KINDT: No. You can pass
15 any bill that you would like. Whether or
16 not it's in compliance with other laws,
17 that would be an issue.

18 COUNCILMAN GOODE: But we don't
19 issue the permits.

20 MS. KINDT: No.

21 COUNCILMAN GOODE: Thank you.

22 COUNCILMAN GREENLEE: Any other
23 questions?

24 Councilman Squilla.

25 COUNCILMAN SQUILLA: As far as

1 12/4/12 - RULES - BILLS 120800, etc.
2 the concern for the legality of it, does
3 the City have a right to its own zoning
4 code or does the federal government tell
5 us what to do as far as zoning?

6 MS. KINDT: Absolutely. So the
7 Planning Commission just spent -- well,
8 we spent as taxpayers several million in
9 carefully crafting our Zoning Code, and
10 we carefully looked at what the federal
11 regulations were and did not cross that
12 line. Absolutely.

13 COUNCILMAN SQUILLA: Do
14 different municipalities have different
15 codes that are done throughout the
16 Commonwealth?

17 MS. KINDT: Absolutely. Yeah.

18 COUNCILMAN SQUILLA: So our
19 zoning codes and our regulations set
20 forth by the federal government giving
21 the power to the Commonwealth, who
22 therefore gives power to the cities of
23 the first class, enable them to craft
24 their own zoning code.

25 MS. KINDT: Yes. We have that

1 12/4/12 - RULES - BILLS 120800, etc.

2 power. We do.

3 COUNCILMAN SQUILLA: So

4 therefore --

5 MS. KINDT: It's not absolute.

6 There's a bottom.

7 COUNCILMAN SQUILLA: What cases
8 have been brought forth that dictate that
9 this funding would be sacrificed?

10 MS. KINDT: Well, there is a
11 case, this case, Callowhill Associates,
12 that went to the Supreme Court, that it
13 was refused based on the federal
14 regulations. So, I mean, there's that
15 case, which is this case.

16 COUNCILMAN SQUILLA: What case
17 that if a billboard was placed legally by
18 ordinance, that the funding would be
19 refused to the City of Philadelphia?

20 MS. KINDT: I don't know that
21 any city anywhere has done that.

22 COUNCILMAN SQUILLA: There is
23 no --

24 MS. KINDT: Actually, in their
25 packets I did produce a letter from the

1 12/4/12 - RULES - BILLS 120800, etc.
2 State of Florida where Miami was trying
3 to do a digital district and was refused
4 because of this very same reason. That's
5 in your packet. And they didn't do it.

6 COUNCILMAN SQUILLA: So at this
7 point, you're saying there is no record
8 of this ever happening?

9 MS. KINDT: I would need to
10 research that. I have not found
11 anything, no.

12 COUNCILMAN SQUILLA: But you
13 would make a statement to Council but not
14 research it?

15 Thank you.

16 COUNCILMAN GREENLEE: Thank
17 you.

18 Any other questions?

19 MS. KINDT: Well, the reason
20 it's not happened is because no one has
21 done this. I guess is that your
22 question?

23 COUNCILMAN SQUILLA: Yes. The
24 question is --

25 MS. KINDT: There's no city

1 12/4/12 - RULES - BILLS 120800, etc.
2 that has done this.

3 COUNCILMAN SQUILLA: No city
4 has put up electronic billboards?

5 MS. KINDT: Against Federal
6 Highways in such a blatant manner, no.

7 COUNCILMAN SQUILLA: In such a
8 blatant manner?

9 MS. KINDT: Right. Yeah. So
10 dangerous a spot and against so many of
11 its own zoning codes.

12 COUNCILMAN SQUILLA: Against
13 the zoning codes?

14 MS. KINDT: Yes.

15 COUNCILMAN SQUILLA: This
16 billboard is against our Zoning Code?

17 MS. KINDT: Absolutely. It's
18 within 660 feet of a park. It's within
19 660 feet of the exit and entrance. It's
20 within --

21 COUNCILMAN SQUILLA: Would the
22 billboards that -- the Market East
23 signage that was approved from 7th Street
24 to Market to --

25 MS. KINDT: Market East is a

1 12/4/12 - RULES - BILLS 120800, etc.
2 totally different animal. It's a totally
3 different animal.

4 COUNCILMAN SQUILLA: Are those
5 signs viewed by the park?

6 MS. KINDT: They are --

7 COUNCILMAN SQUILLA: Would
8 those signs be viewed by the park?

9 MS. KINDT: It's such a large
10 district, I'm sure some of them, if
11 implemented, would be able to be seen
12 from the park, yes.

13 COUNCILMAN SQUILLA: Well, it's
14 across the street.

15 MS. KINDT: Right.

16 COUNCILMAN SQUILLA: So I would
17 think you would see it from there. But
18 illegal --

19 MS. KINDT: This goes all the
20 way to, I think, 12th Street.

21 COUNCILMAN SQUILLA:
22 Thirteenth.

23 MS. KINDT: Yeah.

24 COUNCILMAN SQUILLA: So that's
25 legal? That's okay?

1 12/4/12 - RULES - BILLS 120800, etc.

2 MS. KINDT: It's legal because
3 Council passed it and there aren't the
4 safety concerns of the --

5 COUNCILMAN SQUILLA: All right.
6 Thank you.

7 MS. KINDT: -- limited-access
8 highways.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Any other questions?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you.

15 I have no one else here on my
16 list for this bill. Is there anyone else
17 who -- all right. Please, we got a long
18 list here. So please be as brief as you
19 can, please. Please come forward.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN GREENLEE: Again, if
23 you have written testimony, we'll make
24 that part of the record. Because we got
25 about four more bills here, and I think

1 12/4/12 - RULES - BILLS 120800, etc.

2 most of the people are here for just a
3 couple of them.

4 Please identify yourself and
5 proceed.

6 MS. LU: Hello, everyone. My
7 name is Diana Lu. I'm the Main Street
8 Manager for the Philadelphia Chinatown
9 Development Corporation. I do have a
10 written statement. I'm speaking on
11 behalf of John Chin, our Executive
12 Director, who unfortunately is unable to
13 make it.

14 COUNCILMAN GREENLEE: We'll
15 make that part of the record.

16 MS. LU: I'm sorry?

17 COUNCILMAN GREENLEE: We'll
18 make the written part of that, if you
19 want to submit that.

20 MS. LU: Yes. I have a written
21 statement that's being passed around. So
22 feel free to read along with me, if you
23 like.

24 COUNCILMAN GREENLEE: I was
25 trying to say that. So if you could just

1 12/4/12 - RULES - BILLS 120800, etc.
2 abbreviate the written statement, because
3 we'll read it.

4 MS. LU: I'll go very quickly.

5 Dear Chairman Greenlee and
6 Councilmembers of the Committee on Rules,
7 my name is John Chin and I'm the
8 Executive Director of the Philadelphia
9 Chinatown Development Corporation, PCDC.
10 PCDC is a community development
11 corporation for Chinatown and the
12 Philadelphia City Planning Commission's
13 registered community organization.

14 PCDC is opposed to the proposed
15 legislation, City Council Bill 120920,
16 because of its negative impacts to our
17 and the surrounding neighborhoods. This
18 is site-specific legislation, which
19 proposes to allow the installation of a
20 billboard at a location that was
21 previously determined by the City to be
22 illegal. This legislation contradicts
23 existing sign controls, which prohibit
24 billboards along the Vine Street
25 Expressway. Existing sign controls have

1 12/4/12 - RULES - BILLS 120800, etc.
2 protected Chinatown and the neighborhoods
3 from unwanted billboards for decades.
4 This legislation has the potential to
5 undermine the existing protections along
6 Vine Street Expressway.

7 Thank you for giving me the
8 time before the Committee today.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Sir.

12 MR. SCHIAVO: My name is Joe
13 Schiavo. I am here on behalf of Ryan
14 Berley, President of the Old City Civic
15 Association. I'm here to read a portion
16 of Ryan's letter addressed to
17 Councilmembers into the record.

18 The letter was addressed to
19 Councilman Squilla, and Ryan writes, I am
20 writing to express the opposition of the
21 Old City Civic Association to the above
22 bill; that is, Bill -- I'm sorry; 120920,
23 thank you, which would create a special
24 zoning district within the proposed area
25 of Old City for the purpose of legalizing

1 12/4/12 - RULES - BILLS 120800, etc.
2 building wrap style, non-accessory
3 outdoor advertising.

4 The Vine Street corridor
5 represents a gateway to the nation's most
6 historic neighborhood of Old City and
7 should not be marred by larger-than-life
8 advertising signage as proposed. This
9 type of signage is contrary to every
10 innovative plan currently approved for
11 our city, GreenPlan Philadelphia, Plan
12 2035, as well as the visionary Master
13 Plan for the Delaware waterfront.
14 Additionally, due to proximity of the
15 subject area to an interstate highway,
16 Bill 120920 violates the Highway
17 Beautification Act because the proposed
18 sign of 7,000 to 10,000 square feet is
19 eight times larger than allowed by
20 federal law.

21 Mayor Nutter vetoed Bill
22 110563, the precursor to this bill, in
23 2011. This struck a victory for OCCA and
24 many other organizations who opposed the
25 same digital billboard then, with hopes

1 12/4/12 - RULES - BILLS 120800, etc.

2 that a sea change might be underway
3 following councilmanic elections.

4 And now I paraphrase the last
5 sentence.

6 We look to you, Councilman
7 Squilla, to demonstrate real leadership
8 and consideration for Old City by your
9 withdrawing Bill 120920.

10 I would like to note to the
11 Committee that the district of the bill
12 is entirely within the boundaries of Old
13 City. Those boundaries were established
14 in the 1970s, and the area of the bill is
15 entirely within our boundaries.

16 Further, the Old City Civic
17 Association did consider the Community
18 Benefits Agreement. We did hear a
19 presentation by Jeff Hornstein explaining
20 the detail of the Community Benefits
21 Agreement. And since we don't know what
22 may happen in the future relative to this
23 particular bill -- and as an aside, I
24 would like to say to the Committee that
25 our analysis of the Community Benefits

1 12/4/12 - RULES - BILLS 120800, etc.
2 Agreement seemed to suggest that there
3 was no guarantee that a single dollar
4 would go to the fund that would then fund
5 the Community Benefits Agreement. It
6 makes very clear that there's a ceiling,
7 but since it notes that the funds, the
8 resources would come from the net side of
9 the equation and it is entirely possible
10 that the building owner will front-load
11 all expenses and costs relative to
12 establishing the billboard, there may
13 actually be no net gain for some period
14 of time.

15 So were you to consider this
16 bill against our recommendation to oppose
17 this bill, I ask that you seriously
18 consider analyzing the CBA to make sure
19 that it has a minimum funding for the
20 fund rather than only a ceiling
21 established for the fund.

22 I thank you for your time.

23 COUNCILMAN GREENLEE: Thank
24 you.

25 Any questions or comments?

1 12/4/12 - RULES - BILLS 120800, etc.

2 Councilman Squilla.

3 COUNCILMAN SQUILLA: Yes.

4 There is no ceiling on the new agreement.

5 It might have been revised since the last
6 time you saw it.

7 We have received -- is there
8 anybody else going to testify on this
9 bill?

10 COUNCILMAN GREENLEE: Let me
11 ask.

12 Anybody else want to say -- all
13 right. We got one more.

14 COUNCILMAN SQUILLA: I'll wait.

15 COUNCILMAN GREENLEE: One
16 other? Is that all? Okay. All right.

17 You're going to wait?

18 COUNCILMAN SQUILLA: I'll wait.

19 COUNCILMAN GREENLEE: Okay.

20 Why don't you come forward.

21 By the way, Councilman, is
22 there any amendment to this bill?

23 COUNCILMAN SQUILLA: No. He
24 saw an older version of the CBA, I think.

25 COUNCILMAN GREENLEE: All

1 12/4/12 - RULES - BILLS 120800, etc.
2 right. Thank you.

3 (Witness approached witness
4 table.)

5 COUNCILMAN GREENLEE: Ma'am,
6 please identify yourself for the record.

7 MS. LARSON: Yes. I'm Magali
8 Larson. I'm a member of the Woodland
9 Terrace Homeowners Association and also
10 I'm a member of Scenic America, but I
11 don't speak in that quality. I'm a
12 sociologist.

13 I am really shocked at the idea
14 that we remedy the structure of problems
15 of our schools by this kind of bill. I
16 will not add anything to the eloquent and
17 important things that have been said. I
18 am struck as a citizen that nobody has
19 mentioned content. The only content we
20 can regulate is no smoking. If this bill
21 passes, as I hope it does not, a
22 billboard sign, digital, 7 to 11 stories,
23 in front of historic neighborhoods in
24 perhaps the most historic city in the
25 country, can in fact advertise strip

1 12/4/12 - RULES - BILLS 120800, etc.

2 dancing or sexy clubs, anything they
3 want, and this is what you will be doing.

4 Thank you very much.

5 (Applause.)

6 COUNCILMAN SQUILLA: Thank you.

7 Thank everybody for testifying on this.

8 And I know this is a tough situation, and
9 obviously we are trying to do things to
10 benefit our communities and schools, and
11 sometimes we disagree on how we go about
12 doing it. But personally the CBA is
13 actually net revenue, net revenue from
14 the sign. So it cannot be front-loaded.
15 It will start rapidly right after revenue
16 will be collected.

17 Also, there is no ceiling of
18 how much that could be generated from
19 this, and, therefore, the bylaws and
20 regulations from that community group
21 will decide how that money is being
22 spent, if this is passed.

23 Also, when we first were
24 approached with this idea to come up with
25 a way to help fund our local schools, we

1 12/4/12 - RULES - BILLS 120800, etc.
2 know how hard and desperate our times
3 are, and we're not selling ourselves out.
4 We're looking at what is the actual
5 detriment of this sign, trying to weigh
6 what the detriment would be to what the
7 benefits would be for this sign that was
8 going up. It was approached to us as a
9 partnership with the community. We went
10 to each and every community to see if
11 they would be considered interested in
12 it. Some people have real strong
13 opposition to signage, believe that it is
14 the evil thing of cities and there's no
15 way they could sign on with this. Other
16 people saw it as an opportunity to maybe
17 help benefit them, but by weighing the
18 detriment, how hard would it be, what
19 effect would it have on the communities.

20 We received multiple, numerous,
21 upwards -- I don't have the exact count,
22 but close to 100 e-mails of support from
23 people throughout Society Hill, Old City,
24 Chinatown that really support this, and
25 we will submit them for the record also,

1 12/4/12 - RULES - BILLS 120800, etc.
2 the e-mails that we received. I believe
3 Sean has them.

4 And so the people who really
5 feel that they could benefit from this I
6 believe far outweighs any detriment that
7 this sign could have on the district, on
8 the City or on anybody else living in
9 that area. I would not move forward with
10 this if I believed it wasn't a benefit, a
11 sole benefit, to the neighborhood. And I
12 believe that once these schools do start
13 receiving funds from this type of
14 partnership, that will enable that
15 catchment to actually grow. More and
16 more people will actually move into this
17 neighborhood and move into the area,
18 because those kids will now be able to go
19 to these schools that have better
20 programs and have more programs that
21 would generate a way that we can actually
22 get people interested in going to our
23 public schools again. So that's why we
24 are introducing this bill. That's why
25 we're having this hearing, and I do hope

1 12/4/12 - RULES - BILLS 120800, etc.
2 that's why this bill passes.

3 Thank you.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Just for the record, there will
7 be an amendment. We're going to make
8 this Community Benefits Agreement an
9 amendment to the bill when the public
10 meeting comes.

11 Councilwoman Reynolds Brown.

12 COUNCILWOMAN BROWN: Point of
13 information to the sponsor of the bill.
14 Your view of or perspective regarding
15 content of the advertising, could you
16 please speak to that.

17 COUNCILMAN SQUILLA: According
18 to the Community Benefits Agreement,
19 there are exclusions of tobacco, alcohol,
20 agrees not to allow advertising of
21 alcohol and tobacco products and then the
22 agreed products by the signed-on group.
23 I mean, if there's other ones that we
24 feel need to be added in order to do
25 that, I don't see a problem with adding

1 12/4/12 - RULES - BILLS 120800, etc.
2 that in.

3 COUNCILWOMAN BROWN: Thank you
4 very much.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Councilman Kenney.

8 COUNCILMAN KENNEY: Councilman,
9 Mr. Berman early in the testimony
10 indicated that it's a high value to the
11 area, so the sign would bring a high
12 value in rental or lease, whatever it is.
13 Has there been some discussion as to what
14 potential advertisers might be in that
15 category?

16 COUNCILMAN SQUILLA: They
17 have --

18 COUNCILMAN KENNEY: Not that
19 they have it.

20 COUNCILMAN SQUILLA: I know
21 they had advertising, and I'm trying to
22 think which one was up there before that
23 was up there.

24 Does anybody have --

25 COUNCILMAN KENNEY: I'd like to

1 12/4/12 - RULES - BILLS 120800, etc.

2 get a --

3 COUNCILMAN GREENLEE: Just tell
4 Councilman, because I don't want to keep
5 going back and forth. Just tell
6 Councilman Squilla.

7 COUNCILMAN SQUILLA: Subaru,
8 Gap, and Old Navy were the ones most
9 interested at this time.

10 COUNCILMAN KENNEY: Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 That concludes the hearing on
14 this bill. Now, here's what we're going
15 to do, and I know people are here for the
16 zoning bills and for the RCOs. So I just
17 ask you to be a little more patient.
18 We're getting there. There's at least
19 two bills that should go very briefly and
20 then maybe another one that shouldn't go
21 too long, and then it's your turn. So I
22 appreciate your patience.

23 Ms. Marconi, will you please
24 read the title of Bill 120878.

25 THE CLERK: Bill No. 120878, an

1 12/4/12 - RULES - BILLS 120800, etc.
2 ordinance to amend the Philadelphia
3 Zoning Maps by changing the zoning
4 designations of certain areas of land
5 located within an area bounded by
6 Kensington Avenue, Torresdale Avenue,
7 Hunting Park Avenue, Jasper Street and
8 Pike Street.

9 COUNCILMAN GREENLEE: And our
10 witness is?

11 THE CLERK: Paula Brumbelow.
12 (Witness approached witness
13 table.)

14 COUNCILMAN GREENLEE: Had to
15 fight through the maddening crowd there.

16 Good -- it's still good
17 morning.

18 MS. BRUMBELOW: Good morning.

19 COUNCILMAN GREENLEE: Please
20 identify yourself for the record and
21 proceed. I know you have a short
22 statement there.

23 MS. BRUMBELOW: Good morning,
24 Chairman Greenlee, members of the Rules
25 Committee.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: I don't
3 know if that microphone is working.

4 Okay. You're all right now.
5 Go ahead.

6 MS. BRUMBELOW: Good morning,
7 Chairman Greenlee and members of the
8 Rules Committee. I am Paula Brumbelow
9 with the Development Planning Division of
10 the Philadelphia City Planning
11 Commission. I am here to testify on Bill
12 No. 120878, which was introduced by
13 Councilmember Squilla on November 1st,
14 2012.

15 Bill No. 120878 amends the
16 Philadelphia Zoning Maps by rezoning an
17 area of land within an area bounded by
18 Kensington Avenue, Torresdale Avenue,
19 Hunting Park Avenue, Jasper Street, and
20 Pike Street from "RSA-2," which is
21 Residential Single-Family Attached, to
22 "CMX-3," which is Community Commercial
23 Mixed-Use. The applicant proposes to
24 erect an additional story on the existing
25 rectory of the former North Catholic High

1 12/4/12 - RULES - BILLS 120800, etc.
2 School. The rectory will be used for 52
3 affordable senior housing units. They
4 will also be adding an additional floor.
5 There will be approximately 20 parking
6 spaces dedicated to the senior housing
7 use on site.

8 The Philadelphia City Planning
9 Commission considered Bill No. 120878 at
10 their meeting of November 20, 2012 and
11 recommended that Bill No. 120878 be
12 approved.

13 This concludes my testimony. I
14 appreciate the opportunity to appear
15 before you today and would be pleased to
16 answer any questions you may have.

17 COUNCILMAN GREENLEE: Thank
18 you. And there's no amendments to this
19 bill, right?

20 MS. BRUMBELOW: No.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Any questions?

24 (No response.)

25 COUNCILMAN GREENLEE: Seeing

1 12/4/12 - RULES - BILLS 120800, etc.

2 none, stay there.

3 Ms. Marconi, next bill, please.

4 THE CLERK: Bill No. 120879, an
5 ordinance amending the Philadelphia
6 Zoning Maps by changing the zoning
7 designations of certain areas of land
8 located within an area bounded by Reed
9 Street, Christopher Columbus Boulevard,
10 the former Washington Avenue centerline,
11 and the Delaware River, all under certain
12 terms and conditions.

13 COUNCILMAN GREENLEE: Before
14 you start, just for the folks interested
15 in the Center City District, that bill
16 will be next.

17 Please.

18 MS. BRUMBELOW: Good morning,
19 Councilman Greenlee and members of the
20 Rules Committee. I am Paul Brumbelow
21 with the Philadelphia City Planning
22 Commission. I am here to testify on Bill
23 No. 120879, which was introduced into
24 City Council on November 1st, 2012.

25 Bill No. 120879 will rezone the

1 12/4/12 - RULES - BILLS 120800, etc.
2 site located at 1301 South Christopher
3 Columbus Boulevard from its current
4 industrial zoning of "I-2" Medium
5 Industrial and "IP" Port Industrial to
6 the new commercial zoning designation of
7 "CMX-3" Community Commercial Mixed-Use.
8 This change to the base zoning will
9 permit the development of the site, which
10 currently houses the Sheet Metal Workers
11 Union Hall and a Comcast center, for
12 reuse as a mixed-use residential and
13 commercial development. The new zoning
14 district will also require that any new
15 development receive a plan of development
16 approval from the City Planning
17 Commission, which will ensure both
18 planning and community input in the
19 design of the new development.

20 The City Planning Commission at
21 its meeting of November 20th, 2012
22 recommended that Bill 120879 be approved.

23 I will be happy to answer any
24 questions at this time.

25 COUNCILMAN GREENLEE: Thank

1 12/4/12 - RULES - BILLS 120800, etc.

2 you.

3 Any questions or comments on
4 this bill?

5 (No response.)

6 COUNCILMAN GREENLEE: Seeing
7 none, Ms. Brumbelow, thank you.

8 MS. BRUMBELOW: Thank you.

9 COUNCILMAN GREENLEE: If they
10 all could go this well.

11 And also no amendments on this
12 either, I assume, right? No. Okay.

13 All right. Ms. Marconi, if you
14 could please read the next bill before
15 us.

16 THE CLERK: Bill No. 120800, an
17 ordinance approving the plan, estimated
18 costs and proposed method of assessment
19 and charges of the Center City District
20 for and concerning business improvements
21 and administrative services to the
22 central business district of the City of
23 Philadelphia for 2013 to 2017; amending
24 an Ordinance (Bill No. 1069, approved
25 November 2nd 1990, as amended by Bill No.

1 12/4/12 - RULES - BILLS 120800, etc.
2 960631, approved November 25th, 1996)
3 adopted pursuant to the "Municipalities
4 Authorities Act of 1945" P.L. 382, as
5 amended in order to add to the district
6 to be served by the Authority the
7 properties on the east and west side of
8 the blocks of South Broad Street between
9 Pine Street and Lombard Street, but
10 including only those properties fronting
11 on South Broad Street; authorizing the
12 extension until 2045 of the term of the
13 Authority pursuant to the provisions of
14 the Act to enable the refinancing of
15 existing debt; authorizing a change to
16 the registered office address of the
17 Authority; and approving estimated costs
18 for debt service through 2045; all under
19 certain terms and conditions.

20 COUNCILMAN GREENLEE: I guess
21 we got Mr. Levy, please.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE: Good
25 morning. Thank you all for your

1 12/4/12 - RULES - BILLS 120800, etc.
2 patience. Please identify yourself and
3 proceed.

4 MR. LEVY: My name is Paul
5 Levy. I'm President of the Center City
6 District. I'm joined by Joe Bright, who
7 is our attorney from Cozen O'Connor, and
8 Vice-President Tony Pipitone and our
9 Manager of Billing.

10 We have many people here
11 prepared to testify. I understand you
12 have a very busy schedule, so I'd just
13 like to present the list of people who
14 are here in the room to testify --

15 COUNCILMAN GREENLEE: Perfect.

16 MR. LEVY: -- and copies, but
17 we have people who are residential
18 condominium owners, major owners of real
19 estate, residents, and other businesses
20 within the downtown.

21 Would you like me to just make
22 a brief --

23 COUNCILMAN GREENLEE: Maybe
24 just brief, and then there might be some
25 questions.

1 12/4/12 - RULES - BILLS 120800, etc.

2 MR. LEVY: Sure.

3 COUNCILMAN GREENLEE: I think
4 we know what this is all about.

5 MR. LEVY: The Center City
6 District is pleased to be here on what
7 would be our sixth reauthorization of the
8 organization since it was first approved
9 by this Council in 1990. We are here as
10 part of our routine five-year plan and
11 budget approval process.

12 The significant changes that
13 you have heard are obviously just an
14 extension of the District to include the
15 400 block of South Broad Street where the
16 condominium association and all the
17 owners of Symphony House have voted to
18 ask to come into our district, an
19 extension of the life of the District to
20 enable refinancing so we can continue to
21 do capital improvements, and a
22 significant change in which we are
23 proposing to reduce next year by 50
24 percent the charges that will go to
25 residential owner-occupants, and then

1 12/4/12 - RULES - BILLS 120800, etc.
2 thereafter whatever their assessment
3 would have been, to cut it by 50 percent.
4 So we are shifting the burden through
5 this plan, reducing the portion paid by
6 residential owner-occupants from 9
7 percent of our budget to 4 and a half
8 percent of our budget, and that is then
9 being absorbed more by commercial
10 property owners.

11 So you should have the
12 ordinance. We have been through our
13 public approval process, our hearing
14 process, and we are seeking your support
15 for the reauthorization of the District
16 so we can continue to employ more than
17 170 Philadelphians who provide services
18 throughout the day and evening hours.

19 I'm prepared to answer any
20 questions. Thank you very much.

21 COUNCILMAN GREENLEE: Mr. Levy,
22 thank you.

23 Councilwoman Reynolds Brown.

24 COUNCILWOMAN BROWN: Good
25 morning, gentlemen. I want to thank you

1 12/4/12 - RULES - BILLS 120800, etc.
2 for your testimony and put on the record
3 that the enormous work that Center City
4 District certainly doesn't go unnoticed
5 at all if you travel the Parkway one day
6 of the week.

7 I do pay attention to Board
8 composition, and you say in your
9 testimony that this is the sixth
10 reauthorization of the Center City
11 District.

12 MR. LEVY: Yes.

13 COUNCILWOMAN BROWN: I've tried
14 to locate on your website the demographic
15 makeup of the Center City District, and
16 it may very well be in your annual
17 report. I simply don't remember. So
18 tell us, if you would, the demographic
19 makeup.

20 MR. LEVY: Sure. And in the
21 testimony I just handed out, you have our
22 Board names of our individuals. Our
23 Board is duly constituted to have 23
24 Board members, which is confirmed by this
25 Council. Among our Board members, 26

1 12/4/12 - RULES - BILLS 120800, etc.

2 percent of our Board members are African
3 American, 13 percent of our Board members
4 are women.

5 COUNCILWOMAN BROWN: Okay. All
6 right, then. And what is the number or
7 the look of the senior management when it
8 comes to our city and Center City
9 District in particular?

10 MR. LEVY: Sure. Among our
11 senior management staff, 52 percent are
12 women, 24 percent are African American,
13 and 5 percent are Latino.

14 COUNCILWOMAN BROWN: There are
15 170 Philadelphians that you employ?

16 MR. LEVY: We employ 194
17 individuals, and 94 percent of them live
18 within the City of Philadelphia. And I
19 have, if you're interested, a map of each
20 Council district where all our employees
21 live, if that is of interest to Council.

22 COUNCILWOMAN BROWN: Thank you
23 for that. I will say in the 12 years
24 I've been here, it's encouraging to see
25 that those in leadership fully understand

1 12/4/12 - RULES - BILLS 120800, etc.
2 and recognize that if we want to grow a
3 city that is diverse, that we have to
4 listen to what people say and then watch
5 what we do.

6 So know that we're paying
7 attention and hopeful that other Boards
8 will move in the same direction.

9 MR. LEVY: Thank you.

10 COUNCILWOMAN BROWN: Thank you
11 for your testimony.

12 COUNCILMAN GREENLEE: Thank
13 you, Councilwoman.

14 Councilman Green.

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

17 Good morning. I just want to
18 put a few things on the record that we
19 had a sidebar about earlier.

20 I want to echo Councilwoman
21 Reynolds Brown's comments about the work
22 of the Center City District and the great
23 things that you're doing and have done
24 all over Center City. I'm very
25 supportive of it. I thank you for your

1 12/4/12 - RULES - BILLS 120800, etc.
2 service and the service of everybody
3 involved in your organization.

4 So what we discussed was that
5 the authorization -- the very language of
6 this resolution and the authorization
7 that went out to the condo associations
8 as opposed to the owners -- and there's a
9 couple of issues here -- basically inform
10 the condo associations and owners that
11 their, quote/unquote, assessment will go
12 down this year and every year of the
13 Five-Year Plan that is presented to them.
14 I think the intent of CCD was exactly
15 that when it went to the state, to get
16 legislation passed that would allow you
17 to reduce the amount paid by condo owners
18 and/or condo associations, as is now the
19 case, by 50 percent in this year's
20 budget. It will go from 9 percent to 4
21 and a half percent of CCD's overall
22 budget, and each person that is a condo
23 owner will get a bill this year that is
24 50 percent of the dollar amount of the
25 amount they paid in the previous year.

1 12/4/12 - RULES - BILLS 120800, etc.

2 The issue we have here is that
3 that won't be true for each year of the
4 Five-Year Plan, and my understanding of
5 the plain meaning of the word
6 "assessment" is the dollar amount paid
7 and not in relation to any concept of
8 full value. And so the authorization was
9 not intentionally misleading, but, in
10 fact, as a result of AVI, which is beyond
11 your control, the condo owners will in
12 fact likely see, based on numbers you
13 provided to me in the spring related to
14 commercial and industrial properties and
15 based on the Administration's estimate of
16 the CCD basically tripling in overall
17 residential value as part of the
18 numerator and denominator of the
19 aggregate value within CCD, the likely
20 result is a 50 percent reduction in 2013
21 and then a 150 percent, 175 percent
22 increase in the next year and each year
23 of the Five-Year Plan. And you and I had
24 a conversation about if that is the case,
25 which is not the intent of CCD or the

1 12/4/12 - RULES - BILLS 120800, etc.
2 State Legislature, how you would address
3 that if we were to reauthorize CCD today,
4 and I just would like to ask you to put
5 that on the record.

6 MR. LEVY: Sure. If I could
7 possibly just give one additional handout
8 to members of Council, which just
9 explains our method of billing, that
10 would probably be helpful to my
11 conversation.

12 Just by state law, we are
13 required to rely on the same data that
14 the City relies on; that is, the
15 assessments as provided by the Office of
16 Property Assessment, and we have no
17 unilateral ability to set a millage rate
18 or assessment rate independent of that.

19 What we have done in the change
20 that we supported when the State
21 Legislature made it is give us an
22 authority we did not currently have.
23 That is, just like everyone in
24 government, we were subject to a
25 uniformity clause and had to assess every

1 12/4/12 - RULES - BILLS 120800, etc.
2 property the same level. Because we're a
3 benefits district, the state enabled us
4 to create a new formula in which we would
5 reduce by 50 percent the assessments on
6 all residential property owners, and that
7 is the commitment we made and that's what
8 we intend to do.

9 In 2013, should you approve
10 this budget, we will still be billing
11 under the current values; that is, actual
12 value, should you legislate it, won't
13 take effect for the CCD until 2014,
14 because we're on a calendar year, not the
15 fiscal cycle you are on. So our 2013
16 bill will be almost exactly 50 percent
17 below what our 2012 bill will be for
18 condos, and commercial owners will pick
19 that up.

20 What I have passed out is a
21 simple way of representing how we assess
22 all properties, because there are
23 improvement districts in the City that
24 take the real estate tax bill paid by an
25 individual property and then they have a

1 12/4/12 - RULES - BILLS 120800, etc.
2 5 or 7 or 10 percent surcharge on top of
3 that. So it's directly tied to the real
4 estate bill. Our method of assessment
5 does not work that way. We create a
6 fraction, as I've tried to show here, in
7 which the assessed value of the property
8 is the numerator, the assessed value of
9 the district is the denominator, and that
10 is multiplied by a fixed budget that
11 we're asking you to approve. So you're
12 giving us authority to bill at a level
13 that slightly increases by about 3
14 percent each year. We have no authority
15 to bill above that level, except as
16 granted by the property owners and by
17 you. So that when -- if and when you
18 legislate AVI, what will happen, if you
19 go to under proposed, is both the
20 numerator; that is, the individual value
21 of the property, will go up under some
22 degree, but the denominator will go up as
23 well, and then we'll cut the residential
24 charge in half.

25 So, yes, there will be an

1 12/4/12 - RULES - BILLS 120800, etc.
2 upward adjustment in the assessed value
3 of the District. It will fall on
4 residential, it will fall on commercial,
5 but we are absolutely capped on what we
6 can bill. So that will essentially have
7 a push-down effect. And then we will cut
8 the residential charge in half.

9 I cannot predict, because I
10 don't know and I don't think anyone in
11 this room yet knows, what the assessed
12 value of the City is, what that assessed
13 value of individual property are, and
14 what millage rate you will legislate, but
15 we clearly intend, through the change
16 that the state effected and through this
17 plan, to reduce the burden on residents.

18 Our logic is very simple. We
19 have worked for 20 years to see the
20 wonderful growth in residents within the
21 downtown. It's a huge success story, but
22 when those people moved in, they were out
23 walking their dogs at 5:00 in the morning
24 and saying, Why aren't you cleaning at
25 5:00. They were here in the evening.

1 12/4/12 - RULES - BILLS 120800, etc.

2 So we have expanded our
3 services to support the new residential
4 population, and, therefore, as a benefits
5 district, we believe they ought to share
6 in the cost, because they're benefitting
7 from the services, but we are proposing
8 to reduce their burden by 50 percent.

9 That's a long answer to your
10 question, but the simple answer is, next
11 year it's 50 percent below. We don't
12 know what the assessed value will be, but
13 quite simply, the upward push of AVI on
14 the CCD will be much less than the upward
15 push that will occur for the City, we
16 believe. And if there is a
17 disproportionate impact, particularly on
18 long-term owner-occupants, we are
19 prepared to consider and go back to the
20 state for the same types of things that
21 you are considering, some type of buffer
22 or deferral for long-term
23 owner-occupants. We don't have the
24 authority to do that, but our goal is to
25 reduce the burden on residents.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREEN: Actually,
3 you almost answered my question with that
4 answer. So just a point of clarity, when
5 you say the bill will be about 50 percent
6 of the amount that is going out for 2013,
7 you are saying dollar amount and not in
8 relation to any assessed value of the
9 property; is that correct?

10 MR. LEVY: Right, because what
11 is -- the 2013 assessments are almost
12 identical to the downtown for the 2012.
13 They have not appreciably changed. We've
14 seen that --

15 COUNCILMAN GREEN: So it is
16 based on the assessed value and not --

17 MR. LEVY: We're looking at the
18 assessed value. We've looked at that
19 already, and we've already sent to every
20 single condo owner and to their
21 association an estimate of next year's
22 charges. Every condo owner has received
23 that.

24 The average charge, to be
25 clear, is in the \$200 to \$300 range.

1 12/4/12 - RULES - BILLS 120800, etc.

2 It's not a big number, but it's a
3 significant number for people.

4 COUNCILMAN GREEN: The plain
5 meaning of the word "assessment" is the
6 amount you pay under every definition of
7 the dictionary I looked at this morning.
8 So I just wanted to be clear about that.
9 And you're relating it to an actual
10 value. And I understand what you said
11 about deferrals and other things, but I
12 just want to be super clear. The intent
13 of your bill in Harrisburg was to reduce
14 the contribution from condo owners from 9
15 percent to 4 and a half percent of your
16 overall budget. That will in fact happen
17 in 2013. In 2014, if it goes -- and
18 because you have the half a percent for
19 condo owners in the numerator and
20 denominator, it doesn't change the
21 overall impact in quite the way you're
22 suggesting, but if it is as a result of
23 AVI a shifting of burden back to
24 residential property owners versus the
25 change you just made for 2013, so it goes

1 12/4/12 - RULES - BILLS 120800, etc.
2 back to 10 percent or it goes to 15
3 percent based on numbers you provided, I
4 predict that it might in 2014.

5 My question is not about the
6 deferrals or other things, but will you
7 go back to adjust the formula so that
8 you're keeping residential property
9 owners at roughly 4 and a half to 5
10 percent of the cost of the CCD, which is
11 pretty revenue neutral over the course of
12 the Five-Year Plan, so that essentially
13 people are paying what they're going to
14 pay in 2013 to you?

15 MR. LEVY: You've asked several
16 questions. My attorney tapped my arm, so
17 let me let Joe go first.

18 COUNCILMAN GREEN: I'd actually
19 prefer the answer to the last question
20 first, and then we can debate the meaning
21 of assessment with Joe. I'm not even
22 interested in that.

23 MR. LEVY: The assessment has
24 at least two meanings here. The assessed
25 value is provided by the OPA and then we

1 12/4/12 - RULES - BILLS 120800, etc.

2 are an assessment district that issues a
3 bill, which is called an assessment.

4 We can predict what next year's
5 assessed value is because we have
6 received that data for our district from
7 the OPA, and on the basis of that, we can
8 say and have told all property owners
9 what their estimated charge will be for
10 next year, and for residents it will be
11 50 percent. We cannot predict and do not
12 know what the Office of Property
13 Assessment will do and what you actually
14 will legislate here. That's --

15 COUNCILMAN GREEN: And my
16 question did not require you to do so.

17 MR. LEVY: Understand. So our
18 intent in working with the state and with
19 the condo associations was and is to
20 reduce the burden on condo associations.

21 We could only respond to the
22 world as it is. If the world changes, we
23 are committed to continue to go in that
24 direction. If we need to go back to the
25 state, we'll be glad to do that.

1 12/4/12 - RULES - BILLS 120800, etc.

2 We want residents in the
3 downtown. This is a business improvement
4 district, and we see the businesses and
5 the property owners who own businesses
6 being the primary stakeholder.

7 COUNCILMAN GREEN: So once
8 again, the question is, if it goes over 5
9 percent significantly in 2014 and
10 thereafter for the rest of the Five-Year
11 Plan as a result of AVI, are you willing
12 for the Five-Year Plan period to go back
13 to the state and seek to keep the
14 residential contribution to around the 5
15 percent level that it will be this year
16 in the Five-Year Plan?

17 MR. BRIGHT: May I respond?

18 COUNCILMAN GREEN: I don't know
19 how you can, because this is a question
20 of what the CCD is going to be willing to
21 go back to the state and accomplish, but
22 you can certainly give it a shot.

23 MR. BRIGHT: Thank you. I'm
24 Joe Bright, counsel for the District, and
25 I was the principal draftsman of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 state statute. Others participated.

3 The statute uses the word
4 "assessment" in two sentences.

5 COUNCILMAN GREEN: I'll accept
6 your definition of assessment for
7 purposes of this discussion. I have a
8 simple question about relating to the
9 percentage of residential properties
10 contributing to -- condo properties
11 contributing to the CCD budget in the
12 course of the next Five-Year Plan.

13 MR. LEVY: Let me try to be
14 directly responsive to you, which is that
15 since we do not know what will happen, we
16 want to see what happens with
17 assessments. We think there are at least
18 two different factors that should
19 probably be taken into consideration,
20 which I think you're also considering,
21 which is if we're going to provide some
22 buffering from residents, do we want to
23 make a distinction between people who
24 have afforded a seven or eight or ten
25 million dollar condominium and can fully

1 12/4/12 - RULES - BILLS 120800, etc.
2 afford the charges that come with that,
3 since they're all benefiting now from a
4 ten-year tax abatement, and is there a
5 difference between long-term owners who
6 may be living in condos for 20 years and
7 the values have changed around them.

8 We may, and this is -- we
9 certainly are prepared to go back to the
10 state to make additional changes in the
11 law, if necessary, but the conversation
12 we'd like to have is, should it be
13 needs-based, should it be across the
14 board? That's something we're committed
15 to working on.

16 But the simple answer to your
17 question is, yes, our goal is to shift
18 the burden more to commercial/industrial.
19 That was the intent of this law change.
20 That's what we're going to do, and we're
21 committed to try to continue to go in
22 that direction. But I can only judge
23 what's put in front of me by what
24 actually gets legislated.

25 COUNCILMAN GREEN: So with

1 12/4/12 - RULES - BILLS 120800, etc.
2 respect to the division of how you tax
3 people within the 5 percent that you seek
4 to have them participate in the next
5 Five-Year Plan, my question is -- I'm
6 certainly willing to discuss that, and
7 you could go back and say we'd rather
8 take care of long-term owners and have
9 three-quarters of a percent for people
10 who have \$7 million properties. That's
11 not the question I asked you. The
12 question is, a straight percentage --
13 next year CCD's budget is 5 percent
14 residential contribution. Is that your
15 intention for the Five-Year Plan you've
16 proposed or not? If it comes in
17 significantly above 5 percent, will you
18 go back and adjust this formula to a
19 quarter of a percent or whatever to keep
20 the 5 percent of the contribution to CCD
21 for condo owners for the course of the
22 Five-Year Plan?

23 COUNCILMAN GOODE: Point of
24 information.

25 COUNCILMAN GREENLEE:

1 12/4/12 - RULES - BILLS 120800, etc.

2 Councilman Goode, information.

3 COUNCILMAN GOODE: Thank you,
4 Mr. Chairman.

5 Thank you, Councilman Green.

6 Mr. Levy, do you believe that
7 the commercial and industrial property
8 tax rate should be higher than the
9 residential property tax rate?

10 MR. LEVY: I really am only
11 opining on the Center City District,
12 which is an assessment district. I mean,
13 I think as I understand the state
14 constitution right now, there's a
15 uniformity clause that requires them to
16 be the same, so --

17 COUNCILMAN GOODE: That's
18 exactly where I'm going with this. So if
19 we were to advocate for the commercial
20 and industrial rate being higher than the
21 residential rate, that's another way of
22 accomplishing this, but beyond that,
23 wouldn't that be the preferred state
24 action?

25 MR. LEVY: You know, again, I'm

1 12/4/12 - RULES - BILLS 120800, etc.
2 really outside my expertise on municipal
3 finance. I'm here to talk about what
4 we're trying to do with the Center City
5 District, and with the Center City
6 District, we are trying to have the
7 weight carried overwhelmingly by
8 commercial and industrial, but recognize
9 there is a responsibility to owners. We
10 are able to determine what the state may
11 do with our own. We can't change --

12 COUNCILMAN GOODE: So you don't
13 have an opinion on whether the tax rate
14 should be different?

15 MR. LEVY: Not at this point,
16 no.

17 COUNCILMAN GOODE: Thank you.
18 Thank you, Councilman.

19 COUNCILMAN GREENLEE:
20 Councilman Green.

21 COUNCILMAN GREEN: Thank you.
22 That is, in effect, what you've
23 done with the change in state law for
24 your benefits district. By giving half
25 value to essentially residential

1 12/4/12 - RULES - BILLS 120800, etc.
2 properties that you applied to commercial
3 properties, you have set effectively your
4 equivalent of millage for commercial and
5 industrial at 100 percent above
6 residential.

7 MR. LEVY: Right, but the
8 primary --

9 COUNCILMAN GREEN: So that's
10 what you're doing.

11 MR. LEVY: The primary
12 difference between us and the City of
13 Philadelphia is, you are assessing
14 property owners and collecting taxes for
15 the general welfare of a broad set of
16 needs that those individual properties
17 may not specifically benefit from. We
18 are, by legal definition, a benefits
19 district that people get what they pay
20 for.

21 COUNCILMAN GREEN: I understand
22 what we are and what you are, but
23 effectively what you did was for your
24 benefits district exactly what Councilman
25 Goode described; isn't that correct?

1 12/4/12 - RULES - BILLS 120800, etc.

2 MR. LEVY: We have done for our
3 benefits district a proposal to reduce
4 the burden on residents and to increase
5 the carry by commercial and industrial.
6 Absolutely. That's what we've done.

7 COUNCILMAN GREEN: The effect
8 of it is to have the equivalent of a
9 millage rate of 100 percent above
10 residential for commercial and industrial
11 because --

12 MR. LEVY: Councilman, the
13 reason why I'm being very cautious here
14 is, I can opine knowledgeably about the
15 impact of those policies within the
16 boundaries of our district. What the
17 impact of such a policy is citywide I
18 really can't speculate.

19 COUNCILMAN GREEN: I didn't ask
20 you what the impact of the policy was
21 citywide. I simply asked what you did in
22 your district.

23 And so with respect to the
24 question once again, what would be Center
25 City District's position if in fact after

1 12/4/12 - RULES - BILLS 120800, etc.
2 AVI because you are -- you talked about a
3 cap with respect to assessments. This
4 formula also provides a floor. You won't
5 be able to take less from residential
6 property owners if as a result of AVI in
7 year 2014 they become 10 or 15 percent of
8 your budget; is that correct? I'd like a
9 yes or no.

10 MR. LEVY: Well, the simple
11 answer is, we have billed below our
12 authorized level in many recessionary
13 years. So we have billed below our
14 authorized level across the board.

15 COUNCILMAN GREEN: Are you
16 authorized to do that under state law?

17 MR. LEVY: We're authorized by
18 state law and by you to bill up to a
19 maximum amount.

20 COUNCILMAN GREEN: Okay. So
21 let's put the question --

22 MR. LEVY: Can I -- so you
23 don't have to repeat it, I know where
24 you're trying to get to.

25 I cannot sit here today and

1 12/4/12 - RULES - BILLS 120800, etc.
2 commit to an exact percentage
3 relationship, because the nature of
4 what's happening within our district as
5 new projects get built. If a new office
6 building gets built, that affects the
7 total mix. Should a casino occur, that
8 affects the total mix. If a major new
9 condo building. But the spirit of what
10 we're doing should be very clear. We
11 tried before the state law to find ways
12 to reduce the burden on residents by
13 creating a 5 and 10 percent discount for
14 those condos that came together and paid
15 early. We did that for two or three
16 years. We then sought through the state
17 an ability to reduce by 50 percent.

18 COUNCILMAN GREEN: We
19 understand where we are.

20 MR. LEVY: And it is our clear
21 intent -- I've said this several times --
22 should AVI have a major impact, we are
23 prepared to go back to the state to
24 continue to achieve that broad objective.
25 But it would be incorrect for me to pick

1 12/4/12 - RULES - BILLS 120800, etc.
2 a particular percentage, because the real
3 estate values are in flux within the
4 downtown. But I've said to you and I've
5 said to all of Council, it's a business
6 improvement district. The overwhelming,
7 95 percent, of the burden is carried by
8 commercial, industrial, retail, hotel
9 properties. We believe there is a burden
10 that should be carried by residents. We
11 are proposing to reduce that from
12 essentially 9 to 4 and a half percent.
13 That's our goal. But if you ask me to go
14 on the record and say this specific
15 percentage, I really can't do that
16 because of the fluctuating nature of
17 value.

18 COUNCILMAN GREEN: And I'm not
19 asking you to do it with respect to a
20 specific percentage, except for this
21 specific percentage. If it goes over 9
22 percent in 2014, which is where it is
23 today before your reduction, would you
24 then send out bills that are no more than
25 9 percent? Which apparently you've done

1 12/4/12 - RULES - BILLS 120800, etc.
2 in the past and can do without going to
3 the state.

4 MR. LEVY: I think I've
5 answered your question at this point.
6 What we've said is, we've reduced it by
7 50 percent. We have an absolute cap on
8 our budget. It's our intent to move in
9 the direction that we're asking your
10 support for now. Should the world
11 dramatically change because of what the
12 Office of Property Assessment does and
13 you legislate and approve, we will adjust
14 accordingly with the same intent. That's
15 what we're trying to do.

16 We have no interest -- I've
17 said to you individually, it would make
18 no sense for me to be assessing residents
19 and getting them all extraordinarily
20 angry at the District. We've worked very
21 hard to get them all there. We believe
22 they benefit from our services, but we
23 believe it's a business improvement
24 district, and that was the intent.

25 COUNCILMAN GREEN: Thank you.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE:

3 Councilman Goode.

4 COUNCILMAN GOODE: Thank you,
5 Mr. Chair.

6 One last question, Mr. Levy.
7 You've studied assessment districts
8 across the country and do they tax
9 property at different rates?

10 MR. LEVY: I missed the last
11 part of the question.

12 COUNCILMAN GOODE: Do they tax
13 properties at different rates? Do they
14 have a separate rate for
15 commercial/industrial than residential in
16 those assessment districts?

17 MR. LEVY: There are -- you
18 know, business improvement districts in
19 49 of the 50 states are special service
20 districts, all billed under different
21 state laws. Some don't even rely on
22 assessed value. They're on square
23 footage, linear front footage. The
24 simple answer is, different state laws
25 allow lots of variations.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GOODE: Most states
3 allow the setting of two separate rates.
4 So my question was, in the assessment
5 districts that you've studied, is there a
6 higher rate for commercial and industrial
7 than there is for residential?

8 MR. LEVY: There are examples
9 of which there are districts that don't
10 assess residents at all. There are
11 examples of districts that do a flat
12 rate. There are examples of ones that
13 assess at the same level, and there are
14 examples of ones that assess at a
15 differential level. I mean, it comes in
16 all flavors basically.

17 COUNCILMAN GOODE: But do most
18 assessment districts, can you quantify it
19 at all, do most assessment districts tax
20 commercial/industrial properties higher
21 than residential properties?

22 MR. LEVY: Philadelphia, like
23 New York, Boston and Chicago, is really
24 in a leadership position. We are really
25 remarkable in how many people we have

1 12/4/12 - RULES - BILLS 120800, etc.
2 living in our downtown. It's almost
3 unprecedented. We have the third largest
4 residential population. So a lot of
5 people look to us as to what we're doing.
6 A lot of downtowns have no residential
7 with them whatsoever. So I think we're
8 at the cutting edge and we are working
9 our way through what is a delightfully
10 positive trend, which is what used to be
11 a business district is now a mixed-use
12 residential district.

13 COUNCILMAN GOODE: Was that a
14 yes?

15 MR. LEVY: To which question?

16 COUNCILMAN GOODE: To, do most
17 assessment districts tax commercial and
18 industrial higher than they tax
19 residential, and are you then saying
20 you're not going to follow that trend,
21 but you're going to set the trend? But
22 the question was, do most assessment
23 districts tax commercial/industrial
24 higher than residential? That was the
25 question.

1 12/4/12 - RULES - BILLS 120800, etc.

2 MR. LEVY: Most assessment
3 districts don't have residential
4 properties within them.

5 COUNCILMAN GOODE: Was that a
6 yes?

7 Most assessment districts
8 derive most of their income from revenue
9 from commercial and industrial property
10 taxes?

11 MR. LEVY: That is correct,
12 because very few have the residential
13 concentration that we have. Correct.
14 Yes.

15 COUNCILMAN GOODE: Thank you.

16 COUNCILMAN GREENLEE:
17 Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you.

19 Thank you, Mr. Levy. The
20 handout that you gave us earlier -- and I
21 heard your testimony relative to having
22 to go back to the state, if necessary, to
23 accomplish your goal, but is it safe to
24 say from your handout that because of the
25 cap you have on your overall budget,

1 12/4/12 - RULES - BILLS 120800, etc.
2 there's no AVI windfall coming for the
3 Center City District?

4 MR. LEVY: There cannot be.
5 You are limiting our authority to bill at
6 a level. So that, no, there is no AVI
7 windfall.

8 COUNCILMAN KENNEY: So in spite
9 of the potential need to adjust the
10 residential overage if it happens, you're
11 still not going to be a wash in cash as a
12 result of this AVI change?

13 MR. LEVY: We will not be.

14 COUNCILMAN KENNEY: Okay.
15 Could you do me a favor and give me some
16 of your -- we had some discussion about
17 your leadership and Board demographics.
18 Can we talk about your workforce for a
19 second. How many folks actually are the
20 green coats on the street doing their job
21 every day? How many are those?

22 MR. LEVY: This might be
23 helpful. This is a map which I would
24 like to share with Council of where our
25 entire staff lives, but, again, you'll

1 12/4/12 - RULES - BILLS 120800, etc.
2 see on this map that this is counting our
3 sidewalk cleaners, our community service
4 representatives, and our administrative
5 staff, and while we have no requirement
6 for any employee of the District to live
7 in the City, you will see the correct
8 numbers here, 185, 94 percent, live
9 within the City of Philadelphia.

10 COUNCILMAN KENNEY: And of the
11 green coats, as I like to call them, that
12 you see most visibly, what's the average
13 salary of an individual working in that
14 position?

15 MR. LEVY: I'm just confirming.
16 The average salary for a sidewalk cleaner
17 is about \$15 an hour, plus benefits, et
18 cetera. So they're in the mid 20's to
19 high 20's. Our community service
20 representatives are comparable. All our
21 unionized employees represented by SEIU
22 on the cleaning side and represented by
23 Guard Workers and Security Workers Union
24 all have benefits and, as you can see,
25 living within the City of Philadelphia.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN KENNEY: And when
3 you say "benefits," they all have medical
4 coverage?

5 MR. LEVY: That's correct.

6 COUNCILMAN KENNEY: Is there
7 any pension or 401(k) or any kind of
8 sharing, pension or 401(k)?

9 MR. LEVY: Our on-street
10 cleaners have a pension plan. Our
11 community service representatives have a
12 457 plan.

13 COUNCILMAN KENNEY: And I don't
14 think we're anywhere close to this not
15 happening, but if I were to suppose that
16 this were not to happen before the end of
17 this year, I guess the appropriate term
18 for what would happen is havoc?

19 MR. LEVY: Well, again, through
20 your authorization, we are authorized to
21 bill and collect and provide services
22 through December 31st. We continue to
23 exist as an organization through 2025,
24 but without the authorization of this
25 Council, we would have to immediately

1 12/4/12 - RULES - BILLS 120800, etc.
2 cease operations. We would not have the
3 authority to bill or put people on the
4 street. And I don't even want to
5 contemplate, but it would mean laying off
6 a minimum of 160 people, and it would
7 be -- because our cash flow is obviously
8 necessary to carry out the Dilworth Plaza
9 construction before we get reimbursements
10 from federal, state, and foundation
11 grants, it could jeopardize our ability
12 to go forward there. I don't think we're
13 contemplating that.

14 COUNCILMAN KENNEY: Like I
15 said, I don't think we're close to that,
16 but I want the record to reflect not only
17 the overall good of this organization and
18 the things that it has accomplished in
19 its existence, but its demise, what a
20 negative impact it would have not only on
21 your employees and their families, but in
22 relation to the Dilworth Plaza project,
23 all of the folks who are working there
24 and the delay in getting it done.

25 So, I mean, there's lots of

1 12/4/12 - RULES - BILLS 120800, etc.
2 effects that would happen if we were not
3 to move this forward. And, again, I
4 think we're definitely going to do this,
5 because I think it's the right thing to
6 do, but it wouldn't be a great Christmas
7 present for your employees to be laid off
8 right before the holidays.

9 MR. LEVY: No. Again, we
10 operate through December 31st. We're
11 looking to you to support January --

12 COUNCILMAN KENNEY: But you
13 would have to have notified them.

14 MR. LEVY: We're already
15 past -- I mean, we're already -- we would
16 need -- we did not want to notify them
17 that this was at risk and create anxiety.

18 COUNCILMAN KENNEY: Thank you.
19 Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 Councilman Jones.

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

25 A brief question. On the

1 12/4/12 - RULES - BILLS 120800, etc.

2 Dilworth Plaza, do you have an update on
3 diversity participation on that project,
4 and could you give us a brief synopsis of
5 the total project cost and then a
6 breakdown to date where we are?

7 MR. LEVY: Council, I'd be glad
8 to provide that to you. I came prepared
9 with lots of things, but I confess, I
10 didn't bring those numbers. But we have
11 a very aggressive plan for minority
12 participation, both in construction and
13 employment, and we will follow this
14 hearing immediately and get it to you.
15 But we are a year into a project, that we
16 have another 18 months essentially until
17 we reach completion, and we are achieving
18 our minority participation both on the
19 construction and on the worker side, but
20 I don't want to quote numbers and quote
21 wrong. I'd rather get you the actual
22 numbers.

23 COUNCILMAN JONES: So is OEO
24 monitoring the project?

25 MR. LEVY: Yes. That's

1 12/4/12 - RULES - BILLS 120800, etc.

2 correct. And there's a committee
3 constituted, and I think Councilman Henon
4 is the Chair of that committee.

5 COUNCILMAN JONES: And you will
6 get that to the Chair of this committee?

7 MR. LEVY: I will be delighted
8 to do that. Thank you.

9 COUNCILMAN JONES: Thank you.

10 COUNCILMAN GREENLEE:
11 Appreciate that. Thank you.

12 Any other questions?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing
15 none, anyone else here to testify on this
16 bill, the Center City District?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, thank you both very much. Good
20 luck.

21 MR. LEVY: Again, we just want
22 to request that the bill as originally
23 drafted be approved.

24 COUNCILMAN GREENLEE: I think
25 we have just one slight amendment and

1 12/4/12 - RULES - BILLS 120800, etc.

2 that's it. Okay? Thank you.

3 COUNCILMAN KENNEY: You've seen
4 the amendment?

5 MR. LEVY: I have seen the
6 amendment.

7 COUNCILMAN GREENLEE: You're
8 good with that, right?

9 MR. LEVY: I'm not 100 percent
10 comfortable with that, I'll tell you
11 that, because I'm not sure its intent.
12 So I'd like to have a further
13 conversation on that before it's
14 finalized.

15 COUNCILMAN GREENLEE: Maybe you
16 and Mr. Christmas can talk about this.

17 MR. LEVY: Be glad to do that.

18 COUNCILMAN GREENLEE:
19 Unfortunately, we're going to have a
20 little more time.

21 MR. LEVY: Thank you very much
22 for your time. And I again want to
23 acknowledge all the people who came who
24 were prepared to testify, who are not.

25 COUNCILMAN GREENLEE: All

1 12/4/12 - RULES - BILLS 120800, etc.

2 right. You'll let us know on that.

3 Okay. Let's get to the bills
4 that I think most of you are here for.
5 We're going to take the two bills dealing
6 with -- Councilman O'Neill's bill, the
7 zoning changes, together. So I'm going
8 to ask Ms. Marconi to read the titles of
9 both those bills, please.

10 THE CLERK: Bill No. 120916, an
11 ordinance amending Title 14 of The
12 Philadelphia Code, entitled "Zoning and
13 Planning," by creating a new commercial
14 mixed use district, providing for
15 permitted uses and dimensional standards
16 in that district, making conforming
17 amendments and making certain technical
18 changes, all under certain terms and
19 conditions.

20 Bill No. 120917, an ordinance
21 amending Title 14 of The Philadelphia
22 Code, entitled "Zoning and Planning," by
23 revising certain provisions relating to
24 allowed uses and dimensional standards in
25 commercial districts, and making

1 12/4/12 - RULES - BILLS 120800, etc.
2 technical changes, all under certain
3 terms and conditions.

4 COUNCILMAN GREENLEE:
5 Councilman O'Neill, I know you sponsored
6 these bills. Please.

7 COUNCILMAN O'NEILL: Thank you,
8 Mr. Chairman, members of the Committee.
9 Let me start by saying that I sat on this
10 Rules Committee for 28 years. So in
11 addition to the zoning districts in my
12 district, I have some familiarity with
13 others.

14 I sat on the Zoning Code
15 Commission for four years and attended
16 just about every meeting for the entire
17 four years. And I'm sure that everyone
18 agreed then and agrees now that the code
19 needed updating, modernization,
20 clarification. We needed to send less
21 cases to the Zoning Board. But that was
22 all in the voter question that changed
23 the Charter creating the Commission, but
24 the last sentence of -- I'm paraphrasing,
25 but the last sentence of that voter

1 12/4/12 - RULES - BILLS 120800, etc.
2 question said, And we will not harm the
3 character of our neighborhoods while
4 we're doing all that. And that was the
5 balance that I was always looking for and
6 thought we had to a great degree, and I
7 still think to a great degree we
8 accomplished.

9 In learning in the last four to
10 six weeks that there is a commercial
11 zoning district -- commercial residential
12 zoning district generally called
13 neighborhood commercial corridor zoning
14 that went from the old to the new with
15 significant changes in use and, in one
16 case, a significant change in residential
17 density. And I don't have a problem with
18 that concept, because certain areas of
19 the City, the closer you get to Center
20 City where development pressures are
21 high, where people want to live, don't
22 mind paying for that privilege, want to
23 be able to walk, and it's basically
24 Center City and neighborhoods expanding
25 and growing near Center City. We talked

1 12/4/12 - RULES - BILLS 120800, etc.
2 about this in the Commission as the hole
3 in the doughnut. The doughnut of the
4 City is the older, established
5 neighborhoods. We call them areas of
6 stability, not change, that pretty much
7 okay under the old code as inefficient,
8 it's hard to understand as it was,
9 because they lived with it for so long
10 and there weren't a lot of developers
11 coming in and saying, boy, you know, this
12 doesn't match up with your neighborhood.
13 It did match up with the neighborhood.
14 So what it didn't match up with were
15 areas that had changes in their
16 demography and style of living. And
17 that's understandable, but how do you get
18 to change the center of the doughnut's
19 zoning and not change in any significant
20 way particular uses, density of
21 residential in the older, established
22 neighborhoods that have none of those
23 qualities where developers are itching to
24 build, where neighborhoods actually want
25 more density? And that's the areas I

1 12/4/12 - RULES - BILLS 120800, etc.
2 referred to, close to Center City.

3 So in finding recently that one
4 of our former, the major former
5 commercial corridor zoning, C-2, and we
6 basically have two neighborhood
7 commercial zonings in our old code. C-1,
8 which is generally the corner of any
9 commercial activity. It's the corner
10 store, the corner property. And C-2 that
11 were the rest of the block, anything that
12 fell into not being on a corner. They
13 had very similar uses in the old code.
14 They had no parking requirements, because
15 these properties were built before
16 off-street parking came into vote. And
17 C-1, the one I mention that's on the
18 corner, in the new code the Commission
19 got it right. Council got it right when
20 it approved it. Doesn't really need any
21 changes. Old uses are pretty much the
22 new uses. The residential component
23 makes all kinds of sense in C-1. It
24 basically says you're restricted on your
25 residential, that property owner in the

1 12/4/12 - RULES - BILLS 120800, etc.
2 C-1 zoning, by the nearest residential
3 district. So if it's single-family,
4 you're restricted by single-family.
5 Two-family, you're restricted by
6 two-family. And if it's multi-family,
7 you're allowed to do the multi-family.

8 So now we go to C-2, which
9 becomes CMX-2 in the new code, and that's
10 what I'm here for today and hopefully be
11 asking for your support.

12 The CMX-2, the old C-2, now has
13 a list of 15 uses, eight of which were
14 not allowed in the old code and I believe
15 seven of which were certificates, needed
16 a use certificate, much lower burden but
17 requiring a zoning hearing and a meeting
18 with the community usually to talk about
19 it. And in the new one, each one of
20 those 15 uses had an over-the-counter
21 permit, no requirement to go to the
22 Zoning Board, no requirement to go to the
23 community, just as a matter of right.
24 And one of them, because it's been used
25 in several publications, is the old pet

1 12/4/12 - RULES - BILLS 120800, etc.
2 store. Pet stores were allowed in C-2.
3 Why is animal services not being allowed
4 in my bill, which amends and takes animal
5 services out and makes it a variance?
6 Well, animal services has a totally
7 different definition than pet store.
8 Animal services allows kennels. It
9 allows crematory of animals. It allows
10 taxidermy. It allows a whole list of
11 things that weren't or people don't
12 usually think as a pet store. We don't
13 allow crematories in our funeral parlors.

14 It just was something that I
15 felt that's okay if you want to map it.
16 Put it in a district and map it, as I do
17 feel about all these different provisions
18 in CMX-2.

19 So what I'm asking is
20 essentially to take the CMX-2 uses back
21 to what they were in C-2 and take all the
22 good work that was done that I think will
23 be mapped in areas where people want to
24 be able to live without a car, walk
25 around, where neighborhoods as well as

1 12/4/12 - RULES - BILLS 120800, etc.
2 property owners want more density so they
3 can support more restaurants and other
4 local businesses because of more
5 population.

6 But they should be mapped, and
7 so the second bill actually takes the
8 CMX-2 that's in the code now and creates
9 that new district that would have to be
10 mapped through meetings with the Planning
11 Commission, the community, and the
12 District Councilman.

13 The one thing I would mention
14 is, there is -- while I'm talking about
15 CMX-2, there were a lot of C-2's in the
16 City in different districts. Some had
17 more than others. I didn't have any, but
18 there are some districts that have very
19 little and a couple that have a lot.

20 Now, this is the C-2 that I
21 described from before, the neighborhood
22 commercial zoning, where for different
23 reasons, the local community asked the
24 District Councilman for extra protection,
25 and that was put in as an overlay. I

1 12/4/12 - RULES - BILLS 120800, etc.
2 think there's 17 or 18 of them in the
3 City when the Zoning Commission finished
4 its work.

5 So the C-2 with overlay became
6 CMX-2.5, not CMX-2. And the overlay
7 situation was very difficult to deal
8 with. I understood it was getting a new
9 designation. But it also, like CMX-2,
10 got all these new uses as a matter of
11 right that weren't allowed before.

12 It also -- CMX-2.5, this
13 commercial corridor with extra protection
14 zoning, had the height limit not raised
15 from 35 to 38, as it had been in all
16 other residential districts and C-1 and
17 C-2 -- and everyone agreed on that, that
18 that was a modernization and one worth
19 doing. It was raised to 55. And while
20 it's not in here, it's a fairly simple
21 and I would consider it a friendly
22 amendment to move the 55 into the new
23 CMX-2.2 that I'd be creating, because
24 that is really dealing with these areas
25 sort of in the hole of the doughnut

1 12/4/12 - RULES - BILLS 120800, etc.
2 looking for more density, actually
3 needing in many cases more density, more
4 transit-oriented opportunities. And if
5 there is a place -- and I think there is,
6 but with a remapping -- those extra two
7 floors, let's just say, from going from
8 the 35 today to the 55 would create a lot
9 of that -- help create a lot of that
10 density.

11 So if the Administration, the
12 Planning Commission, those opposing my
13 bills don't think that 2.2 is needed if
14 Council changes the uses in the current
15 CMX-2, that's their wish. I offered as
16 what I consider a goodwill courtesy
17 because I do believe that there's a place
18 for this, but the place is in remapping.
19 It's just like the district that we
20 did -- and I don't remember all the
21 letters and numbers, but Councilman Green
22 may remember at least conceptually.
23 There's a new provision in the code, a
24 new district, that deals with industrial,
25 commercial, residential. And there was a

1 12/4/12 - RULES - BILLS 120800, etc.
2 lot of thought. A lot of work went into
3 it. We're talking about the same kind of
4 areas in that development-pressured area,
5 that pedestrian-friendly area that all
6 has to be mapped. And they will be the
7 first remappings. They will be the ones
8 people are waiting for to get those
9 provisions into the code.

10 I just ask that you consider
11 putting 2.2 as a new designation.
12 Whether we stay at 38 or go up to 55, I
13 just offer that as a possibility. But I
14 do think that it's very important that I
15 not worry about my own district where I
16 have probably a very small percentage of
17 CMX-2 that I could do an overlay in, when
18 probably 95 or more percent of the CMX-2
19 is in all the other districts.

20 And I don't think this is
21 something we can wait a year for. We
22 don't want to ever be in a position where
23 someone comes up to us when there's a use
24 in place that the community had no input
25 on, didn't have any knowledge of, and

1 12/4/12 - RULES - BILLS 120800, etc.

2 said to us, You knew what when? And you
3 did nothing? It's always easier to go
4 the other way if people want these uses
5 and work through a remapping than to use
6 a zoning reform process and I think
7 abuse, not intentionally, but I think it
8 abuses the -- it's the chart, the
9 conversion chart, where things get
10 converted automatically without community
11 input, and I can guarantee you that there
12 was not any community input on these
13 changes.

14 The new CMX-2 also takes the
15 residential language that's in CMX-2
16 today and CMX-2.5 today. And those two
17 assist them a way of creating density by
18 not going one or two-family, but just
19 going by how much square footage there
20 is. And that's not in existence under
21 the old code. The old code is what's in
22 C-1 and was in C-1 before that you are
23 restricted by the nearest residential.
24 And that's fair to both the community,
25 the neighbors, and the property owner.

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2 In my amendment in the CMX-2
3 and CMX-2.5, I go to that same very fair,
4 particularly for established
5 neighborhoods that aren't looking for big
6 changes, to that same definition of what
7 you can do with the housing part of your
8 commercial corridor, and, that is, you're
9 restricted by what you are nearest to in
10 terms of residential.

11 In the 2.2, the ratio's square
12 footage, lot ratio, which is not even in
13 the old code, that stays in there for
14 remapping purposes and does allow a lot
15 more, particularly if you go with the 55
16 height limit.

17 One other thing. There are --
18 you're going to hear, because I've had
19 conversations, that, Well, we made it
20 more restrictive getting a variance in
21 the new code. We did not. We have the
22 exact same law as to what the burden is
23 at the Zoning Board. What we did was, we
24 copied from particularly New York and
25 Chicago, because we found that we were

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2 the only city that has use variances 51
3 percent of our cases. They hardly exist
4 in other jurisdictions. Where people
5 wake up and they kind of know how the
6 property across the street is zoned,
7 unless City Council passes a zoning
8 change for that property or the property
9 meets the hardship requirements under the
10 law.

11 What we did in terms of making
12 it more difficult is, the Zoning Board
13 has more work to do. They actually have
14 to look at the property now -- we found
15 this in other cities -- or at least have
16 a representative visit the property. We
17 make them actually list why they made
18 their decision. It's not one word. And
19 it does discourage a lot of people
20 because they know now a use variance
21 isn't going to be as easy to get as it
22 was before.

23 We also reduced probably 20
24 percent of the cases by taking
25 non-conforming uses. Houses,

1 12/4/12 - RULES - BILLS 120800, etc.
2 particularly older, small row homes that
3 have now become very expensive, not too
4 far from Center City, where every little
5 thing you did to your house you had to go
6 because you pre-dated zoning and your
7 house didn't even match your own zoning
8 in any way. And now it's contextual. If
9 you are -- if you do what the rest of the
10 block has done, you fit in, you can get
11 that kind of thing over the counter and
12 approve your property and make it look
13 more attractive.

14 A whole lot of cases are not
15 going to go to the Zoning Board that used
16 to go there before, but you have to watch
17 when your method of reducing the cases at
18 the Zoning Board is just to allow uses
19 that the community may not want, in many
20 cases has made it clear they don't want,
21 and do it without a hearing and due
22 process out in the community. And
23 mappings are for that.

24 But I'll stop there and answer
25 any questions.

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2 COUNCILMAN GREENLEE: Yeah.

3 There's a few questions, and I do want to
4 get to the other testimony.

5 Councilman Kenney.

6 COUNCILMAN KENNEY: Thank you.

7 Thank you, Councilman, for your
8 testimony and for your work on the Zoning
9 Code Commission.

10 Just so the chart is clear,
11 wherever the red N's are, they're not
12 excluded forever unless you get a
13 variance, correct?

14 COUNCILMAN O'NEILL: Or a
15 Council ordinance.

16 COUNCILMAN KENNEY: Council
17 ordinance or variance.

18 COUNCILMAN O'NEILL: Yeah. I
19 think they'll be much more going through
20 City Council, because that's what happens
21 in other cities.

22 COUNCILMAN KENNEY: So no one
23 looking at this list is unclear, you can
24 do this --

25 COUNCILMAN O'NEILL: Yes.

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2 COUNCILMAN KENNEY: -- group
3 homes, personal care homes, single
4 residence, with a variance or an
5 ordinance?

6 COUNCILMAN O'NEILL: Yes.

7 COUNCILMAN KENNEY: Okay.
8 Fine. Thank you.

9 COUNCILMAN O'NEILL: Just take
10 an example. There are -- I have more
11 community living arrangements in my
12 district than probably the rest of the
13 City combined. Three adults. It started
14 in Mayor Green's Administration when
15 Pennhurst was opened up. And the City,
16 L&I, Law, City Council decided then that
17 our zoning of no more than three
18 unrelated adults fit this, and they are
19 absolutely protected, not just because
20 federal law came in later, it was
21 protected for 20-some years before
22 federal law came in.

23 There are group homes, halfway
24 houses in different parts of the City,
25 but they've been there, the community

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2 know them, the community had input in
3 them. And there are different kinds of
4 group living, and the community should
5 have some say in what they have in their
6 area. And some you have no problem with
7 in an area; others you have plenty of
8 problems with. You may even have some
9 very close by, and that's an issue in
10 terms of geographic density.

11 So it's really to have the
12 remapping process be done in areas where
13 you're really changing uses and changing
14 them in a fairly significant way. Thank
15 you.

16 COUNCILMAN GREENLEE: Thanks.

17 Councilman Green and then
18 Councilman Goode.

19 COUNCILMAN GREEN: Thank you,
20 Councilman O'Neill. I know you worked
21 very hard on many of these issues during
22 our time together on the Zoning Code
23 Commission. I am a little disappointed
24 to see us here so quickly after that
25 passed, especially because CMX-2 and

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2 CMX-2.5 and the difference between the
3 two of those districts were really
4 intended to address many of your concerns
5 that were raised during the process, and
6 I thought we had reached an agreement
7 among everybody, especially in the last
8 negotiations between Council after the
9 minority/majority report came back,
10 between Council and the Administration.
11 And so I hate to see us move back to a
12 situation where, as you said, 51 percent
13 of the cases are for use variances and
14 you're requiring that seven of these that
15 are currently permitted under CMX-2, with
16 a lot of thought put into that in this
17 district, will now have to go for a
18 special exception. And so that maybe it
19 won't be 51 percent, but we're not
20 achieving the end of getting these cases
21 out of the zoning district.

22 So I don't have questions for
23 you. I'm not going to get into a --

24 COUNCILMAN O'NEILL: Let me
25 answer you, because I think --

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2 COUNCILMAN GREEN: -- debate

3 with you about it, but I just want to say

4 with respect to a couple of these things,

5 I struggled with putting them in. Group

6 living. Although I don't think group

7 living or personal care home, it's not in

8 a residential area. It's in a commercial

9 area. That's the very point. It's

10 CMX-2. It's where there's commercial

11 activity happening. It's not on a street

12 in East or West Oak Lane or Somerton.

13 It's in a commercial district. So it's

14 different than in a neighborhood, which

15 is what I understood we were trying to

16 prevent and actually achieved. We

17 prevented them from being permitted in

18 areas I just described as part of our

19 work on the Zoning Code Commission.

20 I just had -- a yogurt shop

21 went into Chestnut Hill called Chill, and

22 as a consequence of this change, they

23 didn't have to go get a variance, they

24 were able to start their construction

25 timely. And otherwise they were getting

1 12/4/12 - RULES - BILLS 120800, etc.
2 grief from neighbors who weren't
3 opposed -- who had a right to say
4 something because they needed a variance
5 or a special exception, I can't recall
6 which one, simply because they didn't
7 want right off Germantown Avenue cars to
8 stop for yogurt on what is clearly a
9 commercial corridor.

10 And so I think some of these --
11 even if I were to agree and say -- market
12 or community farm, I thought that was
13 ridiculous to put on a commercial
14 corridor, for example, community garden.
15 But my view is, if the market is not
16 going to support anything but a market or
17 community -- the reason I said okay is
18 because if that's all the market supports
19 there, and I can't see that on a
20 commercial corridor, then why not permit
21 it and let the market decide whether or
22 not a farm or community garden could go
23 there. It's not a bad use.

24 So I just wish we weren't here
25 or -- you know, from what I can tell, you

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2 have the votes for it, so I hope we move
3 out CMX-2.2, but I'm going to vote
4 against this for the reasons I just
5 stated.

6 COUNCILMAN O'NEILL: Let me
7 complete the record, and thanks for your
8 comments. They're very thoughtful, and
9 you were a big part of the process, very
10 active and helpful. I don't think we
11 would have accomplished what we
12 accomplished if we hadn't done it
13 together.

14 But this issue of these uses
15 and changes that affect the whole city,
16 it's my belief -- and I may see things
17 differently than others, but commercial
18 corridors are neighborhood commercial
19 corridors. They exist in residential
20 neighborhoods for residential
21 neighborhoods, and we can't separate the
22 two out. Our community doesn't, and we
23 can't.

24 I spend an enormous amount of
25 time on the old C-7, which is anywhere

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2 you have to pull off the street. It
3 could be a single Wawa, gas station. It
4 could be a strip of stores. They're all
5 over the City now, but they more or less
6 started up in my district years ago
7 because it was newly built and kind of
8 spread out from the rest of the City.
9 The old C-7 in the early versions of the
10 new code was a lot like this. It was
11 just throwing things in that, yeah,
12 they're in other cities, they allow them
13 in this. And they all came out kind of
14 like the C-1 did, and if we want to
15 change that, we change it along the way.
16 There is a remapping process. But first
17 of all, we have to do no harm and be
18 protective, and I don't think we can wait
19 a year to do that, and I hope that's the
20 Committee's wishes.

21 The other thing is that we have
22 a responsibility, and this is to get it
23 right. If we didn't get it right the
24 first time, we get it right as soon as we
25 have an opportunity to get it right. And

1 12/4/12 - RULES - BILLS 120800, etc.

2 I think that the new district, CMX-2.2,
3 particularly, Bill -- I'll speak to
4 Councilman Green -- if you add the 55,
5 that's going to be mapped in the areas
6 that will probably want it and embrace
7 it. And they already have to wait for
8 remapping anyway in those areas, because
9 the key item of industrial, commercial,
10 residential has to wait for remapping.
11 That's a new district that fits into
12 those areas of change.

13 So I appreciate the time, and
14 ask for your consideration and for a
15 rules suspension, if possible, and be
16 here -- I'll stay to answer any questions
17 you may have in reaction to any --

18 COUNCILMAN GREENLEE: Before
19 you do, I think some other members
20 have -- I will say for the record, we
21 have a lot of people that want to
22 testify. So if we could be as quick as
23 possible but still get our questions in,
24 I appreciate it.

25 Councilwoman Tasco.

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2 COUNCILWOMAN TASC0: Yeah. I'd
3 just like to say that we spend a lot of
4 time -- I'm a District Councilperson like
5 Councilman O'Neill, and certainly his
6 hands-on with the zoning issues that have
7 been raised, I appreciate. One of the
8 concerns I have here is by-right, to
9 allow a transit station. Well, my
10 experience was having a bus stop at Broad
11 and Olney to pick up people to go to the
12 casino, and had no permission, and we
13 couldn't get rid of that bus.

14 So if you're giving me a
15 transit stop in my commercial corridor --
16 and commercial corridors in my district
17 are neighborhood commercial corridors.
18 They are strips with residential
19 properties around, and the folk who live
20 in that neighborhood, including people
21 who are here about this billboard, care
22 about their neighborhood and care about
23 what is there in the commercial corridor.

24 If you give group living, which
25 I support, but there has to be a dialogue

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2 about that. You just can't go in and get
3 it. You have to have some relationship
4 with the community in terms of how that
5 program is going to work and how it's
6 going to fit. And we fought a lot -- not
7 fought, but we have had discussions about
8 a number of these things in my district,
9 and to see some of them here by-right is
10 problematic for me.

11 COUNCILMAN O'NEILL: Well, let
12 me just respond, because it's partly in
13 response to Councilman Green's also when
14 he mentioned the community gardens and
15 farmers' market type things.

16 I didn't want to pick and
17 choose in doing this. I just wanted
18 to -- I thought the fairest way was to go
19 back to the C-2 that we had. We did the
20 same thing with C-1. And if we wanted to
21 tweak it because some things weren't
22 around before and people thought we'll
23 have a lot of time, because the Planning
24 Commission put a 45-day hold on the
25 passage of this bill. They used a rarely

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2 used power to do that, but we can still
3 report out the bill today, and that gives
4 us time to have some dialogue and
5 tweaking on modernization items and
6 things like that.

7 Transit stations, I agree with
8 you, Councilwoman Tasco, but I also would
9 offer that in the areas of high density,
10 some of which want more density, they do
11 fit and they would fit in a remapping,
12 and they'll be in the CMX-2.2 and, if the
13 Committee's desire and Council's desire,
14 with a 55-foot amendment.

15 COUNCILMAN GREENLEE:

16 Councilman Goode.

17 COUNCILMAN GOODE: Thank you,
18 Mr. Chairman.

19 Councilman, I completely
20 understand what you're trying to do and
21 why you're trying to do it, and concur
22 that you're serving your constituents
23 well. My issue with this -- and I can't
24 support it -- is simply that I don't
25 think that it applies to most of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 City. And so you use terms like
3 "established neighborhoods." What
4 percentage of neighborhoods would you say
5 are, quote/unquote, "established
6 neighborhoods"?

7 COUNCILMAN O'NEILL: We used --
8 it's a rough number, but the number we
9 talked about was 80/20. Stable
10 neighborhoods that aren't having zoning
11 pressures, developers saying the code is
12 outdated. You know, the code wasn't
13 perfect, but it kind of worked in those
14 areas, but everybody understood that you
15 had to change or we weren't going to get
16 the investment we needed more in the
17 core.

18 And I can tell you that every
19 district, I think, needs to have this.
20 Mine probably the least. And the
21 districts with the two most overlays,
22 which are 5 and 8, need it tremendously.
23 I mean, they definitely -- but it's
24 throughout the City.

25 COUNCILMAN GOODE: I guess my

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2 question more so is, to be more specific,
3 is, if we leave it the way it is, it
4 doesn't work for certain neighborhoods or
5 districts. Well, let's say
6 neighborhoods.

7 COUNCILMAN O'NEILL: I'd say 80
8 percent at least.

9 COUNCILMAN GOODE: I wouldn't
10 necessarily concur with that.

11 COUNCILMAN O'NEILL: You asked
12 my opinion, yeah.

13 COUNCILMAN GOODE: Then I'll
14 move on to the next question, then. The
15 next question is simply -- or actually
16 it's a statement. I happen to have
17 started my career managing commercial
18 corridors, and the characterization of
19 commercial corridors is simply being
20 neighborhood commercial corridors as if
21 they belong to those neighborhoods was
22 not accurate when I did that work, and I
23 believe it's still not accurate. When we
24 actually surveyed people who shop on
25 neighborhood commercial corridors and

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2 asked what their second preferred
3 shopping area was, they named another
4 neighborhood commercial corridor. So
5 people who shop on neighborhood
6 commercial corridors or shop on
7 commercial corridors shop on many
8 commercial corridors, and so they are
9 considered to be business districts and
10 they are sometimes considered to be
11 regional business districts, and people
12 travel there, and we want people to
13 travel there. And at the end of the day,
14 the goal is not to provide goods and
15 services if we're being effective just to
16 a specific neighborhood. We want to do
17 that, absolutely, but we want those
18 commercial corridors to be more vibrant.
19 We want them to draw people from around
20 the City, in some cases from outside the
21 City.

22 And so the goal in the end for
23 my work and my experience, particularly
24 in terms of community and neighborhood
25 economic development, is that we don't

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2 want to have that view of commercial
3 corridors as being that limited in terms
4 of they are just there to provide goods
5 and services and jobs just for the
6 immediate residents.

7 COUNCILMAN O'NEILL: Okay. Two
8 points of response, and I appreciate your
9 description of that. I know about your
10 work before you came here.

11 It isn't the shopping aspect of
12 the commercial corridors that I referred
13 to in their neighborhood. It's the
14 impact on the local residents of the
15 uses. There aren't -- the most severe
16 use changes here are not what we would
17 call commercial uses. They're not
18 retail. They're not draws. There are
19 others that may have needed a certificate
20 before and weren't going to need anything
21 now that now need a special exception,
22 which is the equivalent of the old
23 certificate. But that occurred over in
24 those neighborhoods and in the City
25 Council over a period of time based on

1 12/4/12 - RULES - BILLS 120800, etc.
2 requests from the community members.

3 For instance, the take-out
4 issue is a certificate, now special
5 exception rather than over-the-counter,
6 and it's issues in many neighborhoods
7 with take-out, the take-out part of the
8 retail that the community wanted some
9 more input on. We didn't make it a
10 variance when they said that. We made it
11 a certificate. A certificate almost
12 always results in someone going in,
13 unless they just refuse to agree with the
14 community, because the burden is on the
15 community on a certificate case. It's
16 not one of the use variances or the 51
17 percent that -- because the use isn't
18 changing. It's still a deli. It's just
19 doing take-out instead of other things,
20 or whatever the store might be.

21 That's where I just would make
22 the distinction there, but I do
23 understand your point.

24 COUNCILMAN GOODE: If I can
25 just make one more point. While I have

1 12/4/12 - RULES - BILLS 120800, etc.
2 not worked on commercial corridors as
3 recently, I do still follow research
4 related to it, and one of the more
5 interesting things that came out more
6 recently was a report by the Center City
7 District which talked about where the
8 jobs are. And we, of course, have too
9 many jobs going outside of Philadelphia,
10 and that's something that we have to
11 reverse. We also have a high
12 concentration of jobs in too few places,
13 Center City, University City, Navy Yard,
14 and essentially that report suggests that
15 we actually have to create more jobs
16 within neighborhoods, which is going to
17 require many different types of uses and
18 the ability of businesses to create
19 enterprises within neighborhoods if we're
20 actually going to grow jobs, particularly
21 from small businesses.

22 COUNCILMAN O'NEILL: Okay.
23 Thank you.

24 COUNCILWOMAN TASC0: I'd like
25 to speak on that. I can agree with you

1 12/4/12 - RULES - BILLS 120800, etc.
2 on some of that, but the uses here are
3 not uses that fit into your category --
4 your comments. Some of these uses do
5 require community input. It doesn't say
6 that you can't have the business there,
7 but there has to be some input by the
8 community; for instance, group homes,
9 personal care homes, single residents.
10 How do we handle that? And being a
11 District Councilperson and dealing with
12 some of the individuals who might want to
13 engage in this activity are not in the
14 best interest of the community. I'd like
15 to have them come to the community and
16 give, just like folks here negotiated on
17 the side, what does it mean to the
18 community to have your business in our
19 neighborhood. While we're not saying
20 people we want shut down, we have
21 opportunity for people to shop. But I
22 don't want a transit station on Vernon
23 Road and I don't want it on Wadsworth
24 Avenue and I don't want a transit station
25 on Ogontz Avenue. They're inappropriate.

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2 Now, we can find some other place for
3 them to be, but some of the list here
4 where we have specifically noted a
5 personal vehicle repair on Vernon Road or
6 on Ogontz Avenue where we're trying to
7 develop employment and jobs and a vibrant
8 neighborhood, we got enough vehicle
9 repairs. I had to stop the proliferation
10 of used car sales businesses on Broad
11 Street. On Broad Street. So I wouldn't
12 want that to be a by-right.

13 So I think we have to be
14 specific. We're not trying to stop
15 employment or the generation of new
16 businesses. We welcome that, but what it
17 is -- some of these businesses have
18 caused a lot of us, Jannie, West Philly,
19 Wynnefield, North Philadelphia, West Oak
20 Lane, Germantown, Olney, East Oak Lane,
21 problems, and that's why I support this.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 COUNCILMAN GOODE: Mr.
25 Chairman.

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2 COUNCILMAN GREENLEE: I'm
3 sorry. Please.

4 COUNCILMAN GOODE: This is not
5 just about shopping. I think at the end
6 of the day, as I stated, leaving it the
7 way it is is going to be a problem for
8 certain neighborhoods and changing it is
9 going to be a problem for certain
10 neighborhoods. In certain neighborhoods,
11 as you will hear further testimony, they
12 don't have the luxury of actually
13 dis-inviting businesses. In certain
14 neighborhoods, they don't have the luxury
15 of turning away investment. What we need
16 in most of those neighborhoods is
17 actually better businesses, a better mix
18 of businesses. But in general, in terms
19 of seeing Philadelphia as I see
20 Philadelphia, there probably should not
21 be one plan for every neighborhood in
22 this regard, and I'm more concerned about
23 discouraging investment in neighborhoods
24 that need it the most.

25 COUNCILMAN GREENLEE: Thank

1 12/4/12 - RULES - BILLS 120800, etc.
2 you.

3 Councilwoman Bass. I note
4 there's other people that want to --

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

7 I want to echo Councilwoman
8 Tasco's sentiments, because as the
9 Councilperson for the 8th District, I
10 feel responsible for my district. I feel
11 responsible for its commercial corridors,
12 what happens, what works, what doesn't
13 work. Because at the end of the day,
14 people are really going to hold me
15 accountable in terms of whether there is
16 a problematic -- let's say, for example,
17 a problematic personal care home in one
18 of my commercial corridors. And actually
19 there are -- in a couple of my corridors,
20 I do have a few that are problematic.
21 Whether there are any of these other uses
22 that would need some sort of special
23 exception, right now they can be very
24 much problematic throughout my district,
25 and trying to figure out how we can be

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2 most helpful to the people who operate
3 businesses, to enhance their business, to
4 get other people to come into the
5 community to do their shopping, and also
6 to support the people who live in those
7 neighborhoods, who are part of the fabric
8 of that commercial corridor.

9 So I have a lot of concerns
10 about the new CMX-2 and what it may
11 exclude and what it may allow. So I
12 think that we need to think about what
13 we're doing here and are we making our
14 communities and our commercial corridors
15 better or are we just interested in
16 speeding up zoning cases. You know, what
17 are we actually trying to accomplish
18 here.

19 So I know that there's been a
20 lot of work done. I don't want to
21 diminish any of the work that all of the
22 parties have put in, because I think that
23 everyone's thoughts and their hearts were
24 really in the right places, but I still
25 think that there is, like you mentioned,

1 12/4/12 - RULES - BILLS 120800, etc.

2 a hole in that doughnut, that I think we
3 need to close it.

4 Thank you.

5 COUNCILMAN O'NEILL: Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 There's some other
9 Councilmembers -- Councilman Jones has
10 had his light on for about two hours. So
11 Councilman Jones, why don't you go first,
12 and then Councilman O'Brien.

13 COUNCILMAN JONES: I'd like to
14 echo the sentiments of this Council and
15 thank you for your involvement on the
16 Zoning Code Task Force, along with my
17 appointee, Councilman Green, who I think
18 spent a lot of time over a four-year
19 period working with the Administration to
20 reduce the amount of trees that die, the
21 amount of lawyers that benefit from the
22 depth of those trees to codify our Zoning
23 Code in a way that gives a couple of
24 things, predictability to people who have
25 to invest their private capital in those

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2 inner city commercial corridors.

3 As someone who had the
4 opportunity to work with Councilman Goode
5 on commercial corridors, I spent 14 years
6 of my life working on commercial
7 corridors, from Cottman Avenue to
8 Chestnut Street. So I've been in every
9 part of this city working on close to 300
10 commercial corridors in the City of
11 Philadelphia. I can tell you the case of
12 Broad and Olney where I used to have to
13 sit over here and hear Councilwoman Tasco
14 talk about wholesale stores on York --
15 5th Street, that I took a lot of
16 whoopings about on that, but I've also
17 experienced as a District Councilperson
18 stifling of development opportunities
19 that should happen in a recession where
20 hundreds of jobs were stifled because one
21 person decided to take advantage of
22 existing laws and lack of predictability
23 to block entire projects, to the point
24 where appeal after appeal after appeal,
25 strangled the project financially and it

1 12/4/12 - RULES - BILLS 120800, etc.
2 is in jeopardy of going away.

3 So, now, when I look at this
4 piece of amendment, I see that you're
5 talking about -- Councilman Goode raised
6 an interesting issue, that commercial
7 corridors are as unique as the
8 neighborhoods that they're in, and when
9 you say a traditional neighborhood, I
10 don't understand what that is, but I do
11 understand that on Market Street, we had
12 a beautiful El transit project there and
13 it killed 40 percent of the businesses on
14 that corridor. Property values haven't
15 changed that much. The only way that
16 they will enhance themselves is by
17 building up and increasing density.
18 That's just the fact. That unless we get
19 more people closer to transit nodes to
20 move more people fewer miles, then inner
21 city development like what is happening
22 in Denver will not happen in
23 Philadelphia.

24 So I understand clearly of
25 having a nuisance business on a

1 12/4/12 - RULES - BILLS 120800, etc.
2 commercial corridor. I deal with it
3 every day. But I also understand on the
4 other end of the coin that when people
5 have to put their private treasury, their
6 personal capital up, they want some
7 predictability about whether or not their
8 deal is going to get done. And we have
9 to be responsible stewards for that too,
10 because we're looking for money from all
11 the wrong places of people who -- you
12 know, in neighborhoods that own houses,
13 and we're increasing real estate, but
14 we're not increasing the pie by way of
15 taxable properties, density increased in
16 the -- and God ain't making no more land.
17 He's just not.

18 COUNCILWOMAN TASC0: The issue
19 here is not that they can't do it. It's
20 that they have to go and have input from
21 the community to do it.

22 COUNCILMAN JONES: I agree, but
23 on the other -- not a debate.

24 COUNCILWOMAN TASC0: So for one
25 project that probably I think

1 12/4/12 - RULES - BILLS 120800, etc.
2 unfortunately died, there were many more
3 properties that would have been negative
4 to the community that were not approved
5 by the Zoning Board.

6 COUNCILMAN JONES:
7 Councilwoman, they spent four years
8 working on this. I am stunned as to why
9 this didn't come up three years before
10 and that, you know, after all of the work
11 we've done, here we go again back to
12 square one, and I'm just confused about
13 that.

14 COUNCILMAN GREENLEE: I guess
15 that shows you how complex this was.

16 COUNCILMAN JONES: All the
17 sudden we realized that this wasn't going
18 to happen? I mean, I don't understand
19 it.

20 COUNCILWOMAN TASC0: Well, you
21 know, certainly we attended some of the
22 sessions, but not all of them. We had
23 staff there. It was a very complex and
24 ongoing process, but it doesn't mean that
25 we can't raise the question and make the

1 12/4/12 - RULES - BILLS 120800, etc.

2 change as we see it that comes before us

3 that may be detrimental to our district.

4 So just because we spent a year or two or

5 three years doing it doesn't mean that --

6 COUNCILMAN JONES: Five years.

7 COUNCILWOMAN TASC0: -- we have

8 to accept everything that they've put in

9 here. All we're saying is, look, there

10 are some uses here that may be all right

11 in the neighborhoods that want them, but

12 we're just saying you need to go before

13 the Zoning Board and get permission.

14 COUNCILMAN GREEN: Point of

15 information.

16 COUNCILMAN GREENLEE:

17 Councilman Green.

18 COUNCILMAN GREEN: Let's call

19 this a draw.

20 COUNCILMAN JONES: I wasn't

21 done, but I guess --

22 COUNCILMAN GREENLEE: I would

23 like --

24 COUNCILMAN JONES: -- I will

25 allow seniority and let Councilwoman

1 12/4/12 - RULES - BILLS 120800, etc.

2 Tasco stop my comments. But I wasn't
3 done. But I will call it a draw and say
4 that we agree to disagree.

5 COUNCILMAN GREENLEE: Thank
6 you. And, again, we have a lot of people
7 that want to testify, if we could move as
8 quickly as you can.

9 Councilman O'Brien, you had
10 your light on.

11 (No response.)

12 COUNCILMAN GREENLEE:
13 Councilwoman Sanchez.

14 COUNCILWOMAN SANCHEZ: Thank
15 you.

16 And I appreciate all the
17 conversations and all the work that's
18 gone into this, and I think that it's not
19 an either/or. It's an "and." And
20 unfortunately -- and I have to go on the
21 record on this -- I have not had enough
22 time to review this. I have not had
23 enough time to measure its impact.

24 I represent a district
25 significantly challenged as it comes to

1 12/4/12 - RULES - BILLS 120800, etc.
2 redevelopment, with a lot of
3 underutilized warehouse and old
4 buildings. This impacts 60 percent of my
5 commercial area. And I am not prepared,
6 and I'm going to ask this Council in
7 terms of timing, I am very uncomfortable
8 with this level of impact on my district
9 without me having an opportunity to
10 really study it. And so I'll repeat this
11 again. This impacts 60 percent of my
12 commercial area.

13 Some of the uses that you're
14 looking to go to special exception -- and
15 I agree with Councilwoman Tasco,
16 community input is always vital,
17 absolutely, and those of us who are in
18 districts try to work at ensuring that
19 that happens, whether it happens at the
20 Zoning Board or in the community forum.
21 But there is some uses here that are
22 going to be restricted that I have
23 serious concerns about, because those are
24 the areas that we've already identified
25 and it's part of community development

1 12/4/12 - RULES - BILLS 120800, etc.
2 planning that we need to enhance and
3 support.

4 So when you look at artist
5 studios and art industrial, I have the
6 Crane buildings. I have some very, very
7 creative, new industries that are being
8 created in my American Street Corridor
9 that for many years we fought about
10 keeping it industrial and now we talk
11 about it all the time because of its
12 potential vitality and job creation in my
13 district, because we are thinking a
14 little bit outside the box.

15 When we look at community
16 gardens and markets, Councilman Jones
17 knows, we've been talking about creating
18 a flea market from recycled shipping bins
19 and that the Zoning Board turned down,
20 because they were calling it 37 other
21 structures that we have to do via
22 ordinance.

23 So I'm not opposed, and I
24 absolutely agree. And this is one that I
25 will always say, that councilmanic

1 12/4/12 - RULES - BILLS 120800, etc.
2 prerogative is so vital, because we know
3 our districts. I don't pretend to know
4 every detail related to everybody else's
5 district. I know what's going on in my
6 district, and this would be detrimental
7 to my community development process, to
8 my community process.

9 We have re-branded El Centro de
10 Oro and some of the uses that we have in
11 there fit in this category. We have
12 attempted to re-brand our 19125 zip code
13 with green industries, from Lehigh Avenue
14 to Berks, with the building of a \$44
15 million LEED-certified school. All of
16 those things are going to be impacted.

17 So if in fact folks have issues
18 with their stuff in the district and
19 they're not willing to wait to the
20 remapping process, then I need to be
21 exempt from this, because I can't have my
22 hands further tied. And I'm going
23 specific to the uses, because there's a
24 lot of uses here that I absolutely agree
25 are room for discussion. Everybody knows

1 12/4/12 - RULES - BILLS 120800, etc.

2 I have a recovery home problem. So how
3 we convert group living, I absolutely
4 have an issue. But artist studios and
5 art industrial, community gardens, market
6 and community farms are vital to the
7 plans that I've already laid out. So I
8 am going to ask --

9 (Applause.)

10 COUNCILWOMAN SANCHEZ: -- that
11 I be excluded from this if this is a
12 time-sensitive issue, which I do not
13 think it is. I think there's a lot of
14 things that I can agree on, and I'm going
15 to ask the bill sponsor and this
16 Committee to allow people like me in
17 districts like mine to really think and
18 work through this so it doesn't have an
19 impact to 60 percent of my commercial
20 development.

21 COUNCILMAN GREENLEE: Actually,
22 Councilman O'Brien. He had his light on
23 earlier. So please.

24 COUNCILMAN O'BRIEN: Thank you,
25 Councilman.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Councilman, I just have a
3 question since in your testimony you
4 specifically mentioned community living
5 arrangements. In my experience,
6 community living arrangements have had to
7 go through bloody neighborhood battles in
8 trying to provide residential living
9 arrangements in my old legislative
10 district. I want to know how they're
11 going to be treated in your amendment.

12 I've had situations where
13 individuals have grown up in a house in a
14 community. Their parents want to turn
15 that house over to their son or daughter,
16 as it may be, and then have two other
17 individuals who also have grown up in the
18 same community and have that house
19 operated by SPIN or PATH or one of the
20 wonderful providers in Northeast
21 Philadelphia. The community comes out
22 and says, I don't want this in my
23 neighborhood. I've gone to those
24 meetings where I've told the community,
25 This individual has lived here longer

1 12/4/12 - RULES - BILLS 120800, etc.
2 than you, and they have a right to live
3 in this community and continue to live in
4 this community.

5 I want -- I guess the question
6 is, as it was under the old Zoning Code,
7 they had to go for a zoning variance.

8 COUNCILMAN O'NEILL: Not true,
9 but I'll clarify it for you.

10 COUNCILMAN O'BRIEN: But that's
11 what -- I need clarification as to
12 whether under your amendment they have to
13 go for a complete remapping or an
14 ordinance to City Council.

15 COUNCILMAN O'NEILL: No. It's
16 no different under the old code and under
17 the new code. There's no requirement to
18 go to Zoning. The community living
19 arrangements, three people unrelated in a
20 house with a staff member around the
21 clock, I have many of them and there
22 hasn't been -- there have been people
23 years ago that tried to see if they could
24 stop it, but I can't even remember back
25 the last time we even had a meeting about

1 12/4/12 - RULES - BILLS 120800, etc.
2 it.

3 What I tell people -- and I
4 think this is citywide, because it's an
5 over-the-counter permit -- is, you
6 have -- that is a home. That group of
7 people are treated just like anybody else
8 in a home. You have no right to know any
9 more about it than that an agency
10 purchased it, owns it. And if you think
11 there's a problem with that home, it will
12 probably be with staff, if there is one,
13 and this is the number. And if the house
14 isn't in a good appearance, the agencies
15 want to know.

16 But it never gets to a
17 community meeting. That hasn't happened
18 for a long, long time, but it has
19 never -- as I said earlier, Mayor Green
20 was in office when the Pennhurst was --
21 Pennhurst was closed and the CLA started,
22 and it was agreed internally in the City
23 between Law, the Administration, L&I, and
24 Council that the definition of a family
25 in the single-family section of our

1 12/4/12 - RULES - BILLS 120800, etc.
2 Zoning Code, which is three unrelated --
3 up to three unrelated adults, covers
4 this, and it's never been challenged, and
5 it wouldn't be. It would be thrown out.
6 It's not in Common Pleas Court now. It
7 will be thrown out in Federal Court.

8 The group home -- the group
9 living that was put into this area is for
10 up to eight and it covers a variety of
11 different things, but it doesn't cover
12 CLAs, and they are as a matter of right.
13 But thank you for your question, because
14 that's important.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Are you finished, Councilman
18 O'Brien?

19 COUNCILMAN O'BRIEN: Yes.

20 COUNCILMAN GREENLEE:
21 Councilwoman Blackwell.

22 COUNCILWOMAN BLACKWELL: Thank
23 you.

24 I certainly want to associate
25 myself with the statements made by

1 12/4/12 - RULES - BILLS 120800, etc.
2 Councilwoman Tasco and agreed to by
3 Councilwoman Bass, and especially with
4 District Councilpeople. In fact, I might
5 have been more restrictive than even
6 Councilman O'Neill's bill indicates in
7 some areas.

8 You really have to, when you
9 have a district and you have people -- we
10 have everybody from universities to
11 hospitals to residential, and, of course,
12 it runs the gamut from those well-to-do
13 and the have-nots. You really have to be
14 careful to make sure that you have public
15 input.

16 All of this information, all of
17 my issues with RCOs, the next bill, come
18 up to making sure that the community is
19 aware of what's going on. And if I err,
20 I'd rather err on the side of inclusion,
21 making sure they know, than not making
22 sure they don't know. So I certainly
23 want to associate myself with her
24 comments, and thank the Councilman for
25 introducing this bill.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Councilwoman.

4 Councilwoman Tasco, and then I
5 would like to move to the public
6 testimony.

7 COUNCILWOMAN TASCO: Is it
8 possible for us to -- those of us who
9 want this bill passed to pass it and then
10 you exclude some districts? We've done
11 that before.

12 COUNCILMAN O'NEILL: As I said
13 earlier, I'm asking for it to be reported
14 out today. The Planning Commission has
15 already voted and exercised their right
16 to have it tabled for 45 days. So
17 there's plenty of time to talk about -- I
18 said earlier, Councilwoman, I just took
19 what was in C-2 and tried to be fair and
20 not be the one picking and choosing. But
21 I do think --

22 COUNCILWOMAN SANCHEZ: Yeah. I
23 heard your testimony. I just think that
24 there's a lot of community planning in
25 different districts that's going on. And

1 12/4/12 - RULES - BILLS 120800, etc.
2 so you've listed -- there's a few thing
3 in here that I can agree with, but you've
4 listed some stuff that is prime to the
5 type of development that I'm doing, and I
6 just don't want to be rushed into this,
7 and I think the mapping covers some of
8 this stuff as people map. I don't want
9 to this in my district.

10 COUNCILMAN GREENLEE: I
11 understand.

12 But as I understand,
13 Councilman, from what -- I want to get to
14 public testimony. You said because City
15 Planning Commission -- if we report it
16 out today, you're not going to ask that
17 it be moved?

18 COUNCILMAN O'NEILL: No. No.

19 COUNCILMAN GREENLEE: All
20 right. Okay. Until after the Planning
21 Commission does what they --

22 COUNCILMAN O'NEILL: In fact, I
23 don't even think I can.

24 COUNCILMAN GREENLEE: Fine. I
25 want to make that clear. Okay. Fine.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Amazing. Public -- who do I
3 got here? Mr. Greenberger.

4 (Short recess for
5 stenographer.)

6 COUNCILMAN GREENLEE: We're
7 actually going to go back into the public
8 hearing after all that back and forth.
9 Please settle down. I know it's been a
10 long day. I appreciate everybody's
11 patience.

12 Mr. Greenberger, Ms. Gladstein,
13 please.

14 And, again, I'm asking
15 everybody -- I know you have statements.
16 If you could be as brief as possible, I
17 think we've had a lot of vetting about
18 this already. So Mr. Greenberger,
19 please.

20 Hold on. Please. Please.

21 Mr. Greenberger, please go
22 ahead.

23 DEPUTY MAYOR GREENBERGER:

24 Thank you, Mr. Chairman.

25 COUNCILMAN GREENLEE: And we'll

1 12/4/12 - RULES - BILLS 120800, etc.
2 take testimony on both bills together.

3 DEPUTY MAYOR GREENBERGER:

4 Yeah. We'll do this together, and if
5 it's okay with you, I have just some
6 brief comments and I'll turn it over to
7 Ms. Gladstein.

8 I'm not going to read my
9 testimony. I want to make a couple of
10 critical points related to some of the
11 discussion that's happened thus far this
12 morning.

13 First of all, as was noted I
14 think by several Councilmembers, this
15 item about what's in CMX-2, what's in
16 CMX-2.5 -- and I'm going to say this
17 later when the RCO issue comes up -- were
18 probably two of the most heavily debated,
19 analyzed, dissected issues we experienced
20 in the four years of doing the Zoning
21 Code. There were dozens and dozens of
22 meetings, Council briefings, meetings in
23 Councilman O'Neill's office to actually
24 go through the list and figure out where
25 we ought to be. And I appreciate that

1 12/4/12 - RULES - BILLS 120800, etc.
2 sometimes people change their mind, they
3 see something they didn't understand or
4 didn't think they knew before and think
5 there needs to be a change, but this
6 thing has been enormously vetted.

7 So now what we have is, we have
8 a series of amendments coming to us that
9 came to us, let's see, a couple of -- was
10 it maybe a month ago with the clean-up
11 ordinance, unexpected. Now we have
12 amendments flying back and forth, some of
13 which we haven't even seen, and I just
14 need to tell you that we don't think this
15 is the right way to do this.

16 To Councilwoman
17 Quinones-Sanchez's process --
18 (Applause.)

19 DEPUTY MAYOR GREENBERGER: To
20 Councilwoman Quinones-Sanchez's point,
21 there's obviously some disagreement here
22 about whether these things make sense to
23 do or not do or which ones to do. This
24 should be done -- if there's an issue
25 here, this should be done the way the

1 12/4/12 - RULES - BILLS 120800, etc.
2 Zoning Code did it, which is we'll form a
3 working group, we'll vet this thing
4 carefully, we'll debate it properly, and
5 we'll make changes where there need
6 changes to be made. This is not the
7 right way to do this.

8 I also want to point out that
9 if this Committee moves this through
10 committee, it will be a pending ordinance
11 and, therefore, it will be the law as it
12 stands even though there is a 45-day hold
13 that's been voted on by the Planning
14 Commission. So your activity today in
15 committee is extremely important.

16 With that, I'm not going to go
17 into the details of it. I'm going to
18 have Ms. Gladstein talk about a few of
19 the details.

20 COUNCILMAN GREENLEE: Let Ms.
21 Gladstein testify and then we'll have
22 questions.

23 Go ahead, please.

24 MS. GLADSTEIN: Good afternoon
25 now. My name is Eva Gladstein, Deputy

1 12/4/12 - RULES - BILLS 120800, etc.
2 Executive Director of the City Planning
3 Commission.

4 I'm also not going to read my
5 testimony. I want to make sure because
6 there's been some lack of clarity about
7 what these two bills together do, and I
8 have a new understanding even from
9 Councilman O'Neill's testimony this
10 morning as the intent of the bill. So I
11 wanted to just talk about that for a
12 minute and then maybe correct a little
13 bit of information.

14 My earlier understanding was
15 that the bill created a new district
16 called CMX-2.2, which would have more --
17 which would have the uses that are as of
18 August 22nd permitted in C-2, but I now
19 understand from Councilman O'Neill that
20 it's his goal to make 2.2 the equivalent
21 of 2.5, which is a new district in the
22 new Zoning Code. The bill does not do
23 that, because it does not have the same
24 dimensional standards as 2.5 in the new
25 Zoning Code. And I do have to say that

1 12/4/12 - RULES - BILLS 120800, etc.
2 there were 16 or 17 groups who we worked
3 with individually, each of whom had an
4 overlay, and we made a very concerted
5 effort to respect the overlays, those
6 community concerns. This was not done in
7 the dark of night or without input. Some
8 of those groups have sent you testimony.
9 Some of them are here and have stayed for
10 three and a half hours to testify about
11 this.

12 So the 2.2 district that would
13 have to be mapped, first of all, does not
14 replicate 2.5 under the new Zoning Code.
15 It does not have the same dimensional
16 standards, and it leaves out those groups
17 who wanted to have this walkable kind of
18 neighborhood commercial corridor out in
19 the cold. They had previously worked
20 with their District Councilpeople to get
21 an overlay. Those overlays no longer
22 exist. So now they will have to do
23 double or triple duty to remap to the
24 2.2, and 2.2 would have to be amended so
25 it would replicate the new 2.5.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Also in terms of 2.5, its uses
3 are actually more restrictive than 2.2
4 and then more restrictive again because
5 we were listening to community groups
6 that had overlays, they had a desire to
7 have more active uses and to prohibit
8 some additional uses. So 2.5 actually
9 has fewer uses that are permitted
10 by-right than 2.2.

11 So the creation of this 2.2
12 will, A, doesn't replicate 2.5; B,
13 requires groups that have worked for
14 years with their District Councilpeople
15 to create these overlays to go back to
16 the drawing board with regard to that,
17 and, three, I think it's a misstatement
18 when you talk about what uses are or are
19 not permitted in 2.5.

20 With regard to CMX-2 and
21 rolling it back, I think there's already
22 been some discussion. I just want to
23 point out to the extent that a use is
24 listed as N or No in the new Zoning Code,
25 it's now going to require not just a

1 12/4/12 - RULES - BILLS 120800, etc.
2 conversation with the community or a
3 conversation with the District
4 Councilperson. It is going to require at
5 the Zoning Board that there be
6 documentation that there's no other
7 viable use of the property. That is the
8 standard for variances, for use
9 variances, in the new Zoning Code. In
10 the old Zoning Code, the ZBA had to
11 consider those criteria, but did not have
12 to apply them.

13 So standards are more
14 burdensome in the new Zoning Code and,
15 again, this is -- if those uses were made
16 a special exception, the standard would
17 be somewhat less. The standard would be
18 community notification, a Zoning Board
19 hearing, and documentation as to whether
20 or not the impact of that use would be
21 greater than normally expected.

22 So prohibiting the use places
23 an extraordinary burden on what I assume
24 in this case would be a small business
25 person or an entrepreneur to show that

1 12/4/12 - RULES - BILLS 120800, etc.
2 there's no other viable economic use of
3 the property.

4 The last piece of information I
5 want to provide is that around personal
6 care homes, because this was an issue
7 that we spent many, many hours on at the
8 Zoning Code Commission, at the working
9 group, and even in the subgroup, and we
10 understood the concerns about halfway
11 houses and unregulated boarding homes,
12 and as a result, the way the Zoning Code
13 defines personal care homes is that they
14 have to be -- they have to -- there are
15 homes that are regulated by Department of
16 Public Welfare, DPW. So it's not a how
17 that somebody sets up as a halfway home.
18 It's not a boarding home. It's not a
19 rooming house. It's a personal care
20 home, as defined by 76 pages of
21 regulations in DPW -- in the Pennsylvania
22 Code that are managed by DPW. And that
23 was the basis of a lot of discussion,
24 because there were the concerns that we
25 hear expressed today and we heard

1 12/4/12 - RULES - BILLS 120800, etc.
2 expressed during four years, that there
3 are unregulated situations where property
4 owners take advantage of individuals who
5 have SSI or some other form of income.
6 They take their income. They don't
7 manage their behavior or their conduct.
8 They don't upkeep the house. There's a
9 particular problem on Frankford Avenue
10 that we heard about a lot and in other
11 areas.

12 So we said for a personal care
13 home, you have to comply with these
14 regulations. So these are professional
15 operations that know how to manage
16 impacts, manage care well for the people
17 who are living there, and manage the
18 impacts on the community.

19 So I just wanted to clarify
20 that, because that was pulled out as a
21 separate use, and it's just kind of
22 another indication of what Alan said,
23 which is that we spent thousands of hours
24 talking about these kinds of issues. We
25 reviewed -- for each District

1 12/4/12 - RULES - BILLS 120800, etc.

2 Councilperson, we created a package of
3 materials showing how the land was owned
4 in their district, showing the changes of
5 uses. And the ten councilmanic
6 districts, at Councilman O'Neill's
7 request, I went and met with 12 or 13
8 civic associations with that package,
9 because he was very concerned about this.
10 And that was something that we resolved
11 to do on the basis of that work.

12 So it's very hard and -- from
13 some of what Councilman O'Neill said
14 today, I believe there are some
15 amendments that have come forth today
16 that we haven't seen yet even with regard
17 to the CMX-1 or CMX-2, but in any case,
18 it's very hard to take those thousands of
19 hours of work and even to spend your time
20 here today and everybody's time here
21 today to go through the level of detail
22 and care that went into crafting this
23 information and to have a discussion
24 about if it still is creating an issue,
25 what's the best resolution. Prohibiting

1 12/4/12 - RULES - BILLS 120800, etc.
2 it will mean that these uses will not be
3 able -- basically will not be able to
4 appear on these commercial corridors
5 because the standards for use variance
6 are so great.

7 With that, I'll close.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Councilman Green.

11 COUNCILMAN GREEN: Thank you.

12 COUNCILMAN GREENLEE: Just one
13 second. You wanted the last statement
14 repeated?

15 COUNCILWOMAN TASC0: It will
16 not appear where?

17 MS. GLADSTEIN: I said if the
18 uses are prohibited, because the
19 standards in the new Zoning Code for use
20 variances require the Zoning Board to use
21 criteria that say you would have to -- in
22 order to get a use variance, you will
23 have to document that there's no other
24 viable economic use for that property.
25 It's very different than the standards

1 12/4/12 - RULES - BILLS 120800, etc.
2 under the old code, which just had the
3 ZBA taking that into consideration but
4 not requiring them to use those
5 standards.

6 So what I'm saying is that a
7 use variance in the new code is very
8 different than a use variance in the old
9 code. A special exception has a
10 different standard. Special exception
11 will require notice to community and a
12 hearing at the Zoning Board, but standard
13 the is different. But a number of these
14 uses, there are -- I guess about half of
15 them will become no's, are prohibited,
16 and the other half become special
17 exceptions. I'm saying that the ones
18 that become no's I think would be
19 extremely rare for us to see any of those
20 appear on any of the CMX-2 properties
21 going forward.

22 COUNCILMAN GREENLEE:
23 Councilman Green.

24 COUNCILMAN GREEN: Thank you.
25 I want to get us out of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 weeds and back into the big picture. So,
3 first of all, I'd like to thank
4 Councilman Greenlee for buying us all
5 lunch today. I'm sorry we didn't have
6 enough for everybody here, but it should
7 be quite nutritious. Thank you.

8 COUNCILMAN GREENLEE: I spare
9 no expense.

10 COUNCILMAN GREEN: So back to
11 the big picture, we have -- I represent
12 every district. I don't believe I can
13 substitute my judgment for the judgment
14 of District Councilpeople who know their
15 districts far better than I, and I
16 respect that. I am hearing today one
17 District Councilperson saying I don't
18 know that I want this in my district. I
19 don't know that I do want it in my -- I
20 don't know how I feel about it, but it's
21 60 percent of my commercial corridors.

22 So for District Councilpeople
23 who do respect councilmanic prerogative,
24 I would say to you, you should not force
25 this on a District Councilperson who does

1 12/4/12 - RULES - BILLS 120800, etc.

2 not want it.

3 I've heard District

4 Councilpeople say that they do want it.

5 One is Councilwoman Blackwell. One is

6 Councilwoman Tasco. One is Councilwoman

7 Bass. Councilman Jones does not want

8 this in his district. Councilwoman

9 Sanchez says she doesn't know if she

10 wants this in her district.

11 My point is, if this bill comes

12 out of Committee today, it is the pending

13 ordinance doctrine, and you have imposed

14 these on Councilman Jones's district,

15 Councilwoman Sanchez's district. And it

16 seems to me that if anything comes out of

17 Committee today, it should only apply to

18 the districts where the District

19 Councilpeople know that this is what they

20 want, because otherwise it's the rule in

21 every district.

22 Now, I'm still opposed to the

23 entire concept, but I think even for

24 those who agree with councilmanic

25 prerogative, you should not impose this

1 12/4/12 - RULES - BILLS 120800, etc.
2 on Councilpeople who aren't sure what
3 they want and definitely don't want it,
4 and that includes at least the 7th and
5 the 4th and I don't know where other
6 District Councilpeople are.

7 So I make that point from a
8 big-picture perspective. If this comes
9 out, you're imposing something on people
10 that they don't want.

11 I guess that's really -- I
12 don't have any questions for you. I
13 agree with especially -- well, both of
14 your characterizations of the process
15 that we went through to get here. The
16 creation of 2.5 was as a consequence of
17 negotiations over these very issues. And
18 I don't know what percentage this is in
19 Councilman O'Neill's district, but I
20 understand it's below 10 percent or 5
21 percent.

22 MS. GLADSTEIN: No 2.5 and
23 about 10 percent --

24 COUNCILMAN GREEN: Ten percent
25 his district is this kind of commercial

1 12/4/12 - RULES - BILLS 120800, etc.
2 corridor versus 60 percent for the 7th
3 District.

4 So my perspective is that
5 nothing should come out of Committee
6 today that restricts districts that don't
7 want this or don't know that they want
8 this from the status quo. And I
9 apologize to everyone. I unfortunately
10 have a previous engagement at 1:30, but
11 my absence is the same as a no vote,
12 which is how I would vote if I could be
13 here.

14 Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you, Councilman.

17 Councilwoman Tasco.

18 COUNCILWOMAN TASCO: Could we
19 amend it so that it would only apply to
20 those districts that we identify and the
21 other districts are not included? We've
22 done that before.

23 COUNCILMAN GREENLEE: I mean,
24 that's certainly a possibility when we
25 get to the meeting. That's something

1 12/4/12 - RULES - BILLS 120800, etc.
2 that if somebody wanted to offer it, they
3 could offer it, yes.

4 Any other questions right now?
5 (No response.)

6 COUNCILMAN GREENLEE: Okay.

7 Thank you both.

8 We're going to call the rest of
9 the witnesses in panels. I'll repeat
10 what I've said many times already.
11 You're sick of hearing it. Please try to
12 be brief. We got a long list, both for
13 these two bills -- and when you come up,
14 if you could, because some of you are on
15 the list for both bills, if you could
16 talk about both bills at the same time,
17 it would just expedite things a little
18 bit. And we still have the whole RCO
19 issue to come up, and we have to fit in
20 an L&I Committee at some point. So we
21 still got a lot of stuff before us.

22 So the names will be called.
23 Please try to be brief. If you have
24 written testimony, it will be made part
25 of the record. Please just don't sit

1 12/4/12 - RULES - BILLS 120800, etc.
2 there and read the written. We will have
3 it part of the record.

4 Ms. Marconi.

5 THE CLERK: Penny Giles, Gina
6 Snyder, Henry Pyatt, James Wright.

7 (Witnesses approached witness
8 table.)

9 MR. PYATT: James was forced to
10 leave because of the time.

11 COUNCILMAN GREENLEE: All
12 right.

13 I know you're not Penny Giles,
14 but I know who you are, so if you could
15 just identify yourself for the record. I
16 know you're standing in for her. And,
17 again, if everybody can please be brief.
18 Thank you.

19 MR. KELLY: Barbara Kelly,
20 Commercial Corridor Manager for
21 Francisville Neighborhood Development
22 Corporation in for Penny Giles.

23 I have a written testimony if
24 people want it, and I'm not going to read
25 the whole thing. I'm just going to read

1 12/4/12 - RULES - BILLS 120800, etc.
2 one or two sentences from each and that's
3 it. It's under a minute and 15 seconds.

4 Reduction of the height limit
5 from 55 feet to 38 in CMX-2 districts as
6 well as proposed CMX-2.2 will inhibit
7 much-needed infill development along the
8 City's neighborhood commercial corridors.
9 The 55 feet limit makes these important
10 projects more financially viable. More
11 importantly, though, it brings added
12 density to the City's corridors, density
13 that is necessary to support the
14 commercial enterprises that will offer
15 the goods and services that the
16 surrounding neighborhoods will desire.

17 I'm not reading the rest of it.

18 The old restrictions that the
19 bill seeks to reinstate in CMX-2
20 districts seem arbitrary. The burden to
21 seek a zoning change to the proposed
22 CMX-2.2 will prove onerous and result in
23 the confused and disjointed zoning map
24 that the recent changes sought to
25 eradicate. It will prevent our small

1 12/4/12 - RULES - BILLS 120800, etc.
2 businesses from adapting our expanded
3 business models.

4 Removing the requirement that
5 buildings be built to the front of a lot
6 line in CMX-2, I would ask the Council to
7 hold off on this and to expedite the
8 inquiry, study, and implementation of
9 CMX-2.5 districts before implementing
10 this change.

11 The formalization of local RCO
12 participation in the ZBA and Civic Design
13 Review process should serve to improve
14 and streamline the community input
15 process by mandating that communities
16 where there are multiple groups will be
17 required to work together. One RCO
18 should be designated based on them
19 meeting certain requirements. If the
20 designated RCO is doing its job and
21 making the necessary good-faith effort to
22 notify all residents and stakeholders
23 within its boundaries, especially
24 surrounding the project it's reviewing,
25 there's no need for zoning applicants to

1 12/4/12 - RULES - BILLS 120800, etc.
2 do the same.

3 COUNCILMAN GREENLEE: Ms.
4 Kelly, we're kind of -- I don't want to
5 get into the RCOs, because that's a whole
6 other thing. So if we could just stick
7 to the -- for everybody, if we could just
8 stick to zoning bills.

9 COUNCILMAN KELLY: Done. That
10 was it. Thank you very much.

11 COUNCILMAN GREENLEE: All
12 right. Thank you.

13 Ms. Snyder, I think you were
14 next on the list, so if you want to go,
15 or whoever, however you want to do it.

16 MS. SNYDER: Thank you very
17 much. I have in front of me the
18 statement also from Terry Foley, who is
19 the Executive Director of the Special
20 Services District on City Avenue, and I
21 just want to briefly highlight three
22 points that he makes.

23 He is opposed to this bill. On
24 one issue, the hotels, which were
25 permitted, would now be prohibited. His

1 12/4/12 - RULES - BILLS 120800, etc.
2 point is, this proposed zoning change
3 would have an adverse effect on the
4 ongoing revitalization of the City Avenue
5 District.

6 On other issues of as-of-right
7 uses, he thinks that these issues --
8 these uses should be permitted, prepared
9 food shops on premises, dry cleaning,
10 structured parking, and transit.

11 His final point is in the 2.5
12 changes, that these -- the changes that
13 affect the dimensional standards would
14 fundamentally undermine the intent of the
15 CMX-2.5 zone. He believes that the
16 existing dimensional standards for the
17 CMX-2.5 district should remain and not
18 change from the current zoning
19 provisions. And he has provided his
20 testimony in writing.

21 I also have my own testimony
22 that I will really briefly summarize,
23 because I know this has gone on a long
24 time. I think -- I believe he turned it
25 in already.

1 12/4/12 - RULES - BILLS 120800, etc.

2 I'm not sure that folks realize
3 it, but for the areas that had zoning
4 overlays, which East Falls had a special
5 district overlay, the dimensional
6 standards that are in the bill will
7 change our overlay that has existed for
8 12 years. So this bill is not just about
9 uses; it's about dimensional standards.

10 The bill takes away two
11 significant protections that we have had
12 for 12 years. Buildings were required to
13 be built at the setback line to maintain
14 an urban main street appearance of the
15 district. And, second, parking was
16 required to be behind the buildings to
17 keep from having a suburban appearance.
18 This change is not insignificant to
19 remove these rules. East Falls has
20 several large vacant properties on our
21 commercial corridor that are for sale.
22 The suburban-type development, which has
23 been a scourge on our district, could
24 easily be returned. I know the
25 Councilman has said that the bill was to

1 12/4/12 - RULES - BILLS 120800, etc.
2 do no harm, and I would ask you to
3 consider that in fact these particular
4 provisions of the bill are actually
5 harmful and reverses 12 years of existing
6 zoning in our district.

7 My final comment is that, just
8 like Mr. Foley, it seems that there are
9 some very reasonable commercial uses that
10 ought to be continued to be allowed in
11 the 2.5, most obviously hotel, pet
12 supply, ice cream shops, artist studios,
13 prepared food, dry cleaner. These are
14 all normal commercial activities that
15 ought to be permitted.

16 Thank you very much.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Mr. Pyatt.

20 MR. PYATT: Thank you,
21 Chairman, and thank you, members of the
22 Rules Committee for the opportunity to
23 discuss these bills with you. First of
24 all, I'd like to mention my colleague, I
25 suppose, Mr. Rick Sauer, who is the

1 12/4/12 - RULES - BILLS 120800, etc.
2 Executive Director of the Philadelphia
3 Association of CDCs, he regrets that he
4 was not able to be present today, but he
5 did in fact send you all testimony, I
6 believe, by e-mail. And basically the
7 Philadelphia Association of CDCs is a
8 group composed of 90 different groups,
9 mostly community development
10 corporations, that have been working
11 together to revitalize neighborhoods in
12 Philadelphia 20-some years, and
13 Philadelphia Association of CDCs sent you
14 their testimony, but they are in fact
15 opposed to both of these bills.

16 I am here as an employee of the
17 New Kensington Community Development
18 Corporation. Basically in short to kind
19 of sum it all up, these bills make
20 changes that are directly counter to
21 results of our neighborhood planning
22 processes that we've conducted over the
23 past ten years. Now, those, kind of like
24 the Zoning Code reform process itself,
25 was over the course of many years, but

1 12/4/12 - RULES - BILLS 120800, etc.
2 more so than the Zoning Code process,
3 these are hyper local. This isn't saying
4 you need to get on the El and go a couple
5 stations away and come to a meeting that
6 may or may not be convenient to you.
7 This is saying you need to walk down to
8 the corner of your block to your
9 neighborhood church and your pastor is
10 going to remind you and your two
11 neighborhood community newspapers are
12 going to tell you about it and they're
13 going to be in every newsletter you see
14 and in every church bulletin you've seen
15 it as well.

16 So these are hyper local
17 processes that everyone had a chance to
18 discuss. And so many of the uses that
19 are proposed to be disallowed or require
20 special exception in this bill are
21 exactly uses that our community has
22 specifically identified as desired in our
23 commercial corridors.

24 So, of course, it's true that
25 we could wait for CMX-2.2 to be created,

1 12/4/12 - RULES - BILLS 120800, etc.
2 and then we could wait for our
3 preordained time to remap, but that's
4 going to be about three years in the
5 future. So that's essentially saying to
6 our neighborhood, We know you've gone
7 through this process to identify what you
8 want, we know you came and spent your
9 time participating in this Zoning Code
10 reform process, but guess what, we're
11 going to hold back this new code that
12 allows you a new efficiency to achieve
13 what you want in your neighborhood.
14 We're going to hold it back for three
15 years and force you to go through the
16 remapping process, and hope that goes
17 well and hope that those other
18 neighborhoods don't take too long and
19 push back when you get to do it, because
20 we're in the second group. It's just
21 because it's a big city; it takes while
22 to remap the whole darn thing. But some
23 of the services -- and don't get me
24 wrong, there's a long discussion to be
25 had about group homes. There's a long

1 12/4/12 - RULES - BILLS 120800, etc.
2 discussion to be had about parking and
3 structured parking, but is there a long
4 discussion to be had about animal
5 services?

6 Councilman O'Brien mistakenly
7 brought up that that includes boarding.
8 That does not include overnight boarding.
9 It only includes daytime boarding for
10 animals. The only reason I know this is
11 because one of my small business
12 clients --

13 COUNCILMAN O'BRIEN: Excuse me.
14 I didn't bring that up.

15 COUNCILMAN GREENLEE: I think
16 it was Councilman O'Neill.

17 MR. PYATT: You're right. I
18 meant to say O'Neill. Pardon me. My
19 error. I remember their faces.

20 But animal services does not
21 include overnight boarding. It includes
22 daytime boarding. The only reason I know
23 this is I have a client that went forth
24 to seek a variance to do daytime dog
25 boarding. She was explained by the ways

1 12/4/12 - RULES - BILLS 120800, etc.
2 that L&I is interpreting animal services,
3 it does not include overnight boarding.

4 Prepared food. We all know
5 prepared food is benign. It's a use that
6 is expected on neighborhood commercial
7 corridors. We're talking ice cream.
8 We're talking deli sandwiches.

9 On-premise dry cleaning. Does
10 anybody have a problem with dry cleaning
11 in their neighborhood? I think we'd all
12 like to have a dry cleaner close to our
13 home, and I think that's an appropriate
14 neighborhood service that I would venture
15 to guess is beyond debate.

16 Visitor accommodations.
17 There's some discussion to be had there,
18 but successful commercial corridors do in
19 fact reach out to folks from other
20 neighborhoods and other places, and we do
21 in fact bring in visitors from other
22 places. And the hotels are going to be
23 part of the leverage that let's us
24 achieve a level of local neighborhood job
25 creation that will not be possible if our

1 12/4/12 - RULES - BILLS 120800, etc.
2 commercial corridors only serve other --
3 only serve the eight or so thousand folks
4 that live within walking distance of it.

5 Personal vehicle repair and
6 maintenance. There's some debate to be
7 had about the beauty of garages, but
8 these are places that provide living wage
9 employment to people within our
10 neighborhoods and services to people
11 within our neighborhoods that they need
12 to get to their employment, doctors
13 visits, so on, so forth.

14 And then a big one to us,
15 because our strategy is based on art
16 space revitalization, is artist studios
17 and artisan industrial uses. Now, that
18 means small time making things. A lot of
19 the businesses we have on Girard Avenue
20 and Frankford Avenue in our district, we
21 have a soap maker. We have a book
22 binder. We have a furniture maker. We
23 have a few furniture makers. We have
24 folks that frame photographs. These
25 are -- this is artisan industrial. This

1 12/4/12 - RULES - BILLS 120800, etc.
2 is what this means. This means small
3 scale making of products right here in
4 Philadelphia. This goes back to what we
5 were doing in the late 1600s and early
6 1700s. This is what made the City great,
7 and we don't need to restrict it. We
8 need to put it out in the open, out in
9 front for everyone to see and for
10 everyone to patronize.

11 And, furthermore, our community
12 has been around for quite some time.
13 We've seen our ups; we've seen our downs.
14 My boss, Sandy Saltzman, was part of this
15 group as a volunteer and then as an
16 employee since -- well, for about 26
17 years now, and one of the big strategies
18 we employed in cooperation with the
19 Pennsylvania Horticultural Society was to
20 maintain vacant, abandoned land after it
21 was raised by L&I and keep it
22 decent-looking so that folks didn't treat
23 it awfully. So that meant putting up
24 split-rail fences, planning trees,
25 planting community gardens, not as

1 12/4/12 - RULES - BILLS 120800, etc.
2 something that is necessarily appropriate
3 in the long term on a commercial
4 corridor, but rather something that is
5 very appropriate in the short term and
6 shows the community's investment in its
7 property so that we can get to a future
8 where all of our commercial parcels are
9 being used as they were originally
10 intended to be used.

11 So it's an excellent stepping
12 stone, something that can serve the
13 majority of Philadelphia well.

14 So in closing, I'd just like to
15 make this point, that the Far Northeast
16 is a very interesting place. It's a
17 unique place, and it's different from
18 most of Philadelphia, with the exception
19 of some places in the Southwest that were
20 also developed after World War II. But
21 the vast majority of Philadelphia was
22 developed well before World War II and
23 automobiles and the development patterns
24 that dictate the type of changes that I
25 believe Councilman O'Neill was

1 12/4/12 - RULES - BILLS 120800, etc.
2 prescribing in terms of setback and
3 height with those CMX-2.5 zones. So to
4 say to the whole city --

5 COUNCILMAN GREENLEE: Sir, if
6 you could --

7 MR. PYATT: -- we're going to
8 hold you back based on what is right for
9 the one little part of the City that was
10 built up after World War II doesn't seem
11 to make much sense to me.

12 COUNCILMAN GREENLEE: I
13 understand. All right. Thank you.
14 Thank you.

15 Any questions or comments?
16 (No response.)

17 COUNCILMAN GREENLEE: Thank
18 you. Thank you all for testifying.

19 If we could have the next
20 panel, please.

21 THE CLERK: Julie Seda, Jeff
22 Carpineta, Amy Laura Cahn, and Bernard
23 Guet.

24 (Witnesses approached witness
25 table.)

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Whoever
3 would like to go first, please, just
4 identify yourself and proceed.

5 MR. GUET: I'll start and I'll
6 be short.

7 Good afternoon. My name is
8 Bernard Guet. I'm the Executive Director
9 for the Roxborough Development
10 Corporation. I think we had today about
11 close to two hours of conversation on
12 this issue. It was very interesting. It
13 also means that it's an important issue
14 and it's not a simple one.

15 We are opposed to the bill for
16 all the reasons that were mentioned. The
17 setback, which are important for us, the
18 changing views, and the height of the
19 building. No use to going into detail.
20 It has been done. However, I would like
21 to add something which was not originally
22 part of my testimony, is that Councilman
23 O'Neill I think has a point, and it may
24 be too early at this point. A great job
25 has been done by the Zoning Commission to

1 12/4/12 - RULES - BILLS 120800, etc.
2 set the new Zoning Code. It was not
3 easy. It's not perfect. And what I
4 would suggest that maybe in the future
5 Council will have to review that, and
6 it's not going to be an easy one, because
7 we are all different neighborhood and we
8 are all different need.

9 Thank you.

10 MS. SEDA: Good afternoon,
11 members of City Council. My name is
12 Julie Seda. As Chair of the Board of the
13 Norris Square Neighborhood Project, I
14 represent youth and families. We're
15 located in the Kensington section of
16 North Philadelphia. NSNP and the
17 community it serves need City Council to
18 uphold the Zoning Code amendments passed
19 in August 2012. NSNP will be severely
20 affected by the proposed amendments
21 because some of the gardens are located
22 in zones classified CMX-2. Consequently,
23 NSNP will have to rely on remapping
24 process and obtain variances for each of
25 the parcels. This will divert unlimited

1 12/4/12 - RULES - BILLS 120800, etc.
2 resources from our programs and
3 jeopardize the very elements that are
4 central to our curriculum and our ties to
5 the community.

6 The outdoor classrooms that
7 have served the community of Norris
8 Square for 25 years will be severely
9 affected. Six of our unique Puerto Rican
10 and AfroCaribbean gardens were slowly
11 built and cultivated for the benefit of
12 all Philadelphians for over the last 25
13 years. The result of these amendments
14 will be that NSNP will be overwhelmed by
15 pressure and expenses, expenses that we
16 need to maintain our programs for the
17 children that we serve, the youth whose
18 leadership we tried to build and -- we
19 need those funds. We need those funds to
20 keep our programs going. What this bill
21 is doing is making us having to defend
22 the validity of our right to garden, a
23 very necessary element of the urban
24 fabric in our community. These gardens
25 contribute to NSNP's success rate for

1 12/4/12 - RULES - BILLS 120800, etc.
2 supporting youth and academic pursuits.

3 A recent accomplishment that
4 shows NSNP's impact is the graduation
5 rate of seniors enrolled in our
6 programming when 20 high school students
7 all graduated on time. This is an
8 outstanding success rate that needs to be
9 considered by this City Council, when the
10 average dropout rates in Philadelphia are
11 60 percent for Latino males and 45
12 percent for females.

13 NSNP's roles in the community
14 for nearly four decades must be
15 underscored. These gardens helped us
16 turn vacant losses into sources of
17 nourishment for the Kensington community,
18 changing them from magnets of drugs and
19 violence to oases of beauty, sustenance,
20 and community gathering. Our gardens are
21 the primary way that many community
22 families gain access to fresh, healthy
23 foods through subsistence farming in our
24 community plots. These urban farms
25 connect the community to culture and

1 12/4/12 - RULES - BILLS 120800, etc.
2 agriculture, and this comes out of the
3 hard work of the staff and the supporters
4 of the Norris Square Neighborhood
5 Project.

6 The Kensington community has
7 been systematically disconnected from
8 resources. We need our gardens and we
9 need to protect our right to cultivate
10 and enrich our culture.

11 And let me just say, it's
12 unfortunate that Councilman O'Neill has
13 decided to leave and not hear some of the
14 Philadelphians that will be severely
15 affected by this bill, because we fight
16 for every dollar that we have to keep our
17 programs going. We will have to spend an
18 extensive amount of resources to apply
19 for variances. And, of course, our
20 Councilwoman who was here, Councilwoman
21 Quinones, what she said was very
22 important for us, because we know we have
23 her support in maintaining the programs
24 that we provide for this community. But
25 this is not a new use. Community

1 12/4/12 - RULES - BILLS 120800, etc.
2 gardening and community farming and
3 gardening is not a new use. It's a use
4 that we fought to maintain for the last
5 25 years with the support of many
6 non-profit organizations in Philadelphia.

7 And let me just add the main
8 thing, because the new Zoning Code has
9 increased the burden in the definition of
10 what constitutes a viable use. Well, for
11 the last 25 years, we've been fighting to
12 show that community garden is a viable
13 use for the community, and it provides
14 outdoor classrooms for the youth and
15 promotes leadership, and we have students
16 who come from all over colleges in
17 Pennsylvania and New Jersey to volunteer
18 in our community gardens.

19 One moment, please. Let me
20 just say the last thing.

21 COUNCILMAN KENNEY: We hear
22 your passion and we hear what you say --

23 MS. SEDA: One last thing.

24 COUNCILMAN KENNEY: -- and we
25 have a lot of --

1 12/4/12 - RULES - BILLS 120800, etc.

2 MS. SEDA: This variance, the
3 drug and violence we fought for for 25
4 years, what this new bill is doing is
5 going to make us have to spend every
6 dollar to continue fighting, a fight that
7 should be redirected at our programs.

8 Thank you very much, sir.

9 Thank you members of City Council.

10 (Applause.)

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

13 Please identify yourself for
14 the record and proceed.

15 MS. CAHN: Sure. I want to
16 start by thanking the Councilmembers, the
17 members of the Committee on Rules, for
18 this opportunity and for your patience.

19 My name is Amy Laura Cahn. I am
20 testifying on behalf of the Public
21 Interest Law Center of Philadelphia. I'm
22 a staff attorney and a Skadden Fellow.

23 The Law Center, our clients,
24 and the communities with which we work
25 are concerned about the impact of the

1 12/4/12 - RULES - BILLS 120800, etc.
2 zoning amendments on both group homes and
3 community gardens, market and
4 community-supported farms.

5 As to group homes, a few years
6 ago I made a documentary on the closure
7 of Pennhurst State School and Hospital,
8 which Councilman O'Neill mentioned
9 earlier. All who lived through the
10 Pennhurst years speak passionately about
11 the transformative impact of shifting
12 from an institutional model to community
13 care. Prohibiting group homes and
14 personal care homes in commercial
15 mixed-use areas restricts the
16 opportunities that our residents have to
17 live in neighborhoods near friends and
18 family. We also believe these
19 restrictions create a civil rights issue.

20 The Law Center is also
21 concerned about the proposed prohibitions
22 on community gardening and market or
23 community-supported farming in CMX-2.
24 The Skadden Fellowship Foundation has
25 funded me to provide pro bono legal

1 12/4/12 - RULES - BILLS 120800, etc.
2 support to support community gardens and
3 urban farms in the Philadelphia region.
4 Thus, I understand the difficulties faced
5 by gardeners and farmers in addressing
6 legal issues such as those related to
7 zoning and permitting.

8 This summer I worked with a
9 number of partner organizations to map
10 farms throughout Philadelphia.
11 Philadelphia has at least 350 gardens on
12 783 parcels. Since learning of the
13 proposed amendments, we have researched
14 the current zoning for at least 600 of
15 these individual parcels. A full 20
16 percent were on CMX-2 or 2.5. The
17 majority are on CMX-2. This says two
18 things to me.

19 One, the proposed amendments
20 negatively impact gardening and farming
21 by jeopardizing existing crucial
22 community resources, many of which have
23 been in existence for decades.

24 Two, our current Zoning Code,
25 the product of thoughtful deliberation,

1 12/4/12 - RULES - BILLS 120800, etc.
2 compromise, and public input, accurately
3 reflects existing uses in commercial
4 mixed-use districts. The code has made
5 it simpler for gardeners and farmers to
6 be in compliance while providing
7 standards to mitigate negative impacts.
8 These zoning amendments build barriers
9 back in.

10 The Law Center respectfully
11 asks the Committee on Rules to oppose the
12 proposed zoning amendments. There will
13 be ample opportunity to review the Zoning
14 Code after a full year of implementation.
15 Now is not the time to make such
16 extensive changes.

17 Many thanks for the opportunity
18 to speak today.

19 (Applause.)

20 COUNCILMAN KENNEY: Please
21 identify yourself for the record and
22 proceed.

23 MR. CARPINETA: My name is Jeff
24 Carpineta. I'm the President of the East
25 Kensington Neighbors Association. To the

1 12/4/12 - RULES - BILLS 120800, etc.

2 Chairman and to all Councilpersons here,
3 I thank you for the opportunity to
4 provide input.

5 East Kensington Neighbors
6 Association serves a neighborhood that is
7 slightly west of Fishtown but just east
8 of the Market-Frankford El Line. I'm not
9 sure where we fall in the Councilman's
10 earlier analysis of Philadelphia's
11 geography as the doughnut, but I can tell
12 you that East Kensington is a
13 neighborhood that is going through a very
14 interesting phase, where at certain
15 portions of our neighborhood there's
16 still blight and destruction and
17 deterioration. Other parts of our
18 neighborhood are experiencing a
19 renaissance of growth and new investment,
20 mostly due to different aspects of the
21 creative economy, whether that be a new
22 ice cream shop or urban gardeners and
23 farmers.

24 I want to make it clear to the
25 Council if you're not aware and if you

1 12/4/12 - RULES - BILLS 120800, etc.
2 don't have this kind of energy in your
3 neighborhood that these kinds of
4 projects, these people with this attitude
5 and this creativity are the people that
6 are healing these Philadelphia
7 neighborhoods one by one, and they are
8 rebuilding neighborhood economy.

9 And it's unfortunate that today
10 we're here to contemplate a bill instead
11 of having a celebration of how we've
12 figured out a way to support things like
13 ice cream shops and prepared foods and
14 urban gardens and urban farmers' markets
15 and CSAs. Instead of celebrating that,
16 we're here contemplating a bill that may
17 make those things hard or strike them out
18 of the legal uses of CMX-2.

19 (Applause.)

20 MR. CARPINETA: But I believe
21 that there are Councilpersons here that
22 see that, and we're grateful that Maria
23 Sanchez spoke so thoughtfully, that she
24 is so in touch with that energy in the
25 neighborhood. But it is also

1 12/4/12 - RULES - BILLS 120800, etc.
2 important -- I need the Councilpersons
3 here; specifically, Councilwoman Bass and
4 Councilwoman Tasco and Councilwoman
5 Blackwell, that as I listened today, it's
6 clear that there are specific use
7 provisions that are mentioned within this
8 legislation that do need to be looked at
9 carefully. It would be wrong for any of
10 us to sit here today and say no, no, no
11 to this bill, but to not hear your voice
12 that there are items here in the specific
13 use provisions that are problematic for
14 your communities and that by having those
15 things being by-right might be a problem
16 in the way that you're serving your
17 people.

18 But what I ask is that we just
19 remember that this is Room 400 of the
20 City Council. This is supposed to be the
21 operating room for all the nerdy details
22 about zoning and planning. We have a
23 Planning Commission. PennPraxis was
24 involved in this process. The
25 facilitated dialogues between 100

1 12/4/12 - RULES - BILLS 120800, etc.
2 different community leaders and 100
3 members of the development community.
4 All the outreach meetings, the City
5 Council hearings, the ZCC testimony
6 sessions, the working groups, all of that
7 got us to where we are today, and it was
8 a stunning process. It was one of the
9 first times that all the civic leadership
10 from across the City was asked to come
11 together and be a part of this process.
12 I think it was a template for moving
13 forward in Philadelphia in terms of how
14 we arrive at policy and how we respect
15 community leadership.

16 So please, I ask you, don't
17 move forward on these bills. Don't move
18 them out of committee. Please let it go
19 back to the proper forum for having a
20 fully detailed conversation about uses
21 and dimensions. Let the work happen
22 where it needs to, and honor all of the
23 resident energy that came together the
24 first time. We're still here, and we
25 look forward to it.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN KENNEY: Let me say
3 that one of the reasons we're here is
4 because a Councilmember introduces a bill
5 that we need to have a hearing. So I
6 understand your frustration on the lack
7 of celebratory atmosphere, but it's part
8 of our process that we have to consider
9 it. Whether we vote it up or down or
10 hold it, we still have to consider it.
11 So it's not --

12 MR. CARPINETA: And someone
13 said to me earlier, well, why can't the
14 Councilpersons make their testimony to
15 you in your private session, because
16 that's taken our time, and I want to say
17 I was grateful actually to hear all of
18 that inter-dialogue. To me that's
19 transparency, and we're grateful for
20 that. And we'll continue to be here to
21 make sure that you're heard about all
22 those uses.

23 COUNCILMAN KENNEY: Again, I'm
24 not speaking for anyone here, but I don't
25 suspect there's a lot of energy to move

1 12/4/12 - RULES - BILLS 120800, etc.
2 this today. I don't think so. I don't
3 think I'm wrong, but I don't think --
4 plus I think the 45-day issue triggered
5 by this Planning Commission is going to
6 delay this anyway. So I don't suspect
7 you're going to be disappointed when you
8 leave today. But hopefully you won't be
9 disappointed in the future, but that's
10 not story.

11 MR. CARPINETA: Well, we'll
12 see.

13 COUNCILMAN KENNEY: Thank you
14 for your testimony.

15 Councilmember Bass.

16 Sir.

17 COUNCILWOMAN BASS: Excuse me.

18 MR. CARPINETA: Oh, I'm sorry.
19 Forgive me. I didn't see.

20 COUNCILWOMAN BASS: That's
21 okay. I just really wanted to thank you
22 for your comments and in particular
23 acknowledging the difficult decision that
24 we have as members of Council. You know,
25 we don't take these decisions lightly and

1 12/4/12 - RULES - BILLS 120800, etc.
2 to -- I think some people seem to suggest
3 that we haven't thoroughly thought it
4 through or applied in theory what would
5 happen in our district and on our
6 commercial corridors and how it would
7 affect us. And these are not easy
8 decisions. So I just really wanted to
9 really just thank you for recognizing
10 that, because it's an important detail
11 and part of the process, and as we move
12 forward with, as you put it, the nerdy
13 details of this sausage making that we're
14 doing regarding zoning, we'll keep your
15 comments in mind.

16 MR. CARPINETA: Thank you.
17 Something's wrong if we leave here and we
18 feel like we weren't heard, but at the
19 same time, things were said on this side
20 that weren't honored. Okay. Thanks.

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

23 Nancy Goldenberg, Chris
24 Vandavelde, Jerome Shabazz.

25 (Witnesses approached witness

1 12/4/12 - RULES - BILLS 120800, etc.
2 table.)

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

5 MS. BAKER: Good afternoon.
6 I'm here in Nancy Goldenberg's place. My
7 name is Claire Baker. I'm Associate
8 Director for Programs at the Pennsylvania
9 Horticultural Society. I'm honored to
10 testify before you today. It's my first
11 time doing anything like this, so I'll
12 try not to be too nervous.

13 I do want to note that if these
14 paired bills are passed, they would turn
15 back the clock on the newly and expertly
16 revised zoning and planning code by
17 unnecessarily prohibiting a number of
18 uses, including community gardens and
19 market or community-supported farms.
20 These bills would place PHS's acclaimed
21 City Harvest Program in jeopardy. City
22 Harvest brings fresh produce from seed to
23 plate. We connect community gardeners
24 with their neighborhood food cupboards,
25 and over the last seven years, we've

1 12/4/12 - RULES - BILLS 120800, etc.
2 grown and distributed more than 213,000
3 pounds of food to more than 1,000
4 families a week during the growing
5 season.

6 In addition, City Harvest is
7 key for giving job training to
8 ex-offenders. The program trains inmates
9 at the Philadelphia Prison System to grow
10 the seedlings that go to the community
11 gardens and also to receive job-readiness
12 training and support.

13 Additionally, the PHS Growers
14 Alliance is an innovative incubator for
15 green businesses that promotes urban
16 agriculture and sustainable food
17 production. With the support from PHS,
18 more than 50 market gardeners grow and
19 sell to restaurants and at neighborhood
20 farmers' markets, micro-farms and retail
21 outlets. If these bills pass, it would
22 jeopardize their livelihood and their
23 efforts.

24 The City of Philadelphia has
25 made a huge investment in the

1 12/4/12 - RULES - BILLS 120800, etc.

2 preservation and growth of our vibrant
3 urban agriculture sector. Its GreenPlan
4 calls for citizens to be within a
5 ten-minute walk to a source of fresh
6 food, and in many neighborhoods this is
7 accomplished by a community garden or
8 farm. Moreover, the Zoning Code already
9 includes a set of standards for urban
10 agriculture to prevent negative impacts
11 on our communities.

12 We recognize the challenges in
13 implementing the new Zoning Code, but it
14 is a result of extensive deliberation,
15 compromise, and public input. We urge
16 City Council to preserve the new unified
17 Zoning Code and give it a chance to work
18 before making significant changes.

19 Thank you very much for the
20 opportunity to testify, and I'm happy to
21 answer any questions.

22 COUNCILMAN KENNEY: Thank you
23 very much. Maybe you know, because
24 Councilman Jones asked me a question
25 relative to farming. It only includes

1 12/4/12 - RULES - BILLS 120800, etc.
2 agriculture, not animal farming, correct?

3 MS. BAKER: That's correct.

4 COUNCILMAN KENNEY: I just
5 wanted to make sure the record was clear.
6 Thank you.

7 Please identify yourself for
8 the record.

9 MR. SHABAZZ: My name is Jerome
10 Shabazz. I'm the Executive Director of
11 the Overbrook Environmental Education
12 Center in West Philadelphia.

13 COUNCILMAN KENNEY: Thank you.

14 MR. SHABAZZ: I have prepared
15 testimony, but I would like to just
16 summarize some of the major points.

17 COUNCILMAN KENNEY: We love
18 you.

19 MR. SHABAZZ: Because I
20 wouldn't take the time, and it's very
21 simple for me. I strongly object to any
22 changes in the unified Zoning Code that
23 would restrict community gardening,
24 agriculture, farmers' markets on
25 neighborhood commercial properties. Our

1 12/4/12 - RULES - BILLS 120800, etc.
2 center on Lancaster Avenue is a perfect
3 example of reusing land, not only for the
4 purposes for agriculture and education,
5 but for the best practices in stormwater
6 management.

7 When we talk about the use of
8 open space, the use of open space is a
9 major sector for collecting stormwater,
10 which is a significant problem throughout
11 the City of Philadelphia. Our particular
12 site was designed to include some of the
13 best practices in stormwater management
14 and agriculture, where our agricultural
15 plant selections are involved in the
16 uptake of stormwater management. For
17 every inch of rainfall, we collect about
18 30,000 gallons of stormwater. We reuse
19 that stormwater for purposes of urban
20 agriculture. We have one of the first
21 approved greenhouses where over 3,000,
22 get that, 3,000 students, neighborhood
23 students, who can walk to this commercial
24 site.

25 One of the values of commercial

1 12/4/12 - RULES - BILLS 120800, etc.
2 corridors is that they are interior
3 highways that have a walkable scale that
4 allows students and allows the neighbors
5 to move very freely from their
6 neighborhoods to a commercial corridor so
7 you can have demonstration projects,
8 collective community spaces that
9 accommodate a healthy neighborhood.

10 So in short, we object, again,
11 to any restrictions to urban agriculture
12 on commercial corridors. It would
13 directly impact the work that we do. It
14 will take back, it will actually regress
15 some of the work that's necessary in this
16 city where you have to demonstrate the
17 variety of uses that are necessary for
18 local food production. The of our
19 citizens are relying on foods that are
20 transported from outside of the City.
21 You have to begin to mitigate that if you
22 want to reduce the use of energy sources,
23 et cetera.

24 So, again, that's the basis of
25 my testimony, and I have written

1 12/4/12 - RULES - BILLS 120800, etc.

2 testimony that you can read in detail.

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

5 MR. SHABAZZ: Thank you.

6 COUNCILMAN KENNEY: Monica
7 Rocha, John Lockwood, John McGoan.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN KENNEY: Whoever
11 would like to start, please identify
12 yourself for the record and proceed.

13 MR. MCGORAN: My name is Jon
14 McGoran. I'm here from Weaver's Way
15 Co-Op. I'm the Communications Director
16 and editor of the newspaper, the Shuttle.

17 So I'm also going to shorten my
18 remarks in the sake of brevity. I second
19 what everyone else has said about the
20 importance of urban agriculture for
21 community building and education.

22 There's also -- my testimony covers a lot
23 of the environmental benefits. One thing
24 that I do want to stress, because I don't
25 think it's been adequately addressed, is

1 12/4/12 - RULES - BILLS 120800, etc.

2 the economic importance, the economic
3 contributions that urban agriculture can
4 make to our city and our communities.

5 Urban agriculture has
6 substantial economic impact. A 2006
7 study by the New York University showed a
8 significant positive impact on home
9 prices and a net tax benefit to the City
10 of New York in excess of \$750,000 per
11 garden over a 20-year period. A
12 university of Pennsylvania study in 2005
13 showed similar benefit in Philadelphia.

14 This is in addition to savings
15 realized by reducing the number of vacant
16 lots and the costs associated with them
17 due to crime and illegal dumping.

18 Urban agriculture helps cities,
19 neighborhoods, and families create and
20 retain wealth. It has been estimated the
21 urban market gardeners in Philadelphia
22 can earn \$50,000 or more per acre.
23 Farmers can earn livable wages or
24 supplemental income from urban farms and
25 community gardens, and the neighbors can

1 12/4/12 - RULES - BILLS 120800, etc.
2 spend much less for better food, and all
3 the money that is saved and the money
4 that is spent all stays local.

5 The current Zoning Code allows
6 community gardening and market farming in
7 CMX-2, bringing existing gardens and
8 farms up to date and creating
9 opportunities for new projects. The
10 proposed amendments would prohibit urban
11 agriculture on one-third of all
12 commercial land. Current gardeners would
13 have to pay fines or cease operations or,
14 alternatively, to await the process of
15 remapping or attempt to obtain a variance
16 or rezoning ordinance, all time-consuming
17 and resource-heavy endeavors.

18 I would just like to say that
19 there's already plenty of obstacles to
20 the worthwhile endeavors of community
21 gardening and urban agriculture. It's
22 hard work, as rewarding and beneficial as
23 it is, so the last thing that we need to
24 do is to put up more obstacles.

25 COUNCILMAN KENNEY: Thank you

1 12/4/12 - RULES - BILLS 120800, etc.
2 very much.

3 Please identify yourself for
4 the record.

5 MR. ESPOSITO: My name is Nic
6 Esposito. I'm testifying on behalf of
7 the Mayor's Food Policy Advisory Council.
8 I'm also the Co-Manager of Emerald Street
9 Urban Farm in the great 7th District, and
10 I will really appreciate our
11 Councilwoman's remarks earlier.

12 As you may know, in 2008 Mayor
13 Nutter issued the Philadelphia Food
14 Charter, committing to facilitate a
15 sustainable food and urban agriculture
16 system. One of the mechanisms for
17 fulfilling that goal was the creation of
18 a Food Policy Council. The Food Policy
19 Advisory Council was appointed in 2011
20 and was tasked with advising the City on
21 how to be a productive partner in the
22 regional food system and how to provide
23 food access.

24 The Food Policy Advisory
25 Council has identified three priority

1 12/4/12 - RULES - BILLS 120800, etc.
2 areas related to food system for its
3 first years: workforce development,
4 vacant land, and hunger. Urban
5 agriculture, which includes community
6 gardening and market or
7 community-supported farming is integral
8 to those areas and a priority for
9 Philadelphia, as recognized in the both
10 the Food Charter and GreenWorks
11 Philadelphia.

12 I'm here today because the Food
13 Policy Council opposes City Council Bills
14 120916 and 120917. City Council Bill
15 120917 prohibits both community gardening
16 and market or community-supported farming
17 on CMX-2, as we said before, and it
18 covers one-third of the City's commercial
19 land.

20 Bill 120916 creates a new
21 commercial mixed-use district, as we
22 said, the CMX-2.2. The new district
23 treats gardening and farming in a matter
24 consistent with the new Zoning Code, as
25 was adopted in December 2011. However,

1 12/4/12 - RULES - BILLS 120800, etc.
2 the CMX-2.2 district would have to be
3 mapped through new Council ordinance, as
4 Councilman O'Neill said, but that the
5 process requiring significant effort and
6 coordination, which could take years to
7 accomplish.

8 The Food Policy Advisory
9 Council recognizes the Zoning Code was
10 the result of much deliberation and
11 compromise. The code as written reflects
12 both community gardening and market or
13 community-supported farming both as
14 existing and important uses in
15 neighborhoods throughout the City.

16 The Food Policy Council finds
17 that the proposed Zoning Code amendments
18 would create barriers to existing and new
19 gardening and farming projects. This
20 runs counter to the goals of both the
21 Mayor's Administration's Philadelphia
22 Food Charter and GreenWorks Philadelphia.

23 There's going to be an
24 opportunity to fully evaluate the Zoning
25 Code after one year, and, therefore, the

1 12/4/12 - RULES - BILLS 120800, etc.
2 Food Policy Advisory Council recommends
3 that the Rules Committee vote against
4 these bills and allow the Zoning Code to
5 remain as is for the remainder of the
6 year.

7 Thank you very much, and I
8 welcome any questions.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony.

11 Please pull that -- or switch
12 seats and identify yourself for the
13 record.

14 MS. ROCHA: Hi. My name is
15 Monica Rocha and I am speaking on behalf
16 of the Callowhill community, Philadelphia
17 community, and also as a local urban
18 gardener and artist. I'm testifying
19 against opposing the bill, mainly because
20 community gardening can't be limited to
21 the organizations that have the time and
22 the funds to apply for a special permit.
23 Otherwise, those that don't have the
24 luxury of beautification grants, like the
25 average citizen in Philadelphia, will not

1 12/4/12 - RULES - BILLS 120800, etc.
2 have a public place to cultivate for the
3 greater good of the surrounding
4 community.

5 We can't be limited to the
6 market, as it's posed, and we should not
7 have to become a business to keep urban
8 gardenings from being demolished or a
9 501(c)(3).

10 (Applause.)

11 MS. ROCHA: We have to be
12 specific. And we're not trying to stop
13 employment. We're not trying to stop the
14 creation of our neighborhoods. Far from
15 it. And if we're making these extreme
16 municipal restrictions on gardens, we
17 have to make concurrent provisions on the
18 private businesses and not overestimate
19 their true investment into the community
20 in the interest of speeding up zoning
21 cases and turning our neighborhoods into
22 business malls. And being that gardening
23 is considered invasive in these areas, if
24 there is any imagination of that, there's
25 little community backlash to prove this.

1 12/4/12 - RULES - BILLS 120800, etc.

2 I can say pretty securely that these
3 neighborhoods do not need more cafes and
4 condos, but if you want proof of that, we
5 need a structure of input.

6 If Philadelphia has a
7 commitment to urban agriculture and
8 creative initiatives, it doesn't need to
9 create a time-intensive zoning protocol
10 that will only overwhelm the already
11 overwhelmed zoning process even more.
12 These restrictions have no other purpose
13 in the light of the full review of the
14 code's implementation a year from it
15 being ordained after such extensive
16 deliberation. The current exhaustive
17 code must be given a chance before it is
18 so intensely revised in the way
19 Councilman O'Neill's bill proposes and
20 also before an entire time-consuming
21 remapping process begins.

22 The urban gardening movement is
23 not an aggressive one that seeks to
24 commit civil violence through the
25 planting of plants in areas that grow

1 12/4/12 - RULES - BILLS 120800, etc.

2 wildly in disregard. We do not need to
3 worry about bankrupting Philadelphia by
4 maintaining our gardens.

5 Why does worthwhile use of our
6 lands mean restricting it so stringently
7 except to destroy a movement that has
8 been praised for revitalizing the City?
9 Why does limiting community education and
10 local food sustenance mean making a more
11 integrated city?

12 It is much more difficult to
13 imagine how anyone community-driven
14 movement, not just garden, but group
15 homes for person with disabilities and
16 other small-scale neighborhood
17 initiatives can possibly function with
18 complete private takeover in one-third of
19 the City of Philadelphia.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you
22 for your testimony. I'm sorry. What was
23 your name again?

24 MS. ROCHA: Monica Rocha.

25 COUNCILMAN KENNEY: Great.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Thank you. Thank you for your testimony.

3 Robyn Mells, Jeff Hornstein,

4 Diane Menino.

5 (Witnesses approached witness

6 table.)

7 COUNCILMAN KENNEY: Please

8 identify yourself for the record.

9 MS. MELLO: Good morning. My
10 name is Robyn Mello actually.

11 COUNCILMAN KENNEY: Mello. I'm
12 sorry.

13 MS. MELLO: Good morning,
14 Councilpeople and everybody who took time
15 out of their busy schedules and their
16 regular work hours to be here for this
17 extremely long meeting. Thank you for
18 allowing me to testify today.

19 I'm here representing myself as
20 a four-year resident of District 1,
21 representing historic Fairhill
22 incorporated in North Philadelphia around
23 9th and Indiana as their Garden Manager
24 and Nature Educator and also representing
25 Philly Food Forests, an all-volunteer

1 12/4/12 - RULES - BILLS 120800, etc.
2 group I founded which, in part, works
3 with neighborhoods to start edible
4 gardens and orchards on their blighted
5 vacant lots.

6 As an equally avid, active, and
7 passionate gardener and organizer, I and
8 these organizations oppose Bills 120916
9 and 7 due to the negative effects they
10 will surely have on existing and future
11 community gardens and market farms and,
12 therefore, community and nutrition in
13 this city.

14 I garden with community members
15 across a wide range of ages, cultures,
16 interests, backgrounds, priorities, and
17 educational and economic levels. With
18 Philly Food Forests, historic Fairhill,
19 and by myself, I'm building edible
20 gardens and community in 13 locations in
21 Councilman Squilla's 1st, Councilman
22 Clarke's 5th, and Councilwoman
23 Quinones-Sanchez's 7th district. My
24 research shows that at least ten lots
25 within four of these gardens would be

1 12/4/12 - RULES - BILLS 120800, etc.
2 considered illegal to garden on should
3 these proposals pass. Let me paint a
4 picture of these spaces for you.

5 Garden 1 consists of six vacant
6 lots next to a transition house for women
7 recently released from state prison. I
8 work with these women and neighbors on
9 the block to produce food they want to
10 eat, provide them with relevant community
11 service, assist them in learning skills
12 which teach discipline, attention to
13 detail, and nurturing life. Many of them
14 cherish their time outside the house and
15 they can't wait to start gardens of their
16 own when they are released from the
17 house. One neighbor saved seeds from his
18 peppers, tomatoes, squash, and beans
19 received from Philabundance so that he
20 could try growing with us. That's how I
21 started growing, and what do you know, it
22 works.

23 Spaces 2 and 3 are corner lots
24 across the street from each other, which
25 have each been supported in the past and

1 12/4/12 - RULES - BILLS 120800, etc.
2 present by the Mural Arts Program,
3 Pennsylvania Horticultural Society,
4 Philly Orchard Project, and the local
5 Congresswoman. They're maintained by
6 neighboring Puerto Rican families
7 dedicated to keeping them clean and safe,
8 and they are often now the site of
9 community meetings and relaxation time on
10 hot summer days where neighbors can snack
11 on white raspberries, peaches, and
12 strawberries growing all around them.
13 What were their previous uses?
14 Drug-selling corners.

15 Space 4 is a new garden that
16 has won a lot of hearts and stomachs.
17 It's a garden amidst nearly three vacant
18 blocks full of dumping and surrounded by
19 crumbling houses across from a massive
20 Philadelphia Housing Authority complex.
21 We all call it the Peace Park, because we
22 designed it to be a 40-foot diameter
23 peace symbol, easily seen from the PHA
24 buildings' highest story windows. In its
25 first season, it's already become both a

1 12/4/12 - RULES - BILLS 120800, etc.
2 symbol and a creator of peace, providing
3 a place for many young children to learn
4 and play, for adults to participate and
5 harvest, for the community to come
6 together for potlucks and clothing
7 donations and proving, once again, that
8 gardens result in less litter.

9 If these proposals pass
10 rendering community gardening and market
11 farming illegal in CMX-2 zones,
12 communities like those I'm involved in
13 will suffer. I'm often confused by
14 decisions made by lawmakers stated to be
15 in the best interest of constituents, so
16 I finally decided that my voice needs to
17 be heard today and hope that my confusion
18 may also cause Council to reexamine some
19 of its thinking. My questions are:

20 One, why after so many years
21 and such an outpouring of labor,
22 outreach, and money to create a new
23 Zoning Code to reflect what the City's
24 people want are these bills necessary to
25 pass so quickly and so far before the

1 12/4/12 - RULES - BILLS 120800, etc.

2 one-year review process comes to pass?

3 Two, if we state as a city that
4 we aspire to be the greenest city in
5 America and at the same time we are
6 statistically listed as the second
7 hungriest city in the country, why would
8 our elected government officials want to
9 make it more difficult for its citizens
10 to voluntarily green its land and feed
11 its people voluntarily?

12 Three, when will our government
13 and planners begin to consider the
14 savings rather than revenue generated,
15 the increasing financial savings and
16 improved health of its people, the
17 lessened pressure on overburdened welfare
18 and medical systems, the decreased crime
19 rates and less tax money spent on
20 policing, and the increased property
21 values and taxes resulting from community
22 gardens when discussing the highest and
23 best use of a space for development?

24 If every neighborhood had a lot
25 or two in which interested residents

1 12/4/12 - RULES - BILLS 120800, etc.
2 could grow food and the City actually
3 encouraged it, if all zonings allows
4 community gardens and market farms for at
5 least interim or long-term leasing, if
6 our utility companies provided breaks to
7 residents for rainwater collection and
8 our Streets Department incentivized
9 residents to create neighborhood
10 composting sites, the development we all
11 want in this city would eventually
12 follow, but with a conscience and a
13 resiliency which urban areas truly need
14 if we're going to survive and thrive.

15 I don't have much need for
16 statistics or years of academic study to
17 prove me the necessity of gardens in
18 densely populated cities. I see their
19 need every day, but the statistics are
20 there and the research has been done. I
21 urge you to look for it. Gardening and
22 growing food is nothing but positive, and
23 it has been proven.

24 I am the new face of young
25 people moving into Philadelphia, and I

1 12/4/12 - RULES - BILLS 120800, etc.
2 intend to continue pouring my time,
3 energy, love, and money into it. My
4 time, energy, and love all go toward
5 growing free food and cultivating free
6 communities. My money comes from doing
7 the same.

8 There are many, many
9 Philadelphians like me. Many are here
10 today or were. And judging by the flow
11 of newcomers from various backgrounds
12 that we have seen show up to our garden
13 activities, there will continue to be
14 more every day. You should listen to us.

15 Growing food and cleaning our
16 neighborhoods is not a new thing, and we
17 are not following a fad. We are creating
18 our futures and we are shaping the
19 cities. If you want us to stay in this
20 city and be its leaders of tomorrow, as
21 we want to be, I urge you to refrain from
22 passing Bills 120916 and 7. Whether or
23 not they pass, I know of at least four
24 groups of CMX-2 lots that will continue
25 to function as community gardens next

1 12/4/12 - RULES - BILLS 120800, etc.
2 season, and I personally welcome any
3 Councilperson to visit, join in our
4 community, and take home some fresh free
5 food any time you'd like.

6 Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 (Applause.)

10 COUNCILMAN GREENLEE: Mr.
11 Hornstein. We have your written
12 testimony, but if you'd like to add
13 anything else.

14 MR. HORNSTEIN: That's a tough
15 one to follow. I'm Jeff Hornstein. I'm
16 here on behalf of Queen Village Neighbors
17 Association, and on one of these three
18 bills, I'm also authorized to speak on
19 behalf of Northern Liberties Neighbors.
20 Matt Ruben needed to leave.

21 We're here to simply ask
22 Council to slow down. On all three of
23 these bills -- I know you haven't gotten
24 to the RCO bill yet, but 916, 917, I
25 think it's 889. Let's let the one-year

1 12/4/12 - RULES - BILLS 120800, etc.
2 review process run its course. We think
3 that this code was carefully crafted
4 after much citizen input over several
5 years. We participated heavily, and a
6 lot of other people in this room
7 participated heavily in it. We think
8 it's a good starting document. We don't
9 see the need to tinker with it just yet.
10 Let's let it run its course for a year
11 and then let's course correct. I think
12 that's the most prudent course of action,
13 and that's the one that Queen Village
14 Neighbors Association certainly asks you
15 to take in this case.

16 Thank you.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Any questions?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, that is actually all I have on my
23 list. Is there anyone else who wants to
24 testify on the two zoning bills, 120916
25 and 917?

1 12/4/12 - RULES - BILLS 120800, etc.

2 Seeing none -- I'm sorry. I
3 didn't see you. Please.

4 (Witness approached witness
5 table.)

6 MS. GRIMALDI: Elizabeth
7 Grimaldi, Executive Director of the
8 Village Arts and Humanities in North
9 Philadelphia.

10 My speech still says good
11 morning, City Council, so hopefully
12 that's the only part of it that is wrong.
13 It's a pleasure to see you all in person
14 instead of just on the pages of the
15 Metro.

16 So the Village Arts and
17 Humanities you may recall is where Lily
18 Yeh built gardens in the '80s, '90s, and
19 the early 21st century. Twenty-seven
20 years later, we are still the only
21 provider of free after-school art
22 programs for youth in 260 square blocks.
23 If you don't know it, the Village is at
24 the intersection of 10th and Germantown.
25 It's at the intersection of two Council

1 12/4/12 - RULES - BILLS 120800, etc.
2 districts, the 5th and 7th, and the
3 intersection of three police districts.

4 When you're kind of in between
5 so many districts and the phrase at the
6 edges of where Councilpeople are
7 listening to, it can be sometimes be
8 difficult to do business and be heard.

9 What you may not realize in
10 addition to the parks and the art
11 programs is that the Village owns eight
12 buildings and 60 parcels of vacant land,
13 many of which are CMX-2 and are affected
14 by this bill before you.

15 You mentioned earlier this
16 morning that you know how hard it is to
17 raise funds in these tough times, and I
18 agree. Last year I raised \$60,200 in
19 national grant funds, outside of
20 Philadelphia, by utilizing vacant land,
21 not by building a billboard, which was
22 presented earlier, not by renting out
23 artist space, but by actually using what
24 was there right before us.

25 Many of these vacant parcels

1 12/4/12 - RULES - BILLS 120800, etc.
2 have been converted to community gardens
3 for programming. This, in addition to
4 the \$140,000 that we received from the
5 City to clean the Germantown Lehigh
6 business corridor and to clean over 1.1
7 million square feet of vacant land in
8 North Philadelphia, this money employs
9 three full-time people, one part-time
10 person, five seasonal employees and
11 provides stipends to ten neighborhood
12 teens. I know you care about who are
13 getting these jobs. All but one live in
14 the community that is being cleaned.

15 We utilize the space to bring
16 environmental education and increasing
17 STEM education for free in three adjacent
18 middle schools. We educate 300 kids in a
19 neighborhood of 1,900 teens where every
20 single high school, public and private,
21 has been shut down. Every single high
22 school is gone. I heard a lot about
23 doughnuts when this was introduced.
24 Ninety-one percent of the blocks around
25 the Germantown and Lehigh business

1 12/4/12 - RULES - BILLS 120800, etc.
2 corridor suffer from vacancy and blight.

3 I respect that everyone who is
4 talking about their angles in their
5 Council districts have the best
6 intentions for his or her district. And
7 I speak of this on behalf of North
8 Philadelphia. I would really appreciate
9 it if you do not place obstructions in
10 our ability to clean lots and educate
11 children in the way that we know how
12 without providing an alternative
13 solution. If there is an alternative
14 solution, I would love to hear it. I
15 would love condos and cafes to be built
16 in North Philadelphia, and if they have
17 to go on top of community gardens, I
18 understand that.

19 Lastly, to address the concern
20 of actually listening to community
21 residents, I know Ms. Bridges on 9th and
22 Huntingdon does not want a community
23 garden, because she thinks they have
24 their own problem. I know Ms. Bigsby on
25 11th and Warnock really does. That's why

1 12/4/12 - RULES - BILLS 120800, etc.
2 we have it on 11th and Warnock and not at
3 9th and Huntingdon. We actually do work
4 very, very closely with community
5 residents in placing them in areas that
6 are well respected and where they want
7 them.

8 So please do not obstruct our
9 ability to bring additional funds and
10 resources into North Philadelphia.

11 Thank you.

12 COUNCILMAN GREENLEE: Thank
13 you, Ms. Grimaldi. I appreciate it.

14 (Applause.)

15 COUNCILMAN GREENLEE: Is there
16 anyone else?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, Ms. McConnell, will you please
20 read -- wait a minute.

21 Do you want to testify or not
22 on the zoning bills?

23 MR. VOGEL: Yes.

24 COUNCILMAN GREENLEE: Okay.
25 Please, identify yourself and proceed.

1 12/4/12 - RULES - BILLS 120800, etc.

2 MR. VOGEL: My name is Richard
3 Vogel. I'm the Garden Chair of
4 Grumblethorpe in Germantown where we have
5 a very active school program. We mentor
6 I think seven or eight local elementary
7 schools, and our main effort there with
8 the students is gardening. They plant
9 their seeds in the classrooms in
10 February. They put them under the lights
11 on our property in March. They cultivate
12 the ground. They plant the seeds. They
13 nurture it. They care for it. They
14 harvest and they sell at our market on
15 Germantown Avenue, and that is the
16 essence of our efforts, is these school
17 kids. We have over a thousand kids come
18 through there every year, and they don't
19 come once. They come three, four, and
20 five times.

21 But having said that, I have
22 one question. What is it about gardens
23 that is antithetical to the health,
24 safety, and welfare of a community? Can
25 anyone answer that question for me? I,

1 12/4/12 - RULES - BILLS 120800, etc.
2 quite frankly, don't know what it is that
3 generated this.

4 COUNCILMAN GREENLEE: I'm
5 sorry. Thank you. I'm sorry.

6 MR. VOGEL: I'll repeat the
7 question.

8 COUNCILWOMAN TASC0: I'm not
9 sure that -- I can't answer the question,
10 because I didn't -- this is someone
11 else's amendment, but as we were
12 discussing this whole process and the
13 amendment, I think that got into the -- I
14 think it got into the mix by mistake.
15 But I can't speak for the sponsor of the
16 bill, because I certainly support
17 community gardens.

18 MR. VOGEL: Well, I'll have to
19 accept that, but I still don't understand
20 what it is about gardens that violates
21 public health, safety, and welfare in any
22 circumstance. To me, that's --

23 COUNCILMAN GREENLEE: Let me
24 just say, there are some more discussions
25 going on about possible changes in this.

1 12/4/12 - RULES - BILLS 120800, etc.

2 MR. VOGEL: Thank you.

3 COUNCILMAN GREENLEE: Stay

4 tuned. Best I can say right now.

5 Anyone else?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, Ms. Marconi, please read the last
9 bill before us today.

10 THE CLERK: Bill No. 120889, an
11 ordinance amending Title 14 of The
12 Philadelphia Code, entitled "Zoning and
13 Planning," by defining Registered
14 Community Organizations, the requirements
15 for their establishment, and the
16 parameters and expectations of
17 notification, in addition to changing the
18 composition of Civic Design Review
19 Committee; all under certain terms and
20 conditions.

21 COUNCILMAN GREENLEE: Please
22 read the first list.

23 Oh, that's right. You don't
24 have it.

25 Mr. Greenberger, Ms. Gladstein,

1 12/4/12 - RULES - BILLS 120800, etc.

2 Beverly Harper, and Owen Franklin.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN GREENLEE: Please,
6 whoever would like to start. Mr.
7 Greenberger.

8 DEPUTY MAYOR GREENBERGER: Alan
9 Greenberger, Deputy Mayor for Economic
10 Development.

11 I'm going to again be very
12 brief and offer the same comment that I
13 did before, and then, Mr. Chairman, I
14 apologize. I have a critical meeting at
15 2:15 that I have to get to, but my
16 colleagues here will hold the fort.

17 There are a great many changes
18 that are being proposed in this bill, and
19 when I said to you before that there were
20 two issues that took more time to resolve
21 than any two issues in the Zoning Code
22 history, this was number one and the one
23 we did before was number two. This was
24 even the subject of a special two-day
25 charrette with community groups,

1 12/4/12 - RULES - BILLS 120800, etc.
2 developers, and staff members trying to
3 work out a balanced agreement for how to
4 do registered community organizations and
5 essentially spread the notice that
6 projects have that need either variances
7 or Civic Design Review, spread the notice
8 further than simply the orange placard
9 that existed under the old code.

10 We strongly -- we've talked to
11 the Councilwoman about many of these
12 points. There are some that we agree
13 with. There are others that we don't,
14 but I think given the extreme amount of
15 work that went into putting this
16 together, we urge you to let this be the
17 subject of a working group that we can
18 assess further. This is, again, I think
19 the wrong way to do this. This is a rush
20 to a series of changes that have very
21 significant consequences to what we have
22 worked out over the over last four years,
23 and we urge you to let us work on this
24 further and not move it out of committee.

25 COUNCILMAN GREENLEE: Before

1 12/4/12 - RULES - BILLS 120800, etc.

2 you go any further, let me just -- I know
3 it's been a long day. Let me try to cut
4 to the chase here, if I can.

5 I know there was a point --
6 and, Councilwoman Blackwell, weigh in
7 however you'd like -- where there seemed
8 to be some agreement. We almost were
9 there about three weeks ago, I think.
10 And without going with a big debate back
11 and forth, is there -- how close are we
12 in either of your opinions to get back to
13 that middle ground again?

14 COUNCILWOMAN BLACKWELL: I can
15 comment to that.

16 COUNCILMAN GREENLEE:
17 Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you and thank the Committee for their
20 patience.

21 I was looking at
22 Mr. Greenberger's testimony, Eva
23 Gladstein's. Every issue that they
24 mentioned as a problem are issues that we
25 believe we've worked out. With regard to

1 12/4/12 - RULES - BILLS 120800, etc.
2 Councilman Henon, his issue, we struck
3 that. All the issues that they
4 mentioned, we worked on and we believe
5 they are resolved. So we think that
6 we're on the same page.

7 DEPUTY MAYOR GREENBERGER: I
8 wish I could agree with you. I'm not
9 sure based on some of the revisions that
10 we saw just a couple of hours ago that
11 we're there yet. In our view, there are
12 still a few things to be worked out.

13 COUNCILWOMAN BLACKWELL: Only
14 if you all changed it.

15 And, Mr. Chairman, the Law
16 Department rewrote the legislation. We
17 agreed with their order. We dealt with
18 every issue that was listed that Eva
19 Gladstein mentioned. We dealt with it.
20 We dealt with all their issues. So we've
21 done everything we know to try to work
22 with them on this issue and to try to
23 compromise. We would like to ask the
24 Committee to pass out this bill, because
25 we have other issues. We still want to

1 12/4/12 - RULES - BILLS 120800, etc.
2 deal with next year an appeal process.
3 We want to deal with parking. Parking is
4 an issue for my district. We have other
5 aspects of the code that we want to move
6 forward and deal with. So we would like
7 to get this behind us so that we can move
8 forward and work on our other concerns
9 over the holiday break.

10 COUNCILMAN GREENLEE: I'm
11 getting handed now proposed amendments to
12 the bill. Whose amendments are they?
13 Are they yours, Councilwoman Blackwell?

14 COUNCILWOMAN BLACKWELL: I
15 don't know what she's handing out.

16 COUNCILMAN GREENLEE: They're
17 Councilwoman Blackwell's amendments.

18 COUNCILWOMAN BLACKWELL: But
19 this is the bill written by Mr. Feder
20 from the Law Department. We agreed
21 with -- we tried to work out everybody's
22 concerns.

23 COUNCILMAN GREENLEE: Have you
24 seen these amendments?

25 MS. GLADSTEIN: We saw them

1 12/4/12 - RULES - BILLS 120800, etc.
2 this morning. There are several
3 points -- I agree with the Councilwoman,
4 we've reached agreement probably on 75,
5 80 percent of the points. Some of them
6 have been redrafted since Richie Feder
7 from the Law Department shared them. So
8 if you want, I can just identify the
9 points, if you want, but I would say
10 there are two or three critical points.

11 COUNCILMAN GREENLEE: I hear 75
12 percent, 80 percent. Is there any
13 confidence between the two parties
14 here -- we have an L&I Committee coming
15 up. It's supposed to schedule at 2
16 o'clock. I don't want to recess this
17 hearing if we're wasting our time. But
18 we went through a hearing a couple weeks
19 ago on a resolution. I'm sure we're
20 going to hear basically the same
21 arguments we've heard before. I'm trying
22 to see, is there a way to sit down -- if
23 I'm hearing 75, 80 percent, that means
24 there's only 20 or 25 percent.

25 COUNCILWOMAN BLACKWELL: That's

1 12/4/12 - RULES - BILLS 120800, etc.
2 according to them.

3 COUNCILMAN GREENLEE: That's
4 according to them.

5 COUNCILWOMAN BLACKWELL: Not
6 according to me.

7 COUNCILMAN GREENLEE:
8 Councilwoman, you think there's less than
9 that, correct?

10 COUNCILWOMAN BLACKWELL: Yeah.
11 I don't know that there's not 90 to 95
12 percent if they disagree with anything.
13 As I said, we compromised with their
14 concerns and the Law Department who
15 rewrote it and restated it. And we tried
16 to compromise every way we know so that
17 it would be easy when we got this far to
18 the Committee so we wouldn't try to
19 put -- you told me about our timeframe
20 issues, so we tried to do everything we
21 can to make it easy to move forward.

22 COUNCILMAN GREENLEE: We
23 appreciate that. We appreciate that.

24 Ms. Gladstein, if you just -- I
25 think all of us want to go here, if we

1 12/4/12 - RULES - BILLS 120800, etc.
2 can work this out. Please.

3 COUNCILWOMAN BLACKWELL: I am
4 willing, Mr. Chairman, if the Committee
5 will pass it out to work with them on any
6 minor things thereafter.

7 COUNCILMAN GREENLEE: Okay.

8 COUNCILWOMAN BLACKWELL: We've
9 gotten this much this far.

10 COUNCILMAN GREENLEE: This
11 whole pending doctrine issue, does that
12 come in here at all?

13 MS. GLADSTEIN: Yes, it does.

14 COUNCILMAN GREENLEE:
15 Councilman Kenney.

16 COUNCILMAN KENNEY: Can I get
17 the history of why this is in there?
18 Because I tried to invoke a pending
19 doctrine ordinance five years ago, and
20 L&I told me, forget it, they're shutting
21 down the crab stand and the fruit vendor
22 because we pass something out of
23 committee, they would acknowledge.

24 What is -- it seems to me to
25 be --

1 12/4/12 - RULES - BILLS 120800, etc.

2 MS. GLADSTEIN: It's actually
3 caselaw which was not in the Zoning Code
4 before. It was actually at the request
5 of City Council's technical staff
6 director, Rick Auerbach, that he ask that
7 we put it in the Zoning Code, and he and
8 the City's Law Department worked on
9 crafting it to make sure that it was
10 consistent with state caselaw and
11 consistent with practices. But it was
12 done -- that was the one request out of
13 City Council's technical staff when we
14 were working on Zoning Code reform.

15 COUNCILMAN KENNEY: The problem
16 is, I think it's working to our
17 disadvantage now in this particular
18 discussion, because if it comes out of
19 committee, Councilwoman wants time to
20 talk about it, but it's already a law.

21 MS. GLADSTEIN: Agreed.

22 COUNCILMAN KENNEY: If
23 O'Neill's amendments are approved, comes
24 out of the committee, you'll still work
25 on them for 45 days, but it's now the

1 12/4/12 - RULES - BILLS 120800, etc.
2 law.

3 MS. GLADSTEIN: I would also
4 say --

5 COUNCILMAN KENNEY: Do you need
6 a pending ordinance doctrine?

7 MS. GLADSTEIN: If fact, the
8 way we drafted it would not have worked
9 this way, but there were amendments that
10 Council made in June that made it go into
11 effect right after the Rules Committee
12 vote. The way we originally wrote the
13 pending ordinance doctrine, it would not
14 have gone into effect until after certain
15 number of Council sessions or whatever,
16 but the way it was rewritten in June at
17 the request of certain development
18 interests, now it goes into effect after
19 the Rules Committee vote.

20 COUNCILMAN KENNEY: Is there --

21 MS. GLADSTEIN: It's not
22 helpful to us right now, I agree.

23 COUNCILWOMAN BLACKWELL: But
24 here it says, Mr. Chairman --

25 COUNCILMAN KENNEY: I'm just

1 12/4/12 - RULES - BILLS 120800, etc.
2 curious whether or not does it make any
3 sense to find some amendment mechanism to
4 suspend it?

5 MS. GLADSTEIN: I think the
6 Councilwoman is trying to share with you
7 that this would not go into -- the
8 Councilwoman did agree that it would not
9 go into effect until 60 days after it
10 becomes law. I'm not quite sure how that
11 works with the pending ordinance
12 doctrine. I'm hoping that that might
13 suspend it, but I don't know for sure.
14 I'd have to check with our Law
15 Department.

16 COUNCILWOMAN BLACKWELL: And
17 that is their request, not mine. I
18 agreed to that too.

19 COUNCILMAN GREENLEE: It would
20 seem to me if it says it won't go in
21 effect until 60 days, it says it won't go
22 in effect until 60 days.

23 DEPUTY MAYOR GREENBERGER: You
24 would think.

25 COUNCILMAN GREENLEE: You would

1 12/4/12 - RULES - BILLS 120800, etc.
2 think.

3 MS. GLADSTEIN: I would hope,
4 but, again --

5 COUNCILMAN GREENLEE:
6 Unfortunately, then, we have to talk to
7 lawyers, which scares the heck out of me.

8 MS. GLADSTEIN: I would
9 appreciate the ability just to say for
10 the other members of the Committee the
11 areas where I think there's a difference.

12 COUNCILMAN GREENLEE: Go ahead.
13 I'm just trying to avoid two hours worth
14 of testimony.

15 COUNCILWOMAN BLACKWELL: We
16 can. Then we're going to have to then
17 take time and go through it. It's okay
18 with me, Mr. Chairman. It's up to the
19 Committee. We're prepared to respond to
20 each and every issue, but it's going to
21 mean that's what we're going to do. She
22 wants to list it, then I'll list our
23 response.

24 DEPUTY MAYOR GREENBERGER: To
25 your point earlier, we're happy to keep

1 12/4/12 - RULES - BILLS 120800, etc.
2 talking about this. That's why the
3 Planning Commission -- that's why we keep
4 talking about this with the Councilwoman.
5 That's why the Planning Commission didn't
6 vote the 45-day hold on this one, because
7 we had been having conversations already.

8 COUNCILMAN GREENLEE: Well,
9 that's what I'm saying. It sounds like
10 you're reasonably close, and that's
11 why --

12 DEPUTY MAYOR GREENBERGER:
13 We're happy to keep doing it, but I'd
14 like to get the two points in the record
15 and then we can have a discussion.

16 COUNCILMAN GREENLEE: You're
17 saying two points?

18 MS. GLADSTEIN: Two points,
19 yes.

20 COUNCILMAN GREENLEE: Go ahead.

21 MS. GLADSTEIN: One is that
22 there's no limit on the number of
23 meetings that might be held with the
24 RCOs. The way the Law Department wrote
25 the amendment, they felt -- and I

1 12/4/12 - RULES - BILLS 120800, etc.
2 think -- I don't know if the amendment
3 has been shared with the Committee or
4 not. They felt that the District
5 Councilperson could not kind of
6 unilaterally make that decision about
7 number of meetings, but that could be
8 done by the Zoning Board or the Planning
9 Commission upon consultation with
10 Council. But it's been rewritten, and
11 there's no limit.

12 And the second has to do with
13 the number of representatives of RCOs
14 that would be on the Civic Design Review
15 Committee, and this was a particular
16 concern to us because we have supported
17 another bill to streamline the process.
18 We feel this will work against the
19 streamlining of that process.

20 COUNCILWOMAN BLACKWELL: In
21 response to both issues, we changed that.
22 We were not -- one of the people who
23 testified asked if they could have
24 another meeting. If you have a meeting
25 when issues aren't resolved. We're not

1 12/4/12 - RULES - BILLS 120800, etc.
2 interested in a lot of meetings, only if
3 the community group, if they needed
4 another meeting, they could have one. We
5 dealt with that issue.

6 And the second issue you
7 mentioned we resolved in the legislation.
8 What was the second issue you just said?

9 MS. GLADSTEIN: The second
10 issue was the number of RCOs that would
11 be added to the Civic Design Review
12 Committee.

13 COUNCILWOMAN BLACKWELL:
14 Absolutely. We changed it an alternate
15 RCO representative. We agreed with your
16 language. I'm saying all the things you
17 asked for, if you just read it. We
18 agreed. You said when we had every RCO
19 could be represented, we took it all out
20 and agreed with your language, an
21 alternate RCO. We agreed to it.

22 MS. GLADSTEIN: The way the
23 language reads -- maybe it's just a
24 misunderstanding. The way it reads right
25 now, it says a seat for a representative

1 12/4/12 - RULES - BILLS 120800, etc.
2 from each local registered community
3 organization. That's instead of just one
4 RCO. So there's a representative from
5 the District Councilperson and from each
6 RCO. Maybe that's a misunderstanding,
7 but that's the way I read what I saw this
8 morning.

9 COUNCILWOMAN BLACKWELL: You
10 all wanted it to be your language again
11 in that particular part of it, you wanted
12 it to be the RCO in the area of the
13 project.

14 MS. GLADSTEIN: And if there
15 were multiple --

16 COUNCILWOMAN BLACKWELL: So if
17 there's one RCO in that project or two,
18 then they would be the only people
19 concerned. It does not mean if I have 11
20 or 13 RCOs, they would all meet. We put
21 in the area, the location of the
22 development, at your request again.

23 MS. GLADSTEIN: And we asked
24 for there --

25 COUNCILWOMAN BLACKWELL: All of

1 12/4/12 - RULES - BILLS 120800, etc.
2 these are things you asked for, and we
3 agreed to do this.

4 MS. GLADSTEIN: I'll just
5 restate that if there are four or five or
6 six RCOs, this would say each is
7 represented on the Civic Design Review
8 Committee, and our request had been that
9 the original requirement that it just be
10 one RCO representative be from -- because
11 there are many areas of overlap in this
12 city.

13 COUNCILWOMAN BLACKWELL: I'm
14 not so sure that you read all the changes
15 we did to accommodate you. Everything in
16 your statement we addressed, each and
17 every issue.

18 COUNCILMAN GREENLEE: Let me
19 make a suggestion, Councilwoman, please.

20 What I'm suggesting we do is go
21 in to recess the hearing temporarily, go
22 into the public meeting and report six of
23 the nine bills out. We're holding the
24 two O'Neill bills and this one. And then
25 we'll go back into a public hearing

1 12/4/12 - RULES - BILLS 120800, etc.
2 subsequently, maybe after the L&I
3 Committee hearing. Am I making sense?

4 COUNCILWOMAN BLACKWELL: Mr.
5 Chairman, we would like to deal with this
6 today.

7 COUNCILMAN GREENLEE: And I'm
8 saying that. I'm saying that.

9 COUNCILWOMAN BLACKWELL: Thank
10 you.

11 COUNCILMAN GREENLEE: But what
12 I would like to do -- what I'm suggesting
13 is that maybe you folks can talk a little
14 bit more. It sounds to me like you're
15 not that far away. Now, maybe -- and I'm
16 not as much into this as you are,
17 Councilwoman, so I could be missing
18 something here, but it sounds like you're
19 not that far away, and if we could avoid
20 delaying this anymore, I would like to
21 see this -- if it can't, it can't. We
22 have a --

23 COUNCILWOMAN BLACKWELL: I'm
24 telling my colleagues, we've done
25 everything they asked us to do. I would

1 12/4/12 - RULES - BILLS 120800, etc.
2 not say it were it not so. I would say
3 we don't agree here or we don't agree
4 there. We agreed to all of these things.
5 We've done everything we can to give in.
6 You have no idea the issues we had to
7 deal with with all these community people
8 to get them to give in. And we've done
9 that, and I don't know what else we can
10 do. If we're talking about translating
11 English into English, it's all -- it's
12 their language. It's their issues. And
13 that part, I do not understand.

14 COUNCILMAN GREENLEE: Okay.
15 All right. I'm going to do what we said.
16 We're going to continue this public
17 hearing. I'm asking you to please talk
18 to each other for a few minutes and see
19 if there's a way to work it. If there's
20 not, we'll come back and we'll hash it
21 out again. But I'm trying to -- I'm
22 hoping, hopefully not against hope, that
23 we'll be able to work this out. Okay?

24 So I'm going to recess the
25 public hearing and were subsequently

1 12/4/12 - RULES - BILLS 120800, etc.
2 going to go into a public meeting in like
3 two minutes as long as we got everything
4 together. Okay?

5 MS. TURNER: Excuse me,
6 Councilman Greenlee.

7 COUNCILMAN GREENLEE: Hold on
8 one second.

9 MS. TURNER: I've been here for
10 five hours.

11 COUNCILMAN GREENLEE: I
12 understand.

13 MS. TURNER: I am the local
14 RCO. I want to give my testimony.

15 COUNCILMAN KENNEY: We're not
16 done yet.

17 MS. TURNER: Let's hear what
18 you --

19 COUNCILMAN KENNEY: We're not
20 done yet.

21 COUNCILMAN GREENLEE: We're not
22 done yet, ma'am.

23 MS. TURNER: Five hours.

24 COUNCILMAN GREENLEE: And so
25 have we. A lot of other people have.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Could you please talk to each
3 other.

4 (Brief pause.)

5 COUNCILMAN GREENLEE: Please
6 keep your voices down. We're going into
7 our public meeting of the Committee on
8 Rules.

9 The Chair recognizes Councilman
10 Kenney.

11 COUNCILMAN KENNEY: Thank you,
12 Mr. Chairman. I move that Bill No.
13 120800 be reported out of this Committee
14 with a favorable recommendation and a
15 recommendation that the rules of Council
16 be suspended to allow first reading at
17 our next Council session.

18 Let me restate that,
19 Mr. Chairman. I'd like to recommend that
20 Bill No. 120800 be amended as according
21 to the amendments circulated to members
22 of the Committee.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: All in
25 favor of the amendments?

1 12/4/12 - RULES - BILLS 120800, etc.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: Hearing

6 none, the amendment is adopted.

7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you,

9 Mr. Chairman. I move that Bill No.

10 120800, as amended, be reported out of

11 this Committee favorably and a request

12 made for rules suspension to allow first

13 reading at our next Council session.

14 (Duly seconded.)

15 COUNCILMAN GREENLEE: It's been

16 moved and seconded.

17 All in favor?

18 (Aye.)

19 COUNCILMAN GREENLEE: Opposed?

20 (No response.)

21 COUNCILMAN GREENLEE: Hearing

22 none, the bill is reported out of the

23 Committee as amended, with a rules

24 suspension.

25 Once again, Councilman Kenney.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN KENNEY: Thank you,
3 Mr. Chairman. I move that Bill No.
4 120878 be reported out of this Committee
5 favorably and a request made for rules
6 suspension to allow first reading at our
7 next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: It's been
10 moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, the bill is reported out favorably
17 with a rules suspension.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman. I move that Bill No.
21 120879 be reported out of this Committee
22 favorably and a request made for rules
23 suspension to allow first reading at our
24 next Council session.

25 (Duly seconded.)

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: It's been
3 moved and seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN GREENLEE: Opposed?

7 (No response.)

8 COUNCILMAN GREENLEE: Hearing
9 none, the bill is reported out favorably
10 with a rules suspension.

11 Councilman Kenney.

12 COUNCILMAN KENNEY: Thank you,
13 Mr. Chairman. I move that the amendment
14 to Bill No. 120897 as circulated to
15 members of this Committee be approved.

16 (Duly seconded.)

17 COUNCILMAN GREENLEE: It's been
18 moved and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: Hearing

24 none, the amendment is approved.

25 Councilman Kenney.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN KENNEY: Thank you,
3 Mr. Chairman. I move that Bill No.
4 120897, as amended, be reported out of
5 this Committee favorably and a request
6 for rules suspension to allow first
7 reading at our next Council session.

8 (Duly seconded.)

9 COUNCILMAN GREENLEE: It's been
10 moved and seconded.

11 All in favor?

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: Hearing
16 none, the bill as amended is reported out
17 favorably with a rules suspension.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman. I move that the amendments
21 to Bill No. 120920 be approved by this
22 Committee as circulated to the members.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been
25 moved and seconded the amendment be

1 12/4/12 - RULES - BILLS 120800, etc.

2 approved.

3 All in favor?

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, the amendment is adopted.

9 Councilman Kenney.

10 COUNCILMAN KENNEY: Thank you,

11 Mr. Chairman. I move that Bill No.

12 120920, as amended, be reported out of

13 this Committee favorably and a request

14 made for rules suspension to allow first

15 reading at our next Council session.

16 (Duly seconded.)

17 COUNCILMAN GREENLEE: It's been

18 moved and seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: Hearing

24 none, the bill is reported out favorably

25 as amended with a rules suspension.

1 12/4/12 - RULES - BILLS 120800, etc.

2 Councilman Kenney.

3 COUNCILMAN KENNEY: Thank you,
4 Mr. Chairman. I move that Bill No.
5 120875 be reported out of this Committee
6 favorably and a request made for rules
7 suspension to allow first reading at our
8 next Council session.

9 (Duly seconded.)

10 COUNCILMAN GREENLEE: It's been
11 moved and seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN GREENLEE: Opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Hearing
17 none, the bill is reported out favorably
18 with a rules suspension.

19 Now we will momentarily go back
20 into the public hearing on those other
21 three bills. We will go in shortly.
22 Please hang on there. Thank you.

23 (Brief pause.)

24 COUNCILMAN GREENLEE: Can I
25 have your attention so everybody can

1 12/4/12 - RULES - BILLS 120800, etc.
2 hear. What we're going to do is, the
3 Committee on Rules is going to stay in
4 recess for few minutes and we're going to
5 have a Committee on Licenses and
6 Inspection, which was supposed to start
7 at 2:00. Hopefully when that Committee
8 is over, hopefully we'll work out
9 whatever problems we need to work out.
10 So the Committee on Rules -- the hearing
11 on the Committee on Rules will stay in
12 recess.

13 (Committee on Rules recessed at
14 2:10 p.m. to 2:45 p.m. for Committee on
15 Licenses and Inspections hearing.)

16 COUNCILMAN GREENLEE: This is
17 the continuation of the Committee on
18 Rules. And I understand there are some
19 still discussions going on, and
20 hopefully -- can I have everybody's
21 attention, please.

22 I'm going to continue the
23 hearing. I know there's some community
24 folks who wanted to testify and I'm going
25 to let them go ahead while hopefully we

1 12/4/12 - RULES - BILLS 120800, etc.
2 work out some other things here.

3 Now, who I have on my list
4 is -- and I don't know who is still
5 here -- Anne Fadullon. I don't see Anne.
6 Kiki Bolender. I see her. Betty Turner
7 and Betsey Master. I see Ms. Turner
8 there.

9 Do you want to come up.
10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: Whoever
13 would like to go, Ms. Turner, whoever
14 would like to go first.

15 MS. TURNER: Good afternoon,
16 members of Council, and thank you for
17 this second chance. I am Betty Turner of
18 the Germantown Community Connection Local
19 RCO. To date, our local RCO has been
20 involved in three public meetings with
21 three different project developer
22 applicants. One was about a use variance
23 and two addressed appeals. The use
24 variance meeting concerned a project that
25 was coded R-5 in the old Zoning Code and

1 12/4/12 - RULES - BILLS 120800, etc.
2 is RSA-3 in the new Zoning Code. The
3 outcome of this public meeting was
4 community support, and the two local RCOs
5 involved agreed to each submit a separate
6 letter of support to the ZBA. These
7 letters and other documents of the public
8 meeting were sent to the listed official
9 offices and community organizations prior
10 to the appeal hearing. The final outcome
11 in this case was a unanimous yes vote by
12 the ZBA on November 14th, 2012.

13 In another RCO public
14 meeting -- and I took this vein because
15 to date I have not heard from a local RCO
16 in testimony, so I wanted to present as a
17 living, breathing, real RCO.

18 In another RCO public meeting,
19 the applicant in this case wanted a new
20 construction permit to construct an
21 accessory building to the main building
22 of a car rental business. In addition to
23 the public notice and invitation to the
24 community, the Planning Commission's
25 Northwest Community Planner was invited

1 12/4/12 - RULES - BILLS 120800, etc.
2 to the meeting to provide any technical
3 information or clarifications that might
4 be needed. After public discussion and
5 final agreement, the two local RCOs
6 involved, which was based on the PCPC
7 organizational boundaries list, wrote a
8 collaborative letter of support to the
9 ZBA with copies to those named in the
10 process and to the community through
11 e-mails and other community-based
12 communication vehicles and networks.

13 We make every effort as a local
14 RCO to make sure our 8th District
15 Councilwoman's office is kept up to date
16 through telephone calls, e-mails, and
17 letters, and we have good communication
18 with our Councilwoman's office.

19 Right now, as of today, this
20 week, our local RCO and another local RCO
21 are working together to set up a public
22 meeting and a notice for an applicant
23 appeal. This is actually our third since
24 the new Zoning Code became effective.

25 I get around, and in recent

1 12/4/12 - RULES - BILLS 120800, etc.
2 conversations with members of other local
3 RCOs and the issue-based RCOs, it seems
4 many of them and community members would
5 like to see how this new Zoning Code
6 works in practice. After all, it took
7 five years of work to get us here, and at
8 this point it is only three months old,
9 with no evidence-based data to inform us
10 either generally or specifically one way
11 or the another in terms of practice or in
12 terms of results.

13 Finally, we understand that an
14 official report on the new Zoning Code
15 and its practical application will be
16 provided at the end of one year. Let's
17 get caught up in trying to may it work
18 for the communities and for government.
19 Therefore, I respectfully, respectfully
20 ask Councilmembers to vote no on Bill No.
21 120889.

22 Thank you, and thank you,
23 Councilman Greenlee.

24 COUNCILMAN GREENLEE: Thank
25 you, Ms. Turner, and thank you for your

1 12/4/12 - RULES - BILLS 120800, etc.

2 patience and hanging in there.

3 You too, Ms. Bolender. Please.

4 MS. BOLENDER: Does this one
5 work now?

6 COUNCILMAN GREENLEE: It sounds
7 it, yeah.

8 MS. BOLENDER: Good.

9 Thank you. It's been a long
10 day so far, and I think what this day
11 demonstrates is how hard it is to design
12 a process that really works, where people
13 don't get exhausted and hungry and give
14 up. So thank you all for hanging in
15 there.

16 I don't know exactly what I'm
17 going to talk about now because I don't
18 know what's still on the table, but my
19 name is Kiki Bolender. I'm here
20 representing the Design Advocacy Group,
21 and we are asking you to vote no on this
22 amendment. There's nothing of the tweaks
23 in the amendment that are helpful that
24 can't be done through the administrative
25 manual. It doesn't need an amendment. I

1 12/4/12 - RULES - BILLS 120800, etc.
2 think there are some things like
3 Councilwoman Sanchez told me when we were
4 talking about land banks. We think you
5 guys know everything from the get-go, and
6 you don't always. So if there's a more
7 formal mechanism of notifying you all
8 when something is coming up, that's
9 great.

10 There are other things that can
11 be fixed like that without an amendment
12 and without taking a part of the whole
13 process.

14 I'd like you to just think
15 about three things for a minute.
16 Briefly -- I'm sorry Mr. Kenney left,
17 because he said I love you when somebody
18 before us said he would be brief, and I'm
19 sorry nobody is here to say it this time.
20 But you get what you can.

21 First thing is, the Civic
22 Design Review Committee and the
23 requirement in the amendment that the
24 District Councilperson be allowed to
25 appoint her own voting representative and

1 12/4/12 - RULES - BILLS 120800, etc.
2 that any number of local RCOs be allowed
3 to appoint their own voting
4 representatives. What if the Rules
5 Committee had six new voting members
6 every time it met. Would you get much
7 accomplished? What if at one meeting
8 Ms. Blackwell were allowed to bring in
9 six constituents to vote in committee and
10 that the next one Ms. Bass could bring in
11 other own six different people? I don't
12 think you'd get much accomplished.

13 This part of the amendment
14 would make the new CDR Committee
15 unworkable and would cause it to fail.
16 If that is the intent, I think it should
17 be more open, but I don't believe that is
18 the intent.

19 Second, the requirement for the
20 applicant to convene and document as many
21 as different RCO meetings as the District
22 Councilperson wishes. Mr. Greenlee and
23 Mr. O'Brien, picture yourselves as
24 developers. Picture yourselves forsaking
25 public service and going for the big

1 12/4/12 - RULES - BILLS 120800, etc.
2 bucks. Would you choose to invest in a
3 city where you were required to go
4 through an open-ended process, meeting
5 after meeting after meeting, and no end
6 in sight? You could be mired in meetings
7 forever. By the time you got your
8 approvals, you would have forgotten why
9 you ever thought of building in
10 Philadelphia. If you had read this
11 requirement in the Zoning Code before
12 applying, you would have made the wise
13 decision to go build in Baltimore or
14 maybe Boston.

15 For neighborhood groups, the
16 requirement that they come together and
17 meet together and speak as one is a big
18 one, and it's not easy, but it's a very
19 big part of getting people to talk to one
20 another, speak with a stronger voice.

21 Third, the requirements for
22 becoming an RCO. The code requires that
23 an RCO be open and inclusive, with
24 leaders elected by the members and
25 meetings open to the public. Why would a

1 12/4/12 - RULES - BILLS 120800, etc.
2 group of people who meet behind closed
3 doors be afforded the same level of
4 respect as a group that embraces
5 diversity and welcomes everyone in the
6 neighborhood regardless of race, income
7 or public or political affiliation.

8 Again, DAG opposes this
9 amendment, and we would also like to
10 remind you that our criticisms are of the
11 content of the amendment and not of any
12 individual here and that we value the
13 hard work you do.

14 Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Mr. Chairman. I can only say to
20 Ms. Bolender that I saw her article in
21 today's paper, and I believe that when
22 our Founding Fathers first founded this
23 country, we have three branches of
24 government on three levels - local,
25 state, and federal. We have executive,

1 12/4/12 - RULES - BILLS 120800, etc.
2 legislative, and judicial. And I think
3 she doesn't understand that we are the
4 legislative branch and that we have a
5 responsibility to represent people who
6 elect us. So we can't just do as she
7 suggests here, that we are deterring
8 developers and, in all her comments,
9 indicates that the executive branch, only
10 the Administration can deal with
11 developers and can make those decisions,
12 and that community people who elect us
13 have no right to any say. I think she
14 misses the whole point.

15 I feel sorry for people who
16 don't understand that we're elected to
17 represent everybody. I represent more
18 institutions than anyone, as all you of
19 you know, Penn, Drexel -- I always say
20 it. Penn, Drexel, USP. I represent
21 Drexel. I represent Children's Hospital.
22 I represent HUP, CHOP, Science Center,
23 Cira Centre and so on and so on.

24 So we all understand the
25 importance of having developers work with

1 12/4/12 - RULES - BILLS 120800, etc.
2 us. It's part of what we must do. But
3 we can't do it and leave back people who
4 live in houses on row house blocks. We
5 don't have that luxury. Ms. Bolender
6 might have the luxury for only dealing
7 with narrowly developers. We don't have
8 that luxury.

9 So I think that maybe if she
10 would open her mind a little bit and
11 realize that we have a responsibility to
12 deal with everybody and all people and
13 all entities who live, visit, and work in
14 our district, maybe she could be a little
15 more fair-minded and realize that we've
16 done a whole lot, we're doing a great
17 job, and we appreciate and respect the
18 ability to serve all people as we try to
19 do our jobs.

20 Thank you, Mr. Chairman.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 Any other questions or
24 comments?

25 (No response.)

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Seeing
3 none, thank you. Thank you both.

4 Now, by show of hands, who else
5 would like to say something on this bill?
6 Okay. All right.

7 COUNCILWOMAN BLACKWELL: Mr.
8 Chairman, maybe we could help if folks
9 realize that we are having the amendments
10 typed up for those who had a lot of
11 concerns. We have come to an agreement.
12 We just met in my office, and we've come
13 to an agreement and so we're ready to go.

14 COUNCILMAN GREENLEE: Okay.
15 All right. Are you ready to talk about
16 those amendments or do you want to wait
17 until -- I'm looking at Ms. Gladstein.

18 MS. GLADSTEIN: I think the
19 people who have been here since 9:00
20 a.m., it would be fair to let them talk.

21 COUNCILMAN GREENLEE: Let them
22 go? Okay.

23 Mr. Schelter.

24 MS. BOLENDER: There are
25 amendments. If something is going to be

1 12/4/12 - RULES - BILLS 120800, etc.
2 voted on today, I think we deserve the
3 right to speak once Councilwoman
4 Blackwell has made her new amendment
5 clear. I think we have the right to
6 respond.

7 COUNCILMAN GREENLEE: It
8 doesn't work like this.

9 COUNCILWOMAN BLACKWELL: This
10 is our forum, Mr. Chairman.

11 COUNCILMAN GREENLEE: Because
12 oftentimes we do do that. We listen to
13 the testimony and then we make
14 amendments.

15 MS. BOLENDER: You're voting on
16 something that we haven't heard about.

17 COUNCILMAN GREENLEE: Well, you
18 know what we're talking about here.
19 We've been talking about it the whole
20 time, ma'am. I mean, in all fairness.

21 MS. BOLENDER: Well,
22 Councilwoman Blackwell seems to
23 completely misunderstand what I wrote in
24 the paper this morning, and so I don't
25 know if you all share that

1 12/4/12 - RULES - BILLS 120800, etc.
2 misunderstanding.

3 COUNCILMAN GREENLEE: Okay.
4 Everybody has their opinion.

5 Sir, why don't you come up too.

6 Mr. Schelter, please, identify
7 yourself.

8 MR. SCHELTER: For the record,
9 my name is Craig Schelter representing
10 the Development Workshop. I came here
11 this morning missing the key hearing, but
12 fortunately Mr. Henon had our testimony,
13 so that that was added to the record.

14 COUNCILMAN GREENLEE: That was
15 made part of the record.

16 MR. SCHELTER: We're very happy
17 with the result of the voting on that
18 bill.

19 With regard to this bill,
20 120889, we very much supported the
21 statement of the Planning Commission this
22 morning about the need for some
23 additional time in order to deal with the
24 issues that are raised in this bill. And
25 I think there are three things here that

1 12/4/12 - RULES - BILLS 120800, etc.

2 we are particularly concerned about, and
3 not having seen whatever the final
4 agreement is, it's in some ways hard to
5 comment. And I'm also saying this with
6 great respect for the work that
7 Councilwoman Blackwell has done over the
8 years. Worked with her on Penn and
9 Drexel, and it's been an enjoyable
10 experience and one where you've been very
11 favorable and helpful to developers while
12 supporting your community.

13 COUNCILWOMAN BLACKWELL: Thank
14 you.

15 MR. SCHELTER: The concern that
16 we have, though, about this particular
17 bill are excessive notice provisions,
18 excessive multiple meetings in a way that
19 we feel are going to be both expensive
20 and confusing and not knowing who in fact
21 is going to do all these things, whether
22 this is going to be an obligation of the
23 Planning Commission, whether it's an
24 obligation of the applicant, and the
25 process by which you do that. And the

1 12/4/12 - RULES - BILLS 120800, etc.

2 fact that it's multiple properties within
3 the vicinity of a given development site
4 is something which is really difficult,
5 because normally attorneys for developers
6 want to be very careful that there's
7 registered notice where there are
8 specific rights to adjacent properties,
9 and this is confusing in that regard,
10 because you can say, well, we put a flyer
11 in the door, we didn't know whether the
12 property was occupied or not, and someone
13 comes back later and said, well, no, it
14 was an occupied property and I should
15 have been notified.

16 It's also something where with
17 regard to the membership of the Civic
18 Design Review panel, the whole membership
19 of these panels was something that was
20 worked out to bring as much professional
21 knowledge to bear as possible on these
22 reviews, and I can state from having seen
23 the first Civic Design Review meeting,
24 that it was the neighborhood RCO that
25 provided I think probably the most

1 12/4/12 - RULES - BILLS 120800, etc.
2 valuable input to the committee, and they
3 had very specific recommendations.
4 However, there are numerous sites -- and
5 I would say here probably the one area
6 I'm aware of most is in Southwest Center
7 City where I believe there are eight RCOs
8 that you would have to deal with, and I
9 just don't know how, with the kind of
10 timeframe that's provided, the 45-day
11 provision, and with the notice that if
12 each of these groups have someone sitting
13 on the panel, that you would have a
14 workable group that you could come to
15 some decision. And what we've talked to
16 the Planning Commission about is trying
17 to get that Civic Design Review Committee
18 to make their recommendations quickly to
19 the Commission so that they can then move
20 with their recommendations to the Zoning
21 Board.

22 So all those three things, the
23 notice provisions, the multiple meetings,
24 and the composition of the Civic Design
25 Review panel, are all things that we

1 12/4/12 - RULES - BILLS 120800, etc.
2 think would benefit from a working group
3 that should explore this issue in greater
4 detail.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Sir, please identify yourself
8 and proceed.

9 MR. PANEK: My name is Ed
10 Panek. I'm an attorney, the Zoning Chair
11 of Logan Square Neighborhood Association.
12 I'm also a member of the Crosstown
13 Coalition of Neighborhoods, and I spent
14 the better part of four years working on
15 the new Zoning Code, not as a member of
16 the Commission, but in terms of giving
17 input, especially with respect to RCOs
18 and Civic Design Review, which issues are
19 extremely important to our organizations.

20 I guess my -- first of all, I
21 endorse the comments of my colleague,
22 Craig Schelter. I adopt them as my own.
23 But I would like to go further and say
24 that I have not had an opportunity to
25 study this bill with its final

1 12/4/12 - RULES - BILLS 120800, etc.
2 amendments. I don't know if we even have
3 that yet. So I am requesting that this
4 bill be held.

5 I met with Councilwoman
6 Blackwell yesterday afternoon. She was
7 very gracious to give me a few moments, a
8 very extremely busy schedule. I thank
9 you for that, Councilwoman.

10 But this need not be rushed
11 through. There is already a process in
12 place to deal with it, and Mr. Schelter
13 alluded to it earlier, and, that is, a
14 task force formed by representatives of
15 the Zoning Code Commission to deal with
16 this whole issue in a very transparent
17 way, and that's the way it ought to be
18 handled. Mr. Greenberger testified to
19 the same effect earlier today.

20 I'm of the opinion that you get
21 things done, but you want to get them
22 done right. And I don't want to be
23 rushed into doing it and I don't want to
24 be put in a position of saying if there
25 is an agreement on all points between

1 12/4/12 - RULES - BILLS 120800, etc.
2 Councilwoman Blackwell and members of
3 City Planning Commission that necessarily
4 should bind me. I want to have an
5 opportunity to read them, I want to have
6 an opportunity to discuss them, and I
7 want to have an opportunity to be heard.

8 Yesterday was a great example
9 of the confusion on this issue. I was on
10 a conference call with many members of
11 civic organizations for 45 minutes,
12 including attorneys and zoning attorneys.
13 And this is before we even got the most
14 recent amendment to this bill. We were
15 disagreeing on many of the different
16 provisions of it. We just didn't know
17 what it all meant.

18 This is too important a bill to
19 just pass out of committee now. It
20 deserves an opportunity to be heard fully
21 and carefully by the public and, as I
22 said, the opportunity to do that, and the
23 modus operandi for doing it is already in
24 place. It's already been suggested by
25 Alan Greenberger. It's already been

1 12/4/12 - RULES - BILLS 120800, etc.
2 endorsed by Craig Schelter, and I'm
3 endorsing it, and, that is, let the
4 people from the Zoning Code Commission
5 form a task force and review all of these
6 points and report out a bill.

7 I think that the intent of the
8 bill -- and I frankly admire it -- is
9 transparency and inclusion, and I'm all
10 for all of that. I just want to make
11 sure that we understand it and that we
12 implement it correctly.

13 The Zoning Code Commission
14 spent four years crafting a new Zoning
15 Code document. We don't need to rush a
16 bill through today to amend it.

17 Thank you. Any questions?

18 COUNCILMAN GREENLEE:

19 Councilman Goode.

20 COUNCILMAN GOODE: Are you
21 confused or do you just disagree?

22 MR. PANEK: Excuse me?

23 COUNCILMAN GOODE: Are you
24 confused or do you just disagree?

25 MR. PANEK: I'm saying I don't

1 12/4/12 - RULES - BILLS 120800, etc.
2 have enough time to study what the bill
3 is. I can tell you I have concerns with
4 respect to notice provisions and other
5 provisions that Mr. Schelter already
6 alluded to that he's got concerns about.
7 So I'm not in favor of the bill. I'm not
8 opposed to the bill. I want an
9 opportunity to study it and discuss it.

10 COUNCILMAN GOODE: You
11 understand the objectives of the bill,
12 right?

13 MR. PANEK: I think I do. I
14 think it's for transparency and
15 inclusion.

16 COUNCILMAN GOODE: Are you in
17 agreement with the objectives?

18 MR. PANEK: If transparency and
19 inclusion are the objectives, as I
20 understand it, yes. I'm always in favor
21 of that.

22 COUNCILMAN GOODE: How are
23 you -- how would you suggest that we
24 arrive at more transparency and
25 inclusion?

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2 MR. PANEK: By doing exactly
3 what I suggested just a moment ago, put
4 this where it belongs, with a task force
5 in the Zoning Code Commission.

6 COUNCILMAN GOODE: I don't
7 necessarily agree that that's where it
8 belongs. We don't have to concur with
9 the Zoning Code Commission, nor do we
10 have to concur with a task force.

11 MR. PANEK: I'm sorry. I
12 didn't understand.

13 COUNCILMAN GOODE: We don't
14 have to concur with the Zoning Code
15 Commission, nor do we have to concur with
16 a task force. You understand that?

17 MR. PANEK: I do understand
18 that. But I am requesting that that
19 operation be utilized in order to give
20 this bill a proper hearing in order for
21 the public to have the requisite input
22 that it should have.

23 COUNCILMAN GOODE: If you're
24 going to disagree with more notice, if
25 you're going to disagree with more

1 12/4/12 - RULES - BILLS 120800, etc.
2 meetings, if you're going to disagree
3 with extending the Design Committee, then
4 you can just register those disagreements
5 now.

6 MR. PANEK: I can do that, yes,
7 but I'm requesting to do what I think is
8 the appropriate thing under the
9 circumstances, which is to hold this bill
10 and get it considered where it can have
11 some sunlight.

12 COUNCILMAN GOODE: But do you
13 disagree with those three things?

14 MR. PANEK: Do I disagree with
15 those three things that you just stated?
16 No. They're Mr. Schelter said before.

17 COUNCILMAN GOODE: More notice,
18 more meetings, more members of Design
19 Committee.

20 MR. PANEK: You know, that I
21 can't answer because I haven't really
22 notarially considered it yet. I would
23 like to see that and hear it debated
24 where it belongs, before the Zoning Code
25 Commission.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GOODE: The question
3 of where it belongs is very debatable,
4 because it does end up here, and it's
5 always going to end up here.

6 MR. PANEK: But, Councilman
7 Goode, if that happens, then the hearing
8 is going to be of an informative nature
9 for all of us rather than me coming in
10 here, shooting off my mouth and giving
11 you an answer, which I'm not sure of
12 because I haven't had time to notarially
13 study the bill.

14 COUNCILMAN GOODE: I get that.
15 Sometimes I try to cut through the chase
16 and find out whether people want to amend
17 something or whether they want to kill
18 it. So I ask people to simply be honest
19 about whether you actually wanted to
20 consider it, debate it, possibly amend it
21 or whether you just want it dead.

22 MR. PANEK: No, I don't want it
23 dead necessarily. What I want is -- let
24 me say this, because I think there's a
25 great likelihood that to the extent that

1 12/4/12 - RULES - BILLS 120800, etc.
2 members of the Zoning Code Commission,
3 Eva Gladstein and Alan Greenberger and
4 Councilwoman Blackwell have some type of
5 agreement or understanding, that this is
6 all going to get worked out. All I want
7 to say is, I'm a member of the public. I
8 think that I deserve to have an
9 opportunity to understand it and have
10 some input into it. That's why I'm
11 asking that the bill be held and a task
12 force be formed at the Zoning Code
13 Commission to study this and give us an
14 opportunity to discuss it. That's all.

15 COUNCILMAN GOODE: Okay. I
16 disagree. Thank you.

17 MR. SCHELTER: Could I make an
18 additional comment?

19 COUNCILMAN GREENLEE: Quickly,
20 please.

21 MR. SCHELTER: I think one of
22 the things here is that I don't -- in
23 terms of my comments, I wasn't saying
24 that this should go back to a Zoning Code
25 Commission. One of the things that we

1 12/4/12 - RULES - BILLS 120800, etc.
2 have worked recently very effectively
3 with Councilman Henon on one of the bills
4 that was reported out today, and the
5 issue there was outside investment coming
6 into the City and a predictable
7 timeframe. That's in the same code as
8 the Councilwoman is talking about in
9 terms of her process that she's concerned
10 about. And my suggestion would be, let
11 her office be the convener of the group
12 that runs this working group with the
13 Planning Commission, if that's what
14 works, and not going back outside and
15 away from Council. Over the process, I
16 think I attended every single meeting of
17 the Zoning Code Commission, and
18 Councilman Green and Councilman O'Neill
19 were present at almost every single
20 meeting, and one of the reasons I think
21 both of them have gotten into the points
22 that they have is familiarity with the
23 issue, and they're incredible
24 complicated, and to say that we would be
25 against notice provisions sounds pretty

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2 harsh in one sense, but if you're trying
3 to balance the idea of bringing outside
4 investment in where they're looking for a
5 predictable process, to me it's much more
6 reasonable.

7 So I would just suggest that
8 this is in no way something where
9 Councilwoman Blackwell is simply a
10 participant. She could be the, as far
11 we're concerned, the chairman of the
12 group that brings all those people
13 together. I think the key thing is to
14 bring people together for further
15 discussion, and there I'm in accord with
16 what Mr. Panek said.

17 MR. PANEK: Again, I agree with
18 your comments, Craig, Mr. Schelter's
19 comments. I would add one thing. I
20 don't know of any necessity, certainly no
21 compelling necessity, to move this bill
22 forward now. It can be given additional
23 time to be considered in a way that
24 everybody is happy.

25 Thank you.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 Ma'am, I'm sorry to just point,
5 but I don't know your name. So please
6 come up. Who else wanted this? Mr. Ali,
7 please.

8 And you two will be after these
9 next two. Okay? So why don't you just
10 sit up front here and get ready.

11 (Witnesses approached witness
12 table.)

13 COUNCILMAN GREENLEE: Please
14 identify yourself for the record, whoever
15 would like to go first.

16 MS. KEMP: Good afternoon. My
17 name is Carrie Kemp, alias Mary from
18 Nicetown. I'm here. I've been here
19 since 10:00 this morning. I'm here
20 concerning about the community gardens.
21 I was never invited. I didn't know
22 anything about that hearing, because I
23 have opposition to some of the gardens
24 that they were praising this morning.

25 I live in an area where my

1 12/4/12 - RULES - BILLS 120800, etc.
2 community is bombarded with community
3 gardens all around, and they praised it
4 this morning, made it sound like a very
5 good program, but in some areas they
6 don't live there. The people that was
7 testifying this morning don't live around
8 where the community gardens are. We are
9 bombarded with it, right around 17th and
10 Allegheny in there, where they want to
11 put a Patch Adams community building
12 there. They want compost. They didn't
13 let the ROC people in the community know
14 about the compost plant that was going to
15 be slipped in there. So everybody --
16 they made it look like it was going to be
17 a beautiful thing for the neighborhood,
18 the community, and we found out that they
19 were going to bring garbage, all the
20 compost and make a process there, make,
21 you know, a factory there. And we were
22 exposed to that compost. They tore a
23 house down. They put compost around. We
24 sit out on the porch on Sunday afternoon.
25 When the wind would blow, we would smell

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2 certain odors, and the neighbors in the
3 community, Where is it coming from? We
4 looked, it was coming from the compost
5 that they just dumped in that vacant lot.
6 And they don't clean up in the following,
7 you watch once they have they so-called
8 garden.

9 And it's not benefiting the
10 neighborhood that much. Don't let
11 anybody fool you. They're not benefiting
12 the neighborhood. And they leave all of
13 the debris, the rats, the roaches, the
14 cats and all urinate on -- it's not a
15 good thing.

16 So I was never invited this
17 morning, because I had opposition to
18 that, and I want you to think about it
19 before you confirm all of the gardens.
20 There may be some neighborhoods that want
21 them that praise them. They'll have it,
22 but in certain neighborhoods, in the
23 urbia neighborhoods where I live, we are
24 bombarded with it. We don't need the
25 compost plant there and we don't need any

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2 more gardens. We need maybe some ideas
3 of affordable housing or something where
4 someone can get work. But there's
5 nothing to those gardens. It's just a
6 display, and we're not pleased with it.

7 And my block captains, all the
8 people around the area where Patch Adams
9 want it, they don't want it. Nobody
10 wants it. They want me to come and
11 represent them today. So, if necessary,
12 vote twice for them no, because they
13 don't want it.

14 COUNCILMAN GREENLEE: Okay,
15 ma'am. Thank you.

16 MS. KEMP: And the RCO, they
17 didn't -- they misled -- the chairman in
18 my neighborhood, when I confronted her
19 about it, she said, Well, they didn't
20 tell me that the compost plant was
21 incorporated in that. So we don't want
22 that. So we want you to consider it.

23 COUNCILMAN GREENLEE: Okay.
24 Thank you, ma'am.

25 MS. KEMP: Thank you.

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2 COUNCILMAN GREENLEE: Whoever
3 would like to go next. Ms. Green.

4 MS. GREEN: Ms. Mary wanted to
5 speak on that. She also was here for the
6 RCO piece, but when she heard about it,
7 she was very passionate, so I told her to
8 go ahead on and speak on that.

9 COUNCILMAN GREENLEE: That's
10 fine.

11 MS. GREEN: Real quick about
12 the community garden.

13 COUNCILMAN GREENLEE: But we
14 want to stick to the RCOs.

15 MS. GREEN: Yeah, we'll stick
16 to the RCO piece.

17 We just think that this is a
18 great idea to make amendments to this
19 bill. We want to thank Councilwoman
20 Blackwell for stepping up and really
21 making this inclusionary of everybody,
22 because I just want to make the statement
23 that people say, well, you going to deter
24 development in the community or you're
25 going to turn developers away. Look, I

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2 mean, not saying all developers, but

3 there are a lot of developers that come

4 with a lot of scams. They want to try

5 and trick the community, and a lot of

6 times this is about financial gain. It's

7 not necessary about the fact that they

8 want to keep a cleaner, safer community,

9 but it's about financial gain. It's

10 about flipping. It's about making money.

11 And so, therefore, we need to keep this a

12 level playing field that everybody will

13 have an opinion and that everybody would

14 be able to participate in the process and

15 ask questions. You only can get answers

16 if you have the ability to ask questions.

17 The other thing I want to talk

18 about is, if the RCOs are going to be in

19 place, we need some training. Why does

20 it cost \$160 to go to a training? We

21 feel the Planning Commission should offer

22 the RCOs a training and they should not

23 have to pay, and we also should be able

24 to get a zoning book where we can look at

25 the book and see what is and what out.

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2 If we going to be volunteering our time,
3 then at least give us something back in
4 return.

5 So we think that this also
6 needs to be added into the bill, that we
7 should not have to pay and the Planning
8 Commission should have one big training
9 on zoning and civic designs and what has
10 been taken out and what has been put in.

11 Also, I want to talk about the
12 importance that we feel that the Planning
13 Commission, it started out being a good
14 idea about having RCOs and notifying
15 people, but this thing has turned into
16 some type of power control. We applied
17 in June, and we just got a phone call
18 Friday stating that we approved. Why
19 should we have to go six months based on
20 somebody saying, oh, you approved, like
21 now we're part of the "in" club. This is
22 not about a club. This is about our
23 livelihood and about our community and
24 having input into the community. And I
25 think that Mr. Greenberger has taken this

1 12/4/12 - RULES - BILLS 120800, etc.
2 to a level where he is an architect,
3 36-year-old veteran architect, with a lot
4 of ties to the development community. I
5 think a lot of times this is a conflict
6 of interest, because it appears that
7 there is this mindset or his plan to open
8 the door for developers to come in under
9 this by-right policy. By-right to me is
10 unconstitutional. I was speaking with
11 other lawyers and people regarding this.
12 By-right is really unconstitutional in a
13 lot of ways to exclude people out of the
14 process of being able to have input. And
15 we just ask you to support this bill.

16 The last thing is Civic Design
17 Review. Based on this right now, the
18 Mayor gets to appoint all of the industry
19 professionals. Not only that the
20 Planning Commission wants to chair, along
21 with that they have a designated seat
22 with a vote. This is about a vote in the
23 Civic Design Review. This is why we're
24 saying that RCOs should be able to have a
25 representative, all RCOs should be able

1 12/4/12 - RULES - BILLS 120800, etc.
2 to have a representative on the Civic
3 Design Review, because if you're going to
4 take a vote, then it needs to be a level
5 playing field. If it's just about having
6 advice and giving the groups advice to
7 take that to their people so they can
8 explain all the details, then that would
9 be great, but if it's about a vote and
10 whether or not this project moves
11 forward, then it needs to be able to
12 have -- everybody needs to have a
13 representative there, because some groups
14 are pro development, some groups are pro
15 affordable housing. Therefore, if it's
16 limited down to two people, then they'll
17 be outvoted because all the other
18 professionals got a vote. So that's not
19 fair to us as community residents. It
20 needs to be everybody should have a
21 representative.

22 COUNCILMAN GREENLEE:

23 Ms. Green, I appreciate that. Thank you.

24 MS. GREEN: Thank you very
25 much.

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2 COUNCILMAN GREENLEE: Ma'am,
3 please identify yourself for the record.

4 MS. McCORMICK: My name is
5 Theresa McCormick and, City Council, I
6 ask you to please support this bill. The
7 reason why is mainly notification. When
8 we came up with the RCOs, it was supposed
9 to notify the community, but what has
10 happened is the organizations have been
11 put above the community itself. They
12 decide who is notified and who is not.

13 They also talked about the
14 benefit agreement. The developers go to
15 them, ask for their support, but then
16 what happens is that the community
17 doesn't know everything about the
18 project. Also, within that is the
19 realtors and developers. No realtor and
20 developer shouldn't be part of the RCOs.
21 That's a conflict of interest.

22 The next thing is the Planning
23 Commission. The Planning Commission has
24 taken this policy wherein that their vote
25 is like a dictatorship. We that have

1 12/4/12 - RULES - BILLS 120800, etc.
2 worked in the community for 40 -- myself,
3 40 years or more, who have done different
4 things to support the community, now it
5 is like it doesn't matter. We don't
6 count, but you want our count when it
7 comes time to election time.

8 We beg you to please support
9 this bill. Thank you.

10 COUNCILMAN GREENLEE: Thank
11 you. Thank you.

12 Ma'am, please. Please identify
13 yourself and proceed.

14 MS. CHIONESU: My name is
15 Sister Phile Chionesu. I'm the Founder
16 of the Million Woman March and the
17 President General of the Million Woman
18 Universal Movement. I thank Council
19 today for holding this session. It has
20 been very informative and very
21 enlightening.

22 When we first began to hear
23 about the planning for the City, 2035 and
24 so forth, it became something that we
25 knew we had to get involved in. Having

1 12/4/12 - RULES - BILLS 120800, etc.
2 been the largest gathering in the world
3 of women anywhere ever, in 1997 we
4 established ourself here in Philadelphia
5 and made history. It was our intention
6 then, as it is now, to become a part of
7 the process of the growth and development
8 in this city, as we demonstrated in 1997.

9 Next year we will have our 16th
10 year reunion, and in as such, we will
11 release our action plan, which includes
12 being involved in the progress of the
13 City. That means to have access to the
14 information.

15 I've heard here transparency.
16 I've heard inclusion. But when I went to
17 several meetings throughout the City to
18 hear about some of the planning, it was
19 very interesting that some of this was
20 just so very new. And while I'm a bit
21 familiar with process and how things
22 work, I know that many of the grassroots
23 organizations, leaders, activists,
24 advocates are not. And I had to ask,
25 what's the process to familiarize them?

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2 What is the process to allow them to be
3 included?

4 And so I came here today to
5 make certain that their voices are heard,
6 that we look at what's on the table today
7 and begin to move forward. And so let's
8 not dally. Let's not delay
9 unnecessarily. Because when I began to
10 look at the information for applying or
11 being a part of the RCO, it again
12 appeared to be filled with much
13 bureaucracy and, of course, it suggested
14 it would be something that many of the
15 grassroots organizations would not want
16 to be involved in just when you start
17 reading it. You get a little dismayed.

18 So we have to look at now real
19 access. We have to look at the process
20 that we're going to utilize to make this
21 thing go forward and really include the
22 community.

23 We have a stake in this
24 community. The Million Woman March
25 generated a large amount of money in this

1 12/4/12 - RULES - BILLS 120800, etc.
2 city and in the tri-state area, and we
3 had the intention again to establish
4 ourselves as such. But we are very
5 concerned, because one of the reasons why
6 we held that gathering was because we
7 needed to create greater inclusion.

8 And with that said, we think
9 that the Councilwoman's amendments and
10 what she has presented allows us to begin
11 a process. It's always growing. It's
12 always developing. And so as things move
13 forward, we're prepared to make necessary
14 revisions, but let us begin.

15 If it took so much time for the
16 Planning Commission to do what they did,
17 and it did, but then when it came time
18 for the community to hear about it, it
19 went like this. So now let us move
20 forward with what we need to do and let's
21 get through this process and move on to
22 the next one.

23 We thank you all for the time
24 and effort that you have put into all of
25 the presentations. We thank the

1 12/4/12 - RULES - BILLS 120800, etc.
2 Councilwoman for taking the time to help
3 the community to become more involved,
4 more engaged, and really more on point in
5 what's really going on in this process,
6 because rest assured, we do see it.

7 MS. GREEN: Exactly.

8 COUNCILMAN GREENLEE: Thank
9 you. Thank all three of you.

10 Sir, you want to come up,
11 Mr. Ali. Who else? Anybody else -- all
12 right. Ms. Robinson and Mr. Ali, come on
13 up, and then the next group after that.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN GREENLEE: Go ahead,
17 sir.

18 MR. JOHNSON: My name is Andrew
19 Johnson and I'd just like to state brief
20 concerns that I have with the bill as
21 it's proposed right now.

22 First of all, I'd like to say
23 I'm in support of Councilwoman's
24 amendment for the following reasons: In
25 my personal opinion, as the bill stands

1 12/4/12 - RULES - BILLS 120800, etc.

2 now, without the amendment, there is too
3 much room for corruption at the local
4 level, and I think that we need to make
5 the amendments that the Councilwoman
6 suggested for inclusion, transparency,
7 and all the other aforementioned language
8 that I've heard since I've been here.

9 But we do not want to enhance a community
10 organization, RCO, to think that they
11 have power to choose and select what goes
12 on in our communities. We want
13 inclusion. We want people to participate
14 and understand that you as Councilwoman
15 and legislators are doing what you think
16 is best for our community with our
17 interest and participation.

18 Very briefly, thank you.

19 COUNCILMAN GREENLEE: Thank you
20 very much, sir.

21 Whoever would like to go next.

22 MS. ROBINSON: Good afternoon.
23 My name is Judith Robinson and I'm here
24 to testify on Bill No. 120889.

25 This process as it started, I

1 12/4/12 - RULES - BILLS 120800, etc.
2 see that the developers have really quite
3 an unfair advantage in this regard. Some
4 of the professionals who have proposed
5 the changes in the Zoning Code, it's --
6 how can I say this? It's too insulated,
7 in that you have one gentleman who is the
8 head of the Commerce Department on the
9 Board of the Planning Commission, a
10 long-term professional developer and, in
11 addition, is on the Board of the
12 Redevelopment Authority, also worked to
13 convene this zoning process throughout
14 the four years or so. That professional
15 is able to bundle up the wishes of all of
16 the communities into this RCO process.

17 As you have heard today, many,
18 many people in our community were not
19 even aware of this process. I, as a
20 professional with 30 years behind me, did
21 attend a lot of the meetings. However,
22 it's still a lot of room for inclusion.
23 Any process that takes away from the
24 citizens an opportunity to have input in
25 what goes on in their neighborhood is not

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2 good.

3 I have been coming to this
4 Board -- or this Council, I should say,
5 and to Board meetings for many years, and
6 I know that most times you don't see
7 citizens at the public process. So
8 anything that would take away from a
9 citizen's opportunity to speak,
10 especially now as our community is
11 changing, is not good.

12 One part in this bill of 120889
13 is that an issue-based group, which my
14 group is registered as, would have to
15 notify the Councilperson 14 days prior to
16 coming to a zoning hearing. I think
17 that's really taking away my right to
18 freedom of speech. I don't have to give
19 anybody permission or notification of my
20 whereabouts, so why would I have to do it
21 to come to a public process? So I think
22 that 14-day notification should be
23 stripped from this bill, because it's
24 just totally unnecessary. The
25 Councilpersons have the power at the end

1 12/4/12 - RULES - BILLS 120800, etc.
2 of the day. So for us to start
3 cow-tailing them to this extent is a
4 little small-minded and very petty. So I
5 really think that should be taken out.

6 In addition, anything, anything
7 that's in the bill or in the process of
8 trying to sift through this should be --
9 should eliminate excluding anybody,
10 because you really don't have that many
11 people who come to look at this mushy
12 thing called lawmaking.

13 So I appreciate your time.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 Mr. Ali.

17 MR. ALI: Good afternoon,
18 Chairman and other distinguished members
19 of City Council. My name is Jihad Ali
20 and I'm appearing today on behalf of
21 myself and also the National Association
22 of Minority Contractors.

23 On this bill, 120899, I'm here
24 to support Councilwoman Blackwell. One
25 thing that I'm clear on -- we've heard a

1 12/4/12 - RULES - BILLS 120800, etc.

2 lot of testimony. We've heard design
3 professionals speak. We've heard City
4 Planning speak. I don't know as much on
5 that subject as they do, but one thing I
6 am absolutely clear on and, that is, that
7 the people before me, Councilwoman
8 Blackwell, Councilman Goode, Councilwoman
9 Cindy Bass and yourself, Councilman
10 Greenlee, you are our elected officials.
11 We gave you the power to make the
12 decisions. Regardless of whether
13 Planning likes it, the different groups
14 like it, the builders, developers like
15 it, you have the power. And on this
16 issue, it's clear. The people need
17 representation, and, you know, like the
18 President Obama often says, when it gets
19 to his desk, it's a difficult decision.
20 And like Councilman Goode said, the buck
21 stops here with you.

22 I support y'all. I think
23 you're all a fine group of elected
24 officials. I think that what
25 Councilwoman Blackwell has done is

1 12/4/12 - RULES - BILLS 120800, etc.
2 carrying on the whole Blackwell legacy of
3 fighting on behalf of the people. I
4 think this whole issue almost got by. It
5 almost got by me. I've said that before.
6 When the young woman that spoke before,
7 Tiffany, had it not been for me attending
8 a Planning Commission meeting, when she
9 said, You need to pay attention to this,
10 and I did, and since then, one thing that
11 really bothered me was when Eva Gladstein
12 from the Planning Commission, she sent
13 out an e-mail and it was labeled "to my
14 friends," and it made me stop and think,
15 because if she did that, when she sent
16 that e-mail out to all her friends to
17 bring all her supporters down here to
18 oppose what Councilwoman Blackwell was
19 doing, she did that on the public dime,
20 and by that I mean she was receiving
21 public funds doing her job, but she sent
22 something to her friends. Police
23 officers, firefighters, public officials,
24 they don't have friends. They have
25 citizens, and they should treat all

1 12/4/12 - RULES - BILLS 120800, etc.
2 citizens the same. When she used the
3 public dime to advance supporters on her
4 behalf, that was wrong, because that
5 didn't give people that don't have that
6 public dime, like Tiffany, myself, this
7 sister right here, the opportunity to get
8 our forces together, she needs some type
9 of censure for that. Council should look
10 at that, because she's a public employee.
11 She crossed the line. It was unethical,
12 and somebody needs to call her on it. I
13 see it. I hope you do too.

14 Councilwoman Blackwell, I
15 support you. I think that you have the
16 courage that very few people get to
17 experience in life, when you're standing
18 up against a body and it's just you. But
19 know this, you're not standing by
20 yourself. God got you this far. He'll
21 get you through. Complete faith tells us
22 that you'll do the right thing.

23 I thank you all. Councilman
24 Greenlee, I always want to say to you,
25 Councilman Green, Councilman Kenney and

1 12/4/12 - RULES - BILLS 120800, etc.
2 O'Neill, sometimes when I come down here,
3 I talk as Malcolm X said, who was a hero
4 of mine, he said, you know, it's rough
5 talk to talk about black and white. It's
6 difficult. It makes you uncomfortable.
7 But this is a black and white issue,
8 because really this is about taking black
9 people's right to stand up.

10 I have experience as a
11 developer. The Councilwoman knows I've
12 been involved in affordable housing
13 developments and involved in market rate
14 developments, but I'm on both sides of
15 the table. I'm okay with me as a
16 developer having to come in front of
17 community groups and answer to them. I'm
18 okay with that. You know, I understand
19 what it's all about. That's the price
20 that we pay.

21 I think that this bill is
22 giving the people the right that they
23 need to be protected, and Councilwoman
24 Blackwell, I support you.

25 Thank you for your time.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Thank
3 you.

4 Sir.

5 And is there anyone else? Why
6 don't you both come up, please.

7 Sir, identify yourself and
8 proceed.

9 Is there anyone else after
10 these three?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, please.

14 MR. CARPINETA: Thank you,
15 Councilman. Again, my name is Jeff
16 Carpineta, President of East Kensington
17 Neighbors Association. Thank you for the
18 opportunity to provide input today. I'll
19 try to make it brief, considering the
20 timeline.

21 I want to say to Councilwoman
22 Blackwell, I appreciate -- I do
23 appreciate all that you do. I know that
24 you're a defender of people's voice. I'm
25 personally right now at work with a group

1 12/4/12 - RULES - BILLS 120800, etc.
2 that's trying to save the St. Bernard
3 garden. Your office has been
4 cooperative. I appreciate you standing
5 by them in that. And I think that I do
6 understand the intention of 120889, but I
7 would ask you to consider and all the
8 other Councilpersons here to consider and
9 who review this testimony today that
10 there's a problem with requiring the
11 applicants to be the notifiers of
12 residents in the area of the project. We
13 take -- East Kensington Neighbors
14 Association has a zoning committee. They
15 work very hard and part of their duty and
16 part of the duty I think all zoning
17 committees should have is to notify their
18 residents around projects of zoning
19 applications, whether that be by leaflet
20 or by regular U.S. mail. I ask you to
21 consider that when you have zoning
22 applicants going out at the street level,
23 sending notice of what their projects are
24 or that there's going to be a meeting, I
25 am highly confident they're going to take

1 12/4/12 - RULES - BILLS 120800, etc.
2 that as an opportunity to rhetoricize and
3 sort of manipulate the message about what
4 the intention is or what the nature is of
5 the project. I am not confident that
6 what they will do is hold themselves to
7 the same standard that a community
8 organization or the Planning Commission
9 should, which is to give very clinical
10 and clear objective notice about what is
11 this zoning application. I think they're
12 going to use it as a moment to try to win
13 allies towards the project, and at the
14 very least, it will create confusion in
15 the community, because now you have
16 people who have the citizens' back and
17 then you have the developer themselves
18 both messaging to the residents at the
19 street level. I think it will be a mess.

20 There's other items within 889
21 that I think makes sense absolutely.
22 Taking the requirement for the RCO beyond
23 that they are an organization that has
24 public and open meetings, but requiring
25 them to notify, as we do, all residents

1 12/4/12 - RULES - BILLS 120800, etc.
2 within a certain perimeter, makes perfect
3 sense, but please take the applicants out
4 of that equation. I don't think that
5 they're going to handle it objectively,
6 and it's going to create a mixed message,
7 confusion at the resident level.

8 Following up on a comment
9 earlier about the demand that an
10 issue-based RCO provide 15-day notice in
11 advance of a ZBA hearing, if the
12 Councilwoman in this setting could share
13 what the thinking was behind that, I'd
14 like to hear it. I might learn and be
15 open from that, but my instinct is that
16 that ZBA hearing is and has been a forum
17 where if folks can come and be on time
18 and wait and be focused in their comments
19 before the ZBA and stay on topic, they
20 should be -- they should not be limited
21 and should be encouraged to provide input
22 regardless of demand for notice.

23 That's my comments about 889.
24 Details, coming back to process, I think
25 that there was a tremendous amount of

1 12/4/12 - RULES - BILLS 120800, etc.
2 civic engagement that happened around
3 this question of RCOs and all the
4 mechanisms, and, again, I don't know why
5 we're hashing out details here today when
6 there was so much exhausting work done.
7 I think that it can happen over 1515 Arch
8 and we could come back with a clear set
9 of recommendations. Larry Freedman from
10 NLNA once told me the best thing that we
11 can do at the community level is work out
12 on the playground, and before we come
13 down to City forums, have a unified
14 message. The Civic Design Review is not
15 a place for five RCOs to be bickering
16 over what they think. Work it out in the
17 field and come down to ZBA, come down to
18 CDR with a unified voice. I want to see
19 more thought put into RCO rules that
20 where the demand is out in the field, the
21 local organizations are forced to
22 cooperate with one another better.

23 Thank you for the input -- for
24 the opportunity to provide input again.
25 If there's any questions.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Thank
3 you.

4 Please, whoever would like to
5 go next.

6 MS. ESTHER: Good afternoon,
7 Councilman Greenlee and the other
8 Councilpeople that are still here. Yes,
9 it has been a long day. So I'm going to
10 paraphrase a little bit instead of
11 reading.

12 I commend and thank the
13 Philadelphia City Council for
14 establishing the new zoning reform code
15 law. I urge the Committee to avoid
16 rushing changes because a few individuals
17 are unhappy. Within the law they had
18 built in a one-year end-of-year review
19 process. And I agree with the two prior
20 gentlemen that there needs to be
21 certainly the transparency and the
22 inclusion. And if we were given a text
23 on Friday and it changed this morning,
24 then we haven't had time to go through
25 it.

1 12/4/12 - RULES - BILLS 120800, etc.

2 But what the RCOs are providing
3 is a voice and vision of local
4 communities that's now represented
5 through the new registered community
6 organizations, thus providing an
7 important new balance to offset the
8 financial and political spheres of
9 influence of the developers and special
10 interests.

11 Oh, I forgot to give my name.
12 Lucia Esther, West Powelton/Saunders Park
13 RCO.

14 Therefore, West
15 Powelton/Saunders Park supports the
16 creation of RCOs and enforcement of their
17 open participation procedures. We urge
18 the Committee and the entire Council to
19 work to preserve and enhance the effort.

20 We again thank you for the
21 opportunity to testify on November 16th
22 and today. We look forward to Council
23 continuing to move the City forward in a
24 progressive and professional manner.

25 Thank you.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Thank
3 you.

4 Sir, please identify yourself
5 and proceed.

6 MR. BODE: My name is Charles
7 Bode and I'm a resident of Philadelphia.
8 I don't represent a group today.

9 I would like to suggest that
10 the original RCO regulations were
11 professionally developed with a lot of
12 civic input and a lot of process and a
13 lot of participation, and we don't need
14 to rush to change them. This rush is so
15 fast that I stopped next door on my way
16 in at Room 402 to get a copy of what was
17 being at the hearing today, and I
18 prepared some points, but during the
19 recess for the L&I Committee, I find it
20 altogether different thing with different
21 text. So if it changes between 9 o'clock
22 in the morning and 2 o'clock in the
23 afternoon, it's really hard for anybody
24 to be involved, the public or anybody
25 else. So I don't think we need to rush.

1 12/4/12 - RULES - BILLS 120800, etc.

2 I also have an important point
3 on the different groups. There are many
4 groups that have already been around.
5 They are not all open to the public
6 participation. Many of them are closed.
7 They don't allow anybody to come to their
8 meetings. They don't allow people to
9 speak. They don't allow people to have
10 opinions. The RCO process was intended
11 to provide open process and open
12 transparency, and, therefore, there are
13 some RCOs that may do well and some that
14 may do poorly, but there are also some
15 existing groups which also do well and
16 some which do poorly. So just that a
17 group exists does not mean they should be
18 entitled to do some of these things.

19 And, therefore, on this pink
20 document, what on Page 2 was identified
21 as (.1)(.3) and (.2)(.4)(a) regarding the
22 requirements, I believe it is extremely
23 important that any group would like to be
24 an RCO would have bylaws and governing
25 documents or some written procedures that

1 12/4/12 - RULES - BILLS 120800, etc.
2 they follow. That's like a minimum entry
3 point. If they can't have that, they can
4 go to somebody else's meeting and they
5 can go to the Zoning Board just like they
6 always did. The reasons I believe for
7 the RCOs, they were intended to improve
8 the City, to improve public
9 participation, to open the process, and
10 to reduce the amateurism that the Zoning
11 Board applicants previously endured when
12 they showed up in the community.

13 And I believe my other points
14 have basically been covered in the
15 changes here, but I would urge that we be
16 very careful with requirements for
17 notification, that we don't set up
18 something that opens up the RCOs or the
19 developers or whoever to a lot of legal
20 challenges because they were unable to
21 meet them. There are gated communities.
22 They are apartments buildings that's not
23 possible to get into. There are absentee
24 owners, absentee landlords and so forth.
25 We need something that people can

1 12/4/12 - RULES - BILLS 120800, etc.

2 actually accomplish without keeping all
3 the lawyers employed.

4 And I thank you for your time.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Let me ask, is anyone else here
8 to testify on any of the three bills
9 still in committee, 120916, 120917 or
10 120889?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, that will conclude the public
14 hearing on these three bills and we'll go
15 into a public meeting.

16 Let me just announce for the
17 record, on Bill Nos. 120916 and 120917,
18 those two bills, the public meeting on
19 those two bills will be continued until
20 Thursday, December 13th at 9:00 a.m.
21 That's the two zoning bills.

22 Now, we will now take up Bill
23 No. 120889. And first let me recognize
24 Councilman Kenney just to move the
25 amendment to the bill.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN KENNEY: Thank you,
3 Mr. Chairman. I'd like to move the
4 amendment to Bill No. 120889 which has
5 been circulated to members of the
6 Committee.

7 (Duly seconded.)

8 COUNCILMAN GREENLEE:
9 Councilwoman Blackwell -- it's been moved
10 and seconded on the amendment.

11 Before we vote, Councilwoman
12 Blackwell, would you like to make any
13 comments on the amendments?

14 COUNCILWOMAN BLACKWELL:
15 Certainly. I'm happy to describe in
16 detail any of the amendments, if the
17 Committee would like. If they're
18 satisfied, we have made a total agreement
19 with the Administration and we're fine.
20 If you all are fine, then we certainly
21 support the amendment.

22 COUNCILMAN GREENLEE: I don't
23 see any question about it.

24 COUNCILWOMAN BLACKWELL: Thank
25 you. Thank you.

1 12/4/12 - RULES - BILLS 120800, etc.

2 COUNCILMAN GREENLEE: Thank you
3 very much.

4 The amendments have been moved
5 and seconded.

6 All in favor of the amendments
7 to 120889 please say eye.

8 (Aye.)

9 COUNCILMAN GREENLEE: Opposed?
10 (No response.)

11 COUNCILMAN GREENLEE: Hearing
12 none, the amendment to the bill is
13 adopted.

14 Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you,
16 Mr. Chairman. I move that Bill No.
17 120889, as amended, be reported out of
18 this Committee with a favorable
19 recommendation and a request for rules
20 suspension to allow first reading at our
21 next Council session.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been
24 moved and seconded.

25 All in favor?

1 12/4/12 - RULES - BILLS 120800, etc.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: Hearing

6 none, Bill No. 120889, as amended, is

7 reported out of this Committee with a

8 favorable recommendation and the rules of

9 Council suspended to allow for first

10 reading at our next session of Council.

11 Amazingly, that concludes the

12 business before the Committee today.

13 And, again, the Committee again will meet

14 on the other two bills in meeting on

15 Thursday, December 13th at 9:00 a.m.

16 Thank you all for your patience

17 and indulgence, participation, all of the

18 above.

19 (Committee on Rules concluded

20 at 3:45 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on December 4, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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