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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 11, 2008
10:10 a.m.

- - -

PRESENT:

- COUNCIL PRESIDENT ANNA C. VERNA
- COUNCILMAN DARRELL L. CLARKE
- COUNCILMAN FRANK DiCICCO
- COUNCILMAN W. WILSON GOODE, JR.
- COUNCILMAN BILL GREEN
- COUNCILMAN WILLIAM GREENLEE
- COUNCILMAN CURTIS JONES, JR.
- COUNCILMAN JACK KELLY
- COUNCILWOMAN DONNA REED MILLER
- COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 080080, 080251, 080376, 080249, 080250,
080381, 080437, 080469, 080491 and 080527

- - -

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COUNCIL PRESIDENT VERNA: Good morning, everyone. This is the public hearing of the Rules Committee.

The record will reflect that a quorum is present. To my immediate left is Councilman Greenlee. To my extreme right is Councilman DiCicco, Councilman Goode, and I am appointing Councilman Jones to be on the Committee today.

I would ask Mr. McPherson to please read the title of Bill No. 080080.

MR. MCPHERSON: An ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by adding a new Section 14-908, entitled "Queen Village Neighborhood Conservation District."

(Witness approached witness table.)

COUNCIL PRESIDENT VERNA: Good morning, Mr. Kramer. Kindly identify yourself for the record and proceed with your testimony.

MR. KRAMER: Good morning,

1 6/11/08 - RULES - BILL 080080, etc.
2 Chairman Verna and members of the Rules
3 Committee. I am William Kramer, Division
4 Director of the Development Division of
5 the Philadelphia City Planning
6 Commission. I am here today to testify
7 on Bill No. 080080, which was introduced
8 into Council January 31, 2008.

9 The purpose of this bill is to
10 establish the first Neighborhood
11 Conservation District, NCD, in the City.
12 Such a district is created in an effort
13 to create design guidelines for new
14 construction or alterations so that the
15 character of the neighborhood is
16 preserved.

17 The zoning overlay district
18 sets forth certain provisions in order
19 for a developer to obtain a building
20 permit for new construction, alteration
21 or demolition of a property within the
22 district's boundaries. These regulations
23 will take into account pre-existing
24 conditions of the properties and will
25 only come into play if a building permit

1 6/11/08 - RULES - BILL 080080, etc.
2 is sought.

3 The boundaries of the new
4 district will be the area generally
5 bounded by the north side of Washington
6 Avenue, the properties on the north side
7 of Bainbridge Street, the east side of
8 6th Street and the west side of Front
9 Street.

10 I digress because an amendment
11 is being proposed which would also
12 exclude properties covered under the
13 South Street Headhouse District. That
14 amendment is forthcoming.

15 The regulations include
16 restrictions on building setbacks,
17 heights, fenestration requirements,
18 parking, decks, building materials for
19 residential properties, and parking and
20 material guidelines for commercial and
21 industrial properties.

22 These regulations are those
23 suggested by the local community group in
24 conjunction with the Councilman's office
25 and the staff of the Philadelphia City

1 6/11/08 - RULES - BILL 080080, etc.
2 Planning Commission.

3 The Philadelphia City Planning
4 Commission at its meeting of February 19,
5 2008 recommended that Bill No. 080080 be
6 approved.

7 In the process of negotiation
8 with the various stakeholders, it has
9 been found that some amendments were
10 necessary in an effort to further refine
11 the bill. The Philadelphia City Planning
12 Commission, in conjunction with
13 Councilman DiCicco's office and the Queen
14 Village Neighborhood Association, has
15 prepared such amendments and will deliver
16 them at this time.

17 That is the conclusion of my
18 testimony. I will be happy to answer any
19 questions of the Committee at this time.

20 COUNCIL PRESIDENT VERNA:
21 Mr. Kramer, can you summarize the type of
22 controls that would be placed upon a
23 property owner within the district?

24 MR. KRAMER: Yes, ma'am. There
25 are -- in the bill there are height

1 6/11/08 - RULES - BILL 080080, etc.
2 regulations, which are dictated by the
3 width of the street. So the smaller the
4 street, the shorter the height. There is
5 a recession on a plane, a 45 degree, so
6 that you can't build straight up the
7 street line, but rather recede back the
8 further up you go. You are also having
9 design guidelines requiring a percentage
10 of fenestration, which is windows,
11 openings in the walls. There are -- you
12 have to have the door at least a foot
13 above the sidewalk. Utility meters need
14 to be hidden from street frontage. Fence
15 walls and fences have to be in compliance
16 with 14-2314 of the Code, which means
17 they can't be of opaque material. The
18 minimum aggregate width of the windows
19 shall be at least 33 percent of the total
20 linear frontage.

21 Those are the types of
22 directives in this particular bill. Roof
23 decks have to be set back eight feet from
24 the property line so that they're not
25 visible from the street line.

1 6/11/08 - RULES - BILL 080080, etc.

2 Those are the types of things
3 that are directed as part of this
4 legislation.

5 COUNCIL PRESIDENT VERNA: Also,
6 I know you didn't mention about the
7 garages. If garages are essentially
8 prohibited for certain sized properties,
9 does the Zoning Code provide for adjacent
10 or off-street parking for new residential
11 construction?

12 MR. KRAMER: The Zoning Code on
13 the issue of parking is a rather
14 confusing issue. There are some areas of
15 the City where new construction would not
16 necessarily require parking. For the
17 most part, as a general rule reading the
18 Code, you would have to have one parking
19 spot per new unit of construction. There
20 are areas where that ratio is less and
21 there are at least three areas of the
22 City that are fairly broad wherein unless
23 you are providing a substantial
24 development, in which case your parking
25 has to be provided by rear garage, there

1 6/11/08 - RULES - BILL 080080, etc.
2 is no parking required for in-fill
3 development. So if you put up -- and
4 these are primarily directed at existing
5 structures that would not allow you to
6 change the character of the existing
7 community as opposed to new construction
8 meeting a new standard. This would
9 prohibit somebody that had a storefront
10 window from taking the storefront window
11 and turning it into a garage, is really
12 what this is aimed at.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 Mr. Kramer, Subsection 8 of
16 Section 14-908, "shall expire one year
17 after the ordinance becomes law," why is
18 this?

19 MR. KRAMER: Partly because
20 this is a brand new type of regulation
21 and to be frank about it, the City
22 Planning Commission isn't sure exactly
23 how we're going to handle all this. We
24 don't know how many permit applications
25 we're going to be seeing, how we're

1 6/11/08 - RULES - BILL 080080, etc.
2 actually going to physically be able to
3 handle everything, and we wanted to be
4 able to revisit it in a year to get an
5 experience and see how this would
6 actually function.

7 If I'm misspeaking, Councilman,
8 correct me, but my colleague has usually
9 been the front man on this and,
10 unfortunately, he's out of the office
11 today, so I'm covering that. But that's
12 the way I understood it.

13 COUNCIL PRESIDENT VERNA: Very
14 well. Thank you very much.

15 Are there any questions of
16 Mr. Kramer on this bill?

17 (No response.)

18 COUNCIL PRESIDENT VERNA:
19 Mr. Kramer, we haven't received anything
20 from the Historic Commission. Do you
21 know what their disposition is on this?

22 MR. KRAMER: I was at the
23 Historic Commission meeting when this was
24 presented to them and there was some
25 discussion. I believe that some of the

1 6/11/08 - RULES - BILL 080080, etc.
2 comments that I saw and heard indicated
3 that they had a concern about some of the
4 boundaries included a street that had a
5 historic designation already
6 incorporated. It was my understanding
7 that the amendments that you see change
8 some of the boundaries to take those
9 historically certified districts out of
10 this bill, and that's what I understood
11 their comment to be.

12 COUNCIL PRESIDENT VERNA: Thank
13 you very much.

14 I would like the record to
15 reflect that we have two Councilmembers
16 joining us: Councilman Clarke and
17 Councilwoman Miller.

18 At this time, I would ask
19 Mr. McPherson to --

20 MR. MCPHERSON: We have some
21 more witnesses.

22 COUNCIL PRESIDENT VERNA: Oh,
23 do we have anyone to testify on this
24 bill?

25 MR. MCPHERSON: Mr. Cole and a

1 6/11/08 - RULES - BILL 080080, etc.

2 Mr. Hauptmann.

3 (Witnesses approached witness
4 table.)

5 MR. HAUPTMANN: Good morning.

6 COUNCIL PRESIDENT VERNA: Good
7 morning. Kindly identify yourself for
8 the record.

9 MR. HAUPTMANN: Yes. My name
10 is Michael Hauptmann. I'm on the Board
11 of the Queen Village Neighbors
12 Association. I am a Co-Chair of the
13 Queen Village Zoning Committee and the
14 Neighborhood Conservation District
15 Committee. I am also an architect and a
16 30-year resident of Queen Village.

17 The architecture of Queen
18 Village touches five centuries, from Old
19 Swedes Church built in 1699 to a 21st
20 century row house currently under
21 construction. This remarkable mix of
22 architectural styles, perhaps more
23 diverse than any other neighborhood in
24 Philadelphia, has produced a uniquely
25 textured environment in which to live and

1 6/11/08 - RULES - BILL 080080, etc.
2 work. Remarkably, it has very little
3 protection. We are not like Society
4 Hill, our neighbor to the north, an
5 historic district. And although we have
6 some of the oldest houses in the City,
7 many of these properties are not even on
8 the Historic Commission's list of
9 historic properties.

10 With the enormous increase in
11 property values over the last decade,
12 Queen Village has been left vulnerable to
13 developers who have found it cost
14 effective to tear down old houses and
15 replace them with larger homes, with
16 garage doors facing the street and
17 unreviewed designs. These alterations
18 are slowly fraying the architectural
19 fabric that makes Queen Village so
20 livable and attractive.

21 The guidelines that we have
22 developed as part of the NCD legislation
23 give us, on a very local level, a means
24 by which we can begin to control the
25 future development of the neighborhood.

1 6/11/08 - RULES - BILL 080080, etc.
2 They attempt to identify the essential
3 qualities of the neighborhood and provide
4 the means to preserve them. These
5 include issues of massing, materials,
6 setbacks and parking. They help ensure
7 that the streetscape includes stoops,
8 windows on the street and the proper
9 scale of buildings for our smallest,
10 narrowest streets, all characteristics
11 that are not covered by the current
12 Zoning Code.

13 These guidelines do not in any
14 way regulate style or period. We
15 encourage eclecticism and quirkiness. We
16 are not trying to turn Queen Village into
17 Colonial Williamsburg or Disneyland. Nor
18 do they affect existing buildings or
19 minor renovation projects.

20 We have vetted these guidelines
21 over the past four years before several
22 general membership meetings and they have
23 been published in our local newsletter
24 and on our website. Those present at
25 these meetings were overwhelmingly

1 6/11/08 - RULES - BILL 080080, etc.

2 supportive.

3 We have incorporated
4 suggestions and deleted items that were
5 unpopular, and we have the full support
6 of the Queen Village Neighbors
7 Association. We ask for your support and
8 to pass this legislation to make Queen
9 Village Philadelphia's first Neighborhood
10 Conservation District.

11 Thank you.

12 COUNCIL PRESIDENT VERNA: Thank
13 you very much.

14 Good morning, sir. Please
15 identify yourself for the record and
16 proceed with your testimony.

17 MR. COLE: Good morning. I'm
18 Rick Cole. I'm also Co-Chair of the
19 Queen Village Zoning Committee and the
20 Neighborhood Conservation District and
21 I'm also a 30-year resident.

22 Mr. Hauptmann has actually made
23 testimony for both of us, so I'm here to
24 answer any questions if you have
25 questions.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Are there any questions from
5 members of the Committee of the two
6 witnesses?

7 (No response.)

8 COUNCIL PRESIDENT VERNA:
9 Seeing none, I thank you for coming in to
10 testify.

11 MR. McPHERSON: Our next
12 witness is Tim Krug.

13 (Witnesses approached witness
14 table.)

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

18 MR. KRUG: My name is Tim Krug.
19 I'm a resident of Queen Village. I have
20 copies of testimony if you guys would
21 like them.

22 Good morning. I'd like to
23 thank you for having me here. I
24 apologize for the length of my comments,
25 but I find so much of this bill to be

1 6/11/08 - RULES - BILL 080080, etc.
2 objectionable that I can't be any briefer
3 than this.

4 My first objection is to the
5 legislation on the process of creating
6 the Neighborhood Conservation District.
7 As I understand it, the legislation
8 states that unless 51 percent of all
9 residents oppose this legislation in
10 writing --

11 COUNCIL PRESIDENT VERNA: I'm
12 sorry, sir. Can you speak into the
13 microphone, please.

14 MR. KRUG: Sure.

15 As I understand it, the
16 legislation states that unless 51 percent
17 of all residents oppose this in writing,
18 that it will be passed. First of all,
19 the idea that a majority of residents
20 would have to oppose a bill in writing is
21 outrageous, as it is essentially
22 impossible to get that kind of response.
23 When something as important as a
24 presidential election can only be decided
25 with a voter turnout of 65 percent, I

1 6/11/08 - RULES - BILL 080080, etc.
2 can't believe that legislation requiring
3 51 percent of the total population of the
4 area to oppose it even exists.

5 Furthermore, it is clear to me
6 that many residents never received this
7 mailing. I personally wrote QVNA asking
8 for a copy since I never received the
9 original and wanted to know how to oppose
10 it. Not surprisingly, I never received a
11 second mailing either. I was only sent a
12 copy of the letter and the legislation
13 when I requested it directly from
14 Councilman DiCicco's office.

15 I know I am not alone in this,
16 and it is not a case of a few exceptions.
17 Putting aside the fact that many property
18 owners, myself included, did not receive
19 this notice from Council, the actual
20 legislation was never printed in the
21 Queen Village Crier and was never
22 distributed. People without computers or
23 without some comfort level on the
24 Internet never saw the proposed
25 legislation. Furthermore, different

1 6/11/08 - RULES - BILL 080080, etc.
2 versions of this bill are circulating,
3 making it even more confusing.

4 Secondly, Queen Village
5 residents were not given an opportunity
6 to vote for or against any aspect of this
7 proposal. Sure, the basic plans for the
8 NCD were presented by committee members
9 in various forms in meetings and were
10 mentioned a few times in the Queen
11 Village Crier. However, the plans were
12 developed by a select group of people and
13 forwarded to Councilman DiCicco without
14 broad neighborhood consensus. Before
15 City Council votes on it, Queen Village
16 should vote on it.

17 With regard to the actual
18 consent of the legislation, I have
19 numerous objections. First of all, it
20 appears that the primary objective to
21 this legislation is to stop the
22 development of garage-front homes. While
23 I understand the desire to prevent the
24 building of more of these homes, I also
25 recognize that this is a problem that was

1 6/11/08 - RULES - BILL 080080, etc.
2 I have no problem with requiring owners
3 of historic properties to maintain those
4 properties in accordance with certain
5 guidelines. However, trying to dictate
6 what property owners do with the facades
7 of their own homes in some attempt to
8 create faux historic character is
9 unacceptable. Had I wanted to live
10 someplace where my neighbors could tell
11 me what my house had to look like, I
12 would have purchased a home in a suburban
13 cookie-cutter development.

14 One of the great things about
15 Philadelphia is the variety of
16 architectural styles and material choices
17 you can see on just one single block.
18 One City block may contain ten different
19 styles of housing. Trying to make our
20 neighborhood homogenous by requiring all
21 of these houses to mimic colonial styles
22 would be a step in the wrong direction.

23 The entire section on materials
24 and design should be stripped out of this
25 bill. No one should have the right to

1 6/11/08 - RULES - BILL 080080, etc.
2 dictate the materials that can be used on
3 another person's private property. I
4 don't like vinyl siding either, but if
5 someone wants to use it, so be it.
6 Banning stucco, cement board, et cetera,
7 is a veiled attempt to require that all
8 houses be constructed of brick. There
9 are numerous examples all over the City
10 of facades made of stucco and other
11 materials that are quite tasteful in
12 their design. Though clearly not
13 everyone's taste is the same.

14 Trying to require the rear of
15 someone's house to match the front facade
16 in certain areas is also ridiculous, if
17 not vaguely written in the legislation,
18 as is dictating materials for the surface
19 of a parking lot.

20 We live in a free market, and
21 that free market will no doubt take care
22 of what our current society deems
23 unappealing houses in a wonderful
24 neighborhood such as Queen Village. We
25 don't need legislation to dictate the

1 6/11/08 - RULES - BILL 080080, etc.
2 quality of finishes in our homes. The
3 market does that nicely. There is a
4 reason you don't see much, if any, vinyl
5 siding in Queen Village. People don't
6 like it. People won't pay for that which
7 they don't like. Builders aren't going
8 to put vinyl siding on a home in Queen
9 Village, because they know that brick or
10 stone will get them more money. A
11 rehabber looks at it the same way, so
12 does a homeowner. Society and the free
13 market in particular will dictate style
14 and taste and do so far more effectively
15 than any legislation ever could.

16 This bill is so vague and
17 lacking in detail in some cases that it
18 is hard to even argue against it. While
19 we have been told that the Planning
20 Commission review would occur only if
21 permits are pulled, that is not set forth
22 in the bill. There is no definition in
23 the bill of alterations. In fact, the
24 bill itself does not even reference the
25 Planning Commission or any approval

1 6/11/08 - RULES - BILL 080080, etc.
2 process. Things such as "visible from
3 the street" are left wide open to
4 interpretation. The same goes for terms
5 such as "consistent with" and "adjacent
6 to." These gray areas will end up
7 causing us the most trouble.

8 Contrary to what a few
9 proponents of this bill may believe,
10 passing this bill would be a detriment to
11 the neighborhood. There is no
12 grandfathering of existing properties.
13 Despite the claims that legislation is
14 designed to protect our neighborhood from
15 someone coming in and building an
16 undesirable home, very few buildable lots
17 actually exist in Queen Village today.
18 That leaves only our existing homes that
19 would be subject to the legislation that
20 is supposed to be protecting us. In
21 reality, that means if I seek to change
22 the style and placement of my current
23 windows, nothing in the legislation
24 allows me to do so in an existing,
25 non-conforming location. The bill

1 6/11/08 - RULES - BILL 080080, etc.
2 instead imposes financial hardship on
3 residents who must go through the
4 Planning Commission for an approval that
5 may take months or force them to take on
6 expensive upgrades that they may not be
7 able to afford. If my brick facade is in
8 poor condition and cannot be repaired, I
9 could be forced to spend in excess of
10 \$10,000 to replace it rather than have a
11 tastefully done modern stucco facade
12 applied for less than half that cost.

13 Despite personal assurances
14 that have been made at the meeting on
15 5/15 that special circumstances would be
16 met with leniency and understanding,
17 that's simply not what the law states.
18 Even if those special circumstances were
19 granted variances, the process of getting
20 such an approval would still require the
21 services of an attorney, as well as
22 several months of time to make it through
23 the process. There are numerous
24 scenarios that would burden residents
25 financially simply to comply with the

1 6/11/08 - RULES - BILL 080080, etc.
2 individual tastes of a few.
3 Furthermore, the idea that the
4 establishment of a Conservation District
5 would somehow help maintain or increase
6 property values is absurd. As a real
7 estate professional and someone who works
8 with builders, developers and investors,
9 I can assure you that the contrary is
10 true. Putting restrictions on properties
11 and adding additional steps to the
12 building permit process only makes a
13 neighborhood less desirable to builders,
14 developers, investors and residents
15 alike. Why would anyone choose to build
16 or renovate in Queen Village and meet the
17 ridiculous requirements set forth by the
18 NCD and spend several extra months
19 carrying the cost of their property while
20 they wait for these approvals? Why would
21 a current resident choose to update their
22 property if they know that applying for a
23 permit could trigger the requirements of
24 the NCD and force them to spend thousands
25 more dollars to modify their home to meet

1 6/11/08 - RULES - BILL 080080, etc.
2 the standards set forth by a few
3 neighbors?

4 This legislation will stifle
5 the growth that has helped make Queen
6 Village what it is today and will instead
7 result in the stagnation of our housing
8 stock and leave many of our once
9 beautiful homes in a state of disrepair.

10 Finally, the sunset clause,
11 which many are trumpeting as our escape
12 should this not work out, is, in my
13 opinion, the biggest threat of all. Why?
14 Because once this legislation is passed,
15 it will have to be revisited within a
16 year. It will not be allowed to expire.
17 When it is revisited, I know what the NCD
18 proponents from QVNA are going to say:
19 It's working well, but we want to add
20 this, that and the other restriction to
21 it. And if you think an addendum to this
22 bill 11 months down the road is going to
23 be broadcast, distributed and put out for
24 public comment or vote, I would like to
25 offer you all a deal on the Ben Franklin

1 6/11/08 - RULES - BILL 080080, etc.

2 Bridge.

3 The revised version, much like
4 the original, will be authored by certain
5 Board members of QVNA, quietly passed on
6 to Councilman DiCicco's office with
7 assurances that the neighborhood is
8 behind it 100 percent, and once
9 introduced, it will be supported by
10 Council.

11 Please do not pass this
12 legislation. People hear the word
13 "conservation" and assume it is a good
14 thing. In this case, it is the worst
15 thing that could happen to our
16 neighborhood, save for someone building a
17 casino here, that is.

18 Thank you for your time.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Good morning. Are you going to
22 testify, sir?

23 MR. WEBSTER: Yes. I'm sorry.

24 COUNCIL PRESIDENT VERNA:

25 Please identify yourself.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. WEBSTER: I came up because
3 of affiliation.

4 My name is Noah Webster. I'm
5 the Secretary to the South Street
6 Headhouse District, as well as a resident
7 in Queen Village and a business owner.

8 I guess I'm here for both sides
9 of the fence. I'm here to thank
10 Councilman DiCicco and Queen Village for
11 excluding the South Street Headhouse
12 District in this legislation. As a
13 district, we certainly appreciate and
14 hope that it will help us grow so that we
15 can meet the demands of our customers and
16 residents alike.

17 As a resident, I have to
18 respectfully disagree with this
19 legislation and the way it was brought
20 before us. Each time I've gone to one of
21 these meetings -- and I've attended each
22 one of the meetings, public meetings, for
23 this legislation and for the amendment --
24 I constantly think about what it was like
25 before I moved to Philadelphia and when I

1 6/11/08 - RULES - BILL 080080, etc.
2 first moved here, and I think a lot of us
3 inside the system tend to forget that
4 most of the people out there don't know
5 that we exist as neighborhood groups, as
6 legislators, as organizers of many of the
7 things that go on.

8 Now, each time that I've been
9 to one of these meetings, okay, I've
10 asked very simple questions, because I'm
11 a very simple person. I've asked, how is
12 this vote going to come down? How are
13 the land owners going to be able to
14 effectuate change to make sure this
15 doesn't happen? Well, quite simply, if
16 they do nothing, their vote counts as a
17 yes. Fifty-one percent of people, of
18 land owners, have to oppose this law so
19 that it doesn't become enacted? This is
20 just strange.

21 So then the legislation plainly
22 reads that every homeowner, every land
23 owner, must be notified about this
24 hearing, this hearing going on right now.
25 So I asked the simple question, how many

1 6/11/08 - RULES - BILL 080080, etc.
2 mailers were put out? Queen Village in
3 their meetings tell me 2,000. There's
4 some minutes to those meetings that now
5 say 3,000. So I go back and ask Queen
6 Village, how many mailers were put out?

7 Two thousand.

8 At the point of those mailers
9 being put out, there were 3,904 land
10 owners within those boundaries. So I
11 don't really care if it was 2,000 or
12 3,000. The simple fact is not every land
13 owner was notified. Therefore, that
14 negates the entire auspice of this law,
15 because the law plainly says that every
16 land owner must be notified.

17 Now we go into asking. I'm on
18 the South Street Headhouse District.
19 Like I said, we approve this law.
20 However, I must use the knowledge that I
21 have from that, and each member that --
22 Tim is on the South Street Headhouse
23 District. He's a resident. He did not
24 get a mailer. I did not get one. John
25 Foy, our President, did not get one. The

1 6/11/08 - RULES - BILL 080080, etc.
2 owner of Jim's Steaks didn't get one, on
3 and on.

4 A majority of our businessmen
5 all are residents within the district.
6 We didn't get mailers, plain and simple.
7 We didn't get mailers. Therefore, not
8 every land owner was notified.

9 We go into the businesses, like
10 Triad Realty owns a great amount of our
11 South Street Headhouse District. They
12 were not notified. They were not given a
13 mailer. You cannot selectively send out
14 mailers. Even if you don't have enough
15 time, it's not my fault. Simple fact is,
16 not everyone was notified.

17 Now, besides that issue, when
18 this was originally created, the
19 originating law says that 70 percent of
20 the area must be residential. The
21 original boundaries of the law that were
22 in the original law, it was only 51
23 percent residential. Why? Because it
24 included the riverfront and it included
25 the South Street Headhouse District. And

1 6/11/08 - RULES - BILL 080080, etc.
2 you could say, Well, they changed it and
3 this and that. Well, this goes into
4 Tim's point that this law has been
5 changed so many times and the community
6 at large does not know about the changes.
7 Even if they are knowledgeable, even if
8 they are one of the insiders in
9 Philadelphia, they don't know about the
10 changes and the boundary changes that
11 have happened that exist today. They
12 don't know about it. They weren't posted
13 on the Queen Village website, this and
14 that.

15 Thirdly, you want to talk about
16 notification. They say that people were
17 properly notified through e-mail. Well,
18 the Sunshine Act doesn't say that people
19 can properly be notified through e-mail.
20 Furthermore, he admits that they only
21 have a few hundred e-mail addresses for
22 QVNA. So only a few hundred people were
23 notified that way.

24 He says they were notified
25 through the Queen Village Crier. Well,

1 6/11/08 - RULES - BILL 080080, etc.
2 if half the residents are like my wife,
3 they complain that they're all over the
4 steps and they throw them away before
5 they're even read. Meanwhile, I'm
6 yelling at her saying, Keep it, I want to
7 know what's going on. So right there you
8 got a 50/50 split in our community.

9 And then if you take the
10 simple -- like this is a public policy
11 and, therefore, it should have been dealt
12 with under the Sunshine Act. It should
13 have been in a circulated paper, a
14 properly circulated paper such as the
15 Inquirer or something like that where
16 proper notification was given. That
17 didn't happen.

18 Next, if you look into what is
19 the actual makeup of our district, some
20 people say it's this, some people say
21 it's that. There's really no opinion
22 here. We've got a very large Section 8
23 community that has setbacks, and the
24 simple fact is, come 10, 15 years,
25 they're going to want to renovate that

1 6/11/08 - RULES - BILL 080080, etc.
2 entire area. Are they going to have to
3 get rid of their setback lines and
4 everything? I'm talking about between
5 4th, 5th, Christian and Washington. Are
6 they going to have to get rid of their
7 setback lines? Are they going to have to
8 become a historic-looking area? The
9 simple fact is that that area is pretty
10 nice now, and there is a lot less crime,
11 there's a lot less violence because of
12 the way that the City of Philadelphia has
13 made that place look. They've cut down
14 the population in half, got rid of two of
15 the problematic buildings that were
16 there, and, quite frankly, they couldn't
17 exist. They couldn't exist under this
18 law.

19 You take a recent coffee shop
20 that opened on 2nd and Christian. Took
21 out what was a dilapidated, condemned
22 building. Used to be an old photo copier
23 guy who didn't care about anything.
24 Turned into a beautiful coffee shop. The
25 way that those renovations are, well,

1 6/11/08 - RULES - BILL 080080, etc.
2 since she renovated, her step is higher
3 than a foot. She would have had to do
4 something about that. Her loading zone
5 is in the front. It's not in the back or
6 anything. She would have -- basically
7 she wouldn't have opened up there because
8 of the problems, the problems that would
9 happen if you don't know how to be a part
10 of the inside.

11 And the way the wording reads,
12 even the simplest alteration -- I kindly
13 respectfully disagree with Tim. There is
14 a definition for "alteration" that's in
15 the original law, not this amendment, but
16 the original Neighborhood Conservation
17 District law that occurred a couple years
18 ago. The "alteration" definition states
19 any change that requires a permit by the
20 City of Philadelphia. Well, guess what
21 that could mean? If I want a washer vent
22 for my -- or for my dryer, if I want a
23 dryer vent, I'm going to have to go to
24 the Planning Commission. Why? Because I
25 need a permit to pierce my facade under a

1 6/11/08 - RULES - BILL 080080, etc.
2 definition of Philadelphia. That
3 requires a permit. So now I got to go to
4 a Planning Commission just to put in a
5 dryer vent. And they can say, Oh, we
6 won't do that to you. Well, let me tell
7 you something, the Board changes every
8 couple of years. Employees change in the
9 City. People can get very, very nasty in
10 this city, and you know it as well as I
11 do. What could be friendly today doesn't
12 mean it's going to be friendly tomorrow.

13 Finally, simple thing is that
14 the law says that you cannot have any
15 Neighborhood Conservation District that
16 overlays any historic district. Quite
17 frankly, half of this covers a historic
18 district. In 1979 part of this area
19 became part of the Southwark Historic
20 District. Now, they're going to try to
21 confuse you and say that's a federal
22 thing, yadda, yadda, yadda. This is not
23 true. The Southwark Historic District
24 became a federal district in 1972. Okay?
25 In 1972, it became a federal historic

1 6/11/08 - RULES - BILL 080080, etc.
2 district. In 1979, it became a
3 Philadelphia historic district. It is
4 part of our legislation. It is part of
5 our zoning legislation. It was made part
6 of our zoning legislation because us
7 neighbors were afraid that signs were
8 going to pop up everywhere in Queen
9 Village to go for sale for 95. So there
10 are already historic zoning
11 implementations through a Philadelphia
12 historic district, not a national
13 historic district, and, therefore, that
14 negates this entire law.

15 And, lastly, us as a
16 neighborhood, we are so confused right
17 now with boundaries, divisions. When
18 businesses move in, they don't know who
19 to go to for approval. When residents
20 come in, they don't know who to go to for
21 approval. We have no less -- at any
22 given moment there's several overlays
23 that we've got to listen to, different
24 neighborhoods, and the Planning
25 Commission has divided us up even more

1 6/11/08 - RULES - BILL 080080, etc.
2 into more neighborhoods. They've divided
3 Queen Village up into Washington Square
4 East and Lombard East and Queen Village.
5 Now from south to Lombard is Lombard East
6 it's called. It's the new trek name.
7 Also Washington East. I'm sure
8 neighborhood groups are going to pop up
9 on those. So as a resident, I'm going to
10 have to now go to Queen Village
11 Neighborhood Association, Lombard East
12 Association, Washington East Association,
13 and then now the Queen Village
14 neighborhood overlay, whatever,
15 Neighborhood Conservation District, and I
16 got to go to Planning to put in a vent to
17 my house or to change the storefront.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 MR. WEBSTER: That's about it.
21 I hope you make the right decision.

22 COUNCIL PRESIDENT VERNA: Thank
23 you. Just a moment, please.

24 I would like the record to also
25 indicate that Councilmembers Kelly and

1 6/11/08 - RULES - BILL 080080, etc.
2 Brown are joining us, and at this time, I
3 would like to recognize Councilman
4 Greenlee.

5 COUNCILMAN GREENLEE: Thank
6 you, Madam President.

7 Good morning to both of you.

8 Mr. Krug, just on one thing.
9 Obviously you have a lot of concerns and
10 a lot of opposition to this, I
11 understand, but I have to admit, your
12 last point I really don't follow in your
13 testimony where you talk about the sunset
14 provision being the biggest threat of
15 all. You say in here it will not be
16 allowed to expire. I'm not clear on what
17 you mean by that.

18 MR. KRUG: Well, basically what
19 I'm saying is the people that created
20 this district or are attempting to create
21 this district aren't going to simply let
22 it expire. They're going to fight for
23 its existence and they're going to fight
24 for modifications. That's my belief.

25 COUNCILMAN GREENLEE: But isn't

1 6/11/08 - RULES - BILL 080080, etc.
2 the other argument -- and other
3 legislation has sunset provisions in it
4 over the years -- that right now you're
5 assuming -- I'm not saying you're right,
6 wrong or indifferent in this -- that
7 there's going to be problems with this.
8 Well, in a year, if that's true, you
9 would have concrete examples of where the
10 problems were. Like somebody applied for
11 permits, couldn't get it, they should
12 have been able to get it, it limited
13 sales, it brought down values. Whatever
14 the case may be, you would have concrete
15 arguments.

16 So I don't see -- and, again,
17 I'm not even going to get into your other
18 arguments where you're right or wrong.
19 You live there. I don't. But I just
20 don't see your argument on the sunset
21 thing. I would think at the very least
22 if we pass this, then at least you can
23 come back in a year, you or maybe some
24 people who support it now can come back
25 in a year and say, Geez, you know what,

1 6/11/08 - RULES - BILL 080080, etc.
2 after looking at it, after further
3 review, as they say in the NFL, this
4 doesn't work. So without getting into
5 the other stuff, I don't follow that
6 argument.

7 MR. KRUG: I understand where
8 you're coming from, but my fear is that
9 come 10, 11 months from now, the same
10 people that proposed this legislation are
11 going to come back, and I don't feel like
12 this amended version or this secondary
13 review ten months down the line is going
14 to be publicized any better, if not less
15 publicized than the original legislation
16 was.

17 So my fear is that the people
18 that created this proposal are simply
19 going to come back nine, ten months from
20 now and try to make it even more
21 restrictive, being even less public about
22 what they're doing. That's what I'm
23 fearing.

24 COUNCILMAN GREENLEE: Okay.
25 All right. I hear you.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. KRUG: We'll agree to
3 disagree.

4 COUNCILMAN GREENLEE: Okay.
5 Thank you.

6 Thank you, Madam President.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes Councilman
10 DiCicco.

11 COUNCILMAN DiCICCO: Thank you,
12 Madam President, and good morning,
13 gentlemen. I think Councilman Greenlee
14 touched on primarily one of my concerns
15 as it relates to your testimony,
16 Mr. Krug, and you keep implying that
17 there's some sort of a secret agenda
18 here, that in 10 months or 11 months, the
19 revised version would, much like the
20 original, will be authored by certain
21 Board members of QVNA, passed quietly on
22 to Councilman DiCicco.

23 I have been representing Queen
24 Village for over 13 years, almost 13
25 years now, and I don't know of any time

1 6/11/08 - RULES - BILL 080080, etc.
2 that I or any of the Board members,
3 either the present Board members or past
4 Board members, have ever done anything in
5 a quiet fashion. To suggest that a
6 couple of people made up their mind that
7 they want certain things to happen and
8 they want Queen Village to look a certain
9 way and feel a certain way and we're
10 going to go to the Councilman, kind of
11 like the State legislators did two years
12 ago at 2 o'clock in the morning and get
13 some legislation passed, I don't operate
14 that way.

15 MR. KRUG: Well, I don't --
16 COUNCILMAN DiCICCO: And I
17 think you were at the last meeting that I
18 attended. I believe you were there.
19 There have been, as Mr. Webster has
20 pointed out, meetings that have been
21 ongoing, many of which he has attended,
22 and as I said at that community meeting,
23 notices are put out by QVNA about a
24 public meeting that they have on a
25 monthly basis. Sometimes people choose

1 6/11/08 - RULES - BILL 080080, etc.
2 not to go to meetings, and that's their
3 right to decide whether they want to go
4 or not. But to sit here and suggest that
5 over the last four years that there's not
6 been any public notification or
7 discussion or meetings held regarding
8 this is simply not true, and I just want
9 to put that on the record.

10 We may have our differences on
11 whether we agree with this legislation or
12 not, but this was not done quietly. And
13 I will give you the benefit of the doubt,
14 Mr. Webster and others, that it may not
15 have been -- the notifications that were
16 mailed out maybe could have been done
17 better, but they relied on the Board of
18 Revision of Taxes' information as to who
19 the property owners were. It wasn't
20 mailed out to renters, which is not an
21 unusual way we do things in this manner
22 as property owners.

23 I can tell you that of all the
24 notices that were sent out -- and there's
25 some disagreement somewhere between two

1 6/11/08 - RULES - BILL 080080, etc.
2 and four thousand -- I don't know the
3 exact number -- only 200, only 200 people
4 have contacted my office in opposition.
5 So even if you're accurate and the 4,000
6 notices that should have been sent out
7 were not sent out or not delivered for
8 whatever reason -- and I don't think the
9 QVNA Board sat down and said, Let's not
10 send it to DiCicco or let's not send it
11 to Wilson Goode because we know they're
12 going to be against it, let's send it out
13 to only those folks that we believe would
14 be supportive of it, it didn't happen
15 that way, I can -- let me just finish
16 this point.

17 So even if we use your 2,000 as
18 the number of property owners that were
19 notified, 200 people out of 2,000 have
20 objected to this or sent us any
21 information to the contrary.

22 Excuse me.

23 Thank you. My legislative aide
24 just corrected me. Only 200 envelopes
25 were returned as not having been

1 6/11/08 - RULES - BILL 080080, etc.
2 deliverable and only 30 people, 30
3 people, have objected out of the 2,000.
4 And, again, I'm using your number, not
5 the number that we're being told by QVNA.
6 So that's a significant number of people
7 who either are supportive of this bill or
8 maybe didn't take the time to read it.

9 We can't do it any other way.
10 It's impossible -- and I think I pointed
11 that out -- to physically go around and
12 distribute 4,000 of these letters, unless
13 people from the community want to decide
14 to do that. That's their right. But the
15 Clerk's Office is where those letters
16 were mailed out to the people in Queen
17 Village. That's where they came from.

18 And I know you have a few
19 comments, but, Madam President, what I'd
20 like to do after Mr. Webster is complete
21 is bring the other two witnesses back up
22 from QVNA, because I think they can speak
23 a lot more accurately to the number of
24 mailings that were sent out and the
25 process by which that occurred.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. WEBSTER: Respectfully,
3 sir, I am not and I would never suggest
4 that anything nefarious occurred
5 between -- that you did anything wrong.
6 I would certainly never suggest that QVNA
7 did anything wrong. And that's the one
8 thing that I think people forget, is that
9 I am a resident too and Queen Village
10 does represent my needs as a resident.
11 So I am certainly not talking down upon
12 them. I'm not talking down upon the
13 people who wish to further this. I just
14 personally don't believe in it and I'm
15 citing reasons why it shouldn't exist.

16 As far as -- the things that
17 concern me was not that some people
18 didn't get things. I know that the BRT
19 is slow in transferring names and
20 everything. The simple fact is that some
21 of the people that I've mentioned quite
22 simply have been residents for over 30
23 years. They've had the same address for
24 nearly 15, 20 years. And I've looked at
25 their information on the BRT. That's

1 6/11/08 - RULES - BILL 080080, etc.
2 where I've got all my facts and figures.
3 And the number of mailings that went out
4 I got from the same exact place you did,
5 from QVNA meetings. That's where I got
6 my information.

7 So whenever someone asks how
8 many mailers were out, I have to rely on
9 what QVNA told me, and that was 2,000
10 they've told me on a couple different
11 meetings. The meetings in their minutes
12 on their website, one of them says 3,000.
13 So I've got exactly the same information
14 as you, sir, and I certainly would never
15 accuse you of anything.

16 COUNCILMAN DiCICCO: Again, I
17 was just referencing Mr. Krug's comments
18 about somehow this legislation in ten
19 months will be quietly passed on to
20 Councilman DiCicco's office with
21 assurances that the neighborhood is
22 behind it 100 percent, and once
23 introduced, it will be unanimously
24 supported by this Council.

25 MR. WEBSTER: If I may approach

1 6/11/08 - RULES - BILL 080080, etc.
2 the word "quiet," from dealing with --
3 you know what I do with the South Street
4 District and whatnot. I firmly believe
5 that we get around any nuance or sake of
6 what's in the shadows and what's out and
7 open by utilizing the Sunshine Act and
8 making sure that meetings and notices are
9 published within 30 days in the
10 newspaper. The simple fact is that these
11 meetings were not published in a
12 circulated newspaper. They were placed
13 in QVNA and a couple hundred e-mails.

14 COUNCILMAN DiCICCO: Well, I
15 don't know of any civic associations or
16 community associations that do any
17 notification outside of a newsletter, if
18 they happen to have it. There are a
19 number of organizations that I know I
20 represent probably throughout the City
21 that don't even have the ability to put
22 out a newsletter. They rely on
23 volunteers to either put circulars in
24 someone's door or by word of mouth or
25 posters in neighborhood stores. They do

1 6/11/08 - RULES - BILL 080080, etc.
2 try their best. I mean, QVNA is one of
3 those civic associations that's fortunate
4 that they have the resources to put out a
5 newsletter, and I don't -- I get a copy
6 of one every month mailed to my office.
7 I don't live in Queen Village. So I have
8 to assume -- and it may be wrong to
9 assume -- that the majority of the people
10 in Queen Village are receiving the Crier,
11 and in the Crier notification of
12 meetings, whether it's for this
13 legislation or any other thing that's
14 happening, in my past experience has been
15 publicized.

16 MR. WEBSTER: But no matter who
17 created this legislation and no matter
18 who is in charge of this legislation, the
19 simple fact is the onus comes down on the
20 City. This becomes a City legislation,
21 and the onus comes on the City, and any
22 legislation that's significant should
23 abide by the Sunshine Act and it should
24 be notified 30 days in advance of a
25 public hearing through a circulated

1 6/11/08 - RULES - BILL 080080, etc.

2 paper. This is affecting land owners.

3 MR. KRUG: May I address here?

4 COUNCILMAN DiCICCO: My

5 understanding from my legislative

6 assistant is that the notice was in the

7 Inquirer 60 days prior to.

8 COUNCIL PRESIDENT VERNA: I was

9 going to say that.

10 COUNCILMAN DiCICCO: And,

11 again, not everybody reads the -- excuse

12 me. Not everyone reads the Inquirer or

13 the Daily News. I guess that's the

14 difficulty in a lot of these things.

15 Some people take the time to read the

16 entire newspaper. I don't. I just read

17 certain portions of a newspaper, and a

18 lot of times I miss things because I

19 don't read the newspaper in its entirety.

20 But there's not much more I

21 think we can do. The process is going

22 through it. You may disagree that the

23 process was not as complete as you would

24 like it to have been. I accept your

25 comments. I disagree with them, but I

1 6/11/08 - RULES - BILL 080080, etc.
2 accept those respectfully, and this is
3 that process we're going through. That's
4 why we're here today.

5 And as far as I know, if I
6 remember correctly, the 51 percent was a
7 state statute. I mean, we have to abide
8 by that. We didn't just kind of make
9 that up in Council. To the best of my
10 knowledge, it was a state statute
11 requires when you do these kind of
12 legislation, that 51 percent -- you need
13 51 percent in opposition. I'm not
14 passing the buck, but it is what it is.

15 MR. KRUG: May I comment on
16 your concerns? I didn't mean to imply
17 that any wrongdoing was taking place in
18 your office. Perhaps my use of the term
19 "quietly" brought up some suspicious
20 thoughts. Personally, I'm not a
21 conspiracy theorist or anything like
22 that, but it did strike me as odd that so
23 very many of my neighbors who I asked
24 about this mailing didn't receive it and
25 it just struck me as odd, that's all.

1 6/11/08 - RULES - BILL 080080, etc.

2 And with regard to quietly
3 being passed along, while the process was
4 publicized at QVNA meetings and through
5 the Crier, the actual legislation was
6 not. It was talked about. It was
7 mentioned, different tenets of it were.
8 But I don't believe the legislation was
9 published. And I believe that even at
10 the last -- at that 5/15 meeting,
11 different variations of the legislation
12 were being passed around. The version on
13 Queen Village's website was not the
14 current version.

15 So unless somebody was Internet
16 savvy and knew where to look for and read
17 the legislation, they didn't receive the
18 notification, let alone the actual
19 legislation.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 COUNCILMAN DiCICCO: Madam
23 President, if I may just point out one
24 more thing. Enabling legislation took
25 place somewhere -- and I was trying to

1 6/11/08 - RULES - BILL 080080, etc.

2 get it from Brian -- somewhere between
3 three or four years ago.

4 MR. WEBSTER: Four years ago.

5 COUNCILMAN DiCICCO: And it was
6 in this Chambers that the enabling
7 legislation was passed. And there were
8 folks from QVNA who were here to talk
9 about it and there was a slide
10 presentation that I believe some of my
11 colleagues -- Councilwoman Reynolds Brown
12 was commenting on some of the homes in
13 Queen Village and I was kind of giving
14 her what I thought those homes were
15 selling for, and she kept -- she was
16 amazed by the sale prices of those homes.

17 So this public process has been
18 going on for at least four years and it
19 began in this very Chambers where we are
20 today.

21 And I didn't take that
22 personal, by the way, but I wanted to
23 establish the record that that's not the
24 way I do business. I think my colleagues
25 understand that. And I won't do that

1 6/11/08 - RULES - BILL 080080, etc.
2 going forward. It will be a very
3 public -- as public as I can possibly
4 make it. There's just limitations of
5 what I can do. The rest is left up to
6 the community. And civic associations
7 and people who are involved directly as
8 Board members, my hat goes off to them.
9 It is a very difficult job. It is a
10 thankless job in most cases, and it
11 requires a lot of time and work. And I
12 said this at the last meeting, that maybe
13 more people -- I'm not being
14 disrespectful -- should be attending
15 these meetings, whether it's for this or
16 any other issue, and be more involved,
17 because that's what makes a neighborhood
18 strong. And this legislation came about
19 because people who live in that community
20 care enough about it, and there may be a
21 disagreement, a difference of opinion, on
22 what needs to be done to preserve the
23 integrity of that community, but at least
24 people have taken the time to go out and
25 try to figure out how do we make this

1 6/11/08 - RULES - BILL 080080, etc.
2 neighborhood -- preserve what we have and
3 continue to make it a better place going
4 forward. And we may have that -- and
5 that's life, we all disagree on -- some
6 people like vanilla, some people like
7 chocolate, but that's what has taken
8 place here on why we're here today.

9 Thank you, Madam President.

10 COUNCIL PRESIDENT VERNA:

11 You're welcome.

12 Councilman, do you still want
13 the previous witnesses?

14 COUNCILMAN DiCICCO: Yes,
15 please. I think I need it for the record
16 on how the mailings were --

17 COUNCIL PRESIDENT VERNA:

18 Gentlemen, thank you very much. We
19 appreciate your coming in to testify.

20 May we have the previous
21 witnesses approach the witness table,
22 please.

23 (Witness approached witness
24 table.)

25 COUNCILMAN DiCICCO: Gentlemen,

1 6/11/08 - RULES - BILL 080080, etc.
2 I asked you to come back to the table
3 because you did hear the witnesses, their
4 testimony specifically about the
5 notification, whether it was in the Crier
6 or not, the number of mailings. Could
7 you guys at least for the record tell us
8 what you did and how you did it.

9 MR. HAUPTMANN: We received the
10 list of property owners from the Tax
11 Bureau. We were assured that that was as
12 accurate a list that we could get our
13 hands on. The City Council, they
14 provided the letter. Queen Village
15 stuffed the envelopes, and I believe that
16 the number was 3,000.

17 They went back to -- and we
18 took the addresses which were printed on
19 labels, put them on the envelopes and
20 sent them back to the Clerk's Office, who
21 actually mailed them.

22 We did find out fairly quickly
23 that a block of -- two blocks of
24 Moyamensing Avenue were missed, and then
25 I personally hand-delivered notices to

1 6/11/08 - RULES - BILL 080080, etc.
2 every house along Moyamensing Avenue
3 myself. We heard very little else from
4 anywhere else in Queen Village that there
5 were addresses missed.

6 I'd also like to say that the
7 notification, putting everything in the
8 Queen Village Crier, even though it was
9 published in the Inquirer 60 days
10 earlier, to me we know that every
11 residential property in Queen Village
12 receives a Crier. Whether people read it
13 or throw it out, I can't tell you. But
14 for us -- and, by the way, I want to
15 correct that we have several thousand
16 e-mail addresses that go out. That's our
17 best way of covering the neighborhood.
18 We know that everybody gets a Crier and
19 we know that increasingly everybody gets
20 an e-mail. Not so much, but we do both.

21 I also want to emphasize as
22 strongly as I can that there is nothing
23 in this bill that says what the style of
24 your house has to be. It's not covered
25 at all. We encourage diversity in

1 6/11/08 - RULES - BILL 080080, etc.
2 architecture in Queen Village. There's
3 nothing that says it has to be colonial
4 or Georgian or anything. There are some
5 material limitations and that's it.

6 And I also -- I think I need to
7 dispute Mr. Webster's contention that
8 Queen Village is a local historic
9 district. It is not a local historic
10 district. Believe me, if it were, we
11 certainly wouldn't have gone through four
12 years of this.

13 COUNCILMAN DiCICCO: Mr. Cole,
14 do you have anything to add?

15 MR. COLE: I just want to add
16 that this was really initiated over four
17 years ago by the Queen Village Neighbors
18 Association Board of Directors, and
19 throughout this process, the whole
20 Board -- we have 12 elected members.
21 They have been in favor of this 100
22 percent. They've been behind it. It's
23 not a selected group. We and several
24 other members of the community were asked
25 to chair this -- to put this committee

1 6/11/08 - RULES - BILL 080080, etc.
2 together to come up with these
3 regulations, but it's been -- it was
4 initiated by the Board, and it's had the
5 support of the neighborhood during this
6 period.

7 The regulations have actually
8 been on our website. Initially what we
9 received from Planning Commission were
10 the draft regulations. Once we received
11 the final regulations, those were also
12 put on our website. So it's been several
13 months now that those have been available
14 on the website.

15 MR. HAUPTMANN: And I also want
16 to say as far as the Crier goes, I
17 personally wrote at least four articles
18 over the last four years regarding this
19 legislation, and at least once a year
20 there's been an article of why we've been
21 working on this, bringing the
22 neighborhood up to date on it.

23 COUNCILMAN DiCICCO: What list
24 do you use when you mail the Crier? How
25 was that list established?

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. HAUPTMANN: Well, it's
3 actually distributed by hand by
4 volunteers and block people who pick up
5 the Criers from the main office and then
6 basically put them through every mail
7 slot in the neighborhood.

8 COUNCILMAN DiCICCO: All right.
9 So on the letter that was sent out that
10 was returned -- well, actually it was
11 given to the City to mail out through the
12 Chief Clerk's Office. That was First
13 Class mail, right?

14 MR. HAUPTMANN: As far as I
15 know. You guys mailed it.

16 COUNCILMAN DiCICCO: That's why
17 we got the return.

18 I don't have any further
19 questions. Thank you.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 Are there any other questions
23 or comments from members of the
24 Committee?

25 (No response.)

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA:

3 Gentlemen, thank you very much.

4 Do we have anyone else to
5 testify on this bill?

6 Please approach the witness
7 table.

8 (Witness approached witness
9 table.)

10 COUNCIL PRESIDENT VERNA:

11 Kindly identify yourself for the record.

12 MS. SCHILLER: My name is
13 Suzanne Schiller. I'm a resident of
14 Queen Village.

15 Most of what I had to say has
16 been said by the other speakers. I'm
17 opposed to this bill. But the one point
18 that I wanted to make is that it was just
19 represented to this Committee that at
20 every Queen Village meeting that was
21 held, the attendees at that meeting were
22 in support of this bill. I personally
23 attended a meeting. Councilman DiCicco
24 was there, other people were here, a few
25 months -- maybe a month ago, and the

1 6/11/08 - RULES - BILL 080080, etc.
2 overwhelming view of the people there was
3 not to support the bill.

4 So I just didn't want that
5 misrepresentation to be made in front of
6 this Council. When there have been
7 meetings, it has not been universally
8 supported by the community.

9 COUNCIL PRESIDENT VERNA: Thank
10 you. Thank you very much.

11 Do we have anyone else to
12 testify on this bill?

13 (No response.)

14 COUNCIL PRESIDENT VERNA:
15 Seeing no one, I would ask Mr. McPherson
16 to please read the titles of Bill Nos.
17 080249 and 080250.

18 MR. MCPHERSON: Bill No.
19 080249, an ordinance to amend the
20 Philadelphia Zoning Maps by changing the
21 zoning designations of certain areas of
22 land located within an area bounded by
23 County Line, a Railroad right-of-way,
24 Shawmont Avenue and the Schuylkill River,
25 and approving a Master Plan of

1 6/11/08 - RULES - BILL 080080, etc.

2 Development.

3 Bill No. 080250, an ordinance
4 amending Title 14 of The Philadelphia
5 Code, entitled "Zoning and Planning," by
6 amending Chapter 14-1600, entitled
7 "Miscellaneous," by adopting a new
8 Section 14-1635, entitled "River Road
9 District Controls," under certain terms
10 and conditions.

11 COUNCIL PRESIDENT VERNA:
12 Mr. Kramer, do these Zoning Maps pertain
13 to the same geographic area --

14 MR. KRAMER: Yes, ma'am.

15 COUNCIL PRESIDENT VERNA: -- as
16 dealt with in Bill --

17 MR. KRAMER: Yes, ma'am.

18 COUNCIL PRESIDENT VERNA: They
19 do? Thank you.

20 Please proceed with your
21 testimony.

22 MR. KRAMER: Good morning,
23 Chairman Verna and members of the Rules
24 Committee. I am William Kramer, the
25 Division Director of the Development

1 6/11/08 - RULES - BILL 080080, etc.
2 Division of the Philadelphia City
3 Planning Commission. I am here today to
4 testify on Bill Nos. 080249 and 080250,
5 which were introduced into City Council
6 on March 6, 2008.

7 These bills are part of the
8 City's Act 537 Plan for the River Road
9 area. Under Pennsylvania State law,
10 whenever a change is to occur in the
11 handling of sanitary waste, an Act 537
12 Plan must be filed. This area of River
13 Road does not currently have a sewer in
14 place. Legislation for the placing of
15 the sewer and modification of the street
16 right-of-way have been considered and
17 approved by City Council. Bill No.
18 080249 and Bill No. 080250 represent the
19 last pieces of the legislative package
20 for that plan and deal with the zoning
21 component.

22 The placing of a new sewer in
23 River Road represents a major investment
24 by the City in new infrastructure. The
25 area is currently zoned R-5 Residential,

1 6/11/08 - RULES - BILL 080080, etc.
2 and with the placing of a new sewer and
3 no change in the zoning designation, the
4 concern is that new development would
5 overwhelm the proposed new system and
6 require additional investment by the
7 City. Additionally, the development of
8 this area consistent with the R-5
9 Residential classification would change
10 the very nature of the community that
11 exists here. These two bills will both
12 protect the investment in this
13 infrastructure and serve to protect the
14 existing community along River Road.

15 The first, Bill No. 080249,
16 will change the zoning designation of
17 River Road to a zoning designation of
18 RC-6 Residential. The RC-6 zoning
19 classification establishes the zoning
20 requirements for an area based upon the
21 adoption of a Master Plan for that area.
22 The Master Plan has been drafted by the
23 staff of the Planning Commission in
24 coordination with the Water Department,
25 the Managing Director's Office, the

1 6/11/08 - RULES - BILL 080080, etc.
2 District Councilperson's office and the
3 community.
4 In developing the Master Plan,
5 it became apparent that some residents
6 wanted to be allowed to have some
7 development of their properties
8 permitted. To accomplish this, policies
9 were developed to serve as a guide for
10 such proposals. Because the area is in
11 the 100 year Flood Plain and provides a
12 beautiful setting for this area of the
13 Schuylkill River, the policies have been
14 that no new development would be
15 permitted on the river side of River
16 Road. The only exception to this would
17 be instances where the lot only existed
18 on the river side and no other option was
19 viable. In instances where a parcel
20 existed on both sides of the River Road,
21 any new construction would be required to
22 be located on the land side of the
23 property. The Master Plan was presented
24 to the community and approved in December
25 2007.

1 6/11/08 - RULES - BILL 080080, etc.

2 Since the bill was introduced,
3 a homeowner has come forward and
4 presented plans for a new home, which
5 required an amendment to the Master Plan.
6 That plan is here and was considered and
7 approved by the Planning Commission at
8 its meeting of April 15, 2008. On behalf
9 of the City Planning Commission, I
10 respectfully request that Bill 080249 be
11 amended to change the exhibit from a map
12 identified as Rev 7 to one identified as
13 Rev 8.

14 Bill No. 080250 establishes a
15 new special controls district section of
16 the Philadelphia Zoning Code. This bill
17 prohibits certain uses in this Master
18 Plan that otherwise would be permitted.
19 These are restaurants and multi-family
20 dwellings. Bill No. 080250 establishes a
21 height limit for the area of 35 feet or
22 three stories measured above the grade of
23 the 100 year Flood Plain. It also
24 establishes the criteria by which the
25 Master Plan can be amended in the future.

1 6/11/08 - RULES - BILL 080080, etc.
2 This includes requirements for a
3 topographic study, a hydrological study,
4 a soil study and a requirement to replace
5 trees lost as a result of the development
6 and approvals from both the Department of
7 Public Health and the Philadelphia Water
8 Department.

9 The Philadelphia City Planning
10 Commission at its meeting of April 15,
11 2008 considered and approved the Act 537
12 Plan for River Road, a portion of which
13 is the subject of Bill No. 080249 and
14 Bill No. 080250.

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

19 COUNCIL PRESIDENT VERNA: Thank
20 you, Mr. Kramer.

21 Can you explain for the record
22 the differences of what uses are allowed
23 in R-5 Residential and RC-6 Residential?

24 MR. KRAMER: The R-5
25 Residential classification in the Zoning

1 6/11/08 - RULES - BILL 080080, etc.
2 Code primarily permits only single-family
3 dwellings. It also permits certain
4 non-residential uses such as churches,
5 schools, fire stations, police stations,
6 that sort of non-residential use.

7 The RC-6 classification is
8 intended to preserve development or
9 cluster development around certain areas
10 to preserve an environmental or historic
11 site. In this particular instance, we
12 were using it to establish the existing
13 conditions as the baseline.

14 The uses normally permitted
15 would also include multi-family
16 dwellings, would include certain
17 commercial uses would be permitted in
18 RC-6, which have been specifically
19 excluded under the overlay controls of
20 Bill No. 080250.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Exhibit A to Section 2 of the
24 bill is impossible to read.

25 MR. KRAMER: Yes, ma'am.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: Can
3 you explain what is provided for in the
4 Master Plan so that we are being asked to
5 vote on something that we really --

6 MR. KRAMER: If I may, that's
7 why the bill also indicates that the plan
8 would be maintained by the Clerk's
9 Office. Owing to the size of the
10 paper -- and this is the Master Plan for
11 River Road as we want to amend it. You
12 see from the size when you try to shoot
13 this down, computer-wise I can make it
14 any size I want, but you can't read it
15 when it gets that low. The Law
16 Department agrees with you, and as long
17 as there is a copy on file in the Clerk's
18 Office, then that is sufficient. This
19 can be examined, and this is the scale at
20 which it was presented to the community,
21 and you're welcome to examine it at this
22 time or whatever is your pleasure.

23 COUNCIL PRESIDENT VERNA:
24 Anybody want to see it now? Anyone want
25 to see it now?

1 6/11/08 - RULES - BILL 080080, etc.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: We
4 can view it in the Chief Clerk's Office.

5 Is it this exhibit that you
6 reference in your testimony and request
7 that a map be changed from one identified
8 as Rev 7 to Rev 8?

9 MR. KRAMER: Yes, ma'am.

10 COUNCIL PRESIDENT VERNA: From
11 the map it looks like all of the
12 structures are located on the northeast
13 side of the Schuylkill River. Is the
14 southeast side of the river within
15 Philadelphia? If so, how is it zoned?
16 If not, what are the allowable uses on
17 that side of the river?

18 MR. KRAMER: The other side of
19 the river is in Montgomery County and I
20 don't know what their Zoning Code allows
21 or does not allow over that side of the
22 river.

23 COUNCIL PRESIDENT VERNA: Okay.
24 Are all 40 of the existing residential
25 structures within the district going to

1 6/11/08 - RULES - BILL 080080, etc.

2 be connected to the new sewer system?

3 MR. KRAMER: That is my
4 understanding, yes, ma'am.

5 COUNCIL PRESIDENT VERNA: Are
6 there any non-residential structures in
7 the proposed district?

8 MR. KRAMER: No, ma'am, there
9 are not.

10 COUNCIL PRESIDENT VERNA:
11 Pardon me?

12 MR. KRAMER: There are not.

13 COUNCIL PRESIDENT VERNA: Will
14 existing zoning or the provisions of this
15 bill prevent the construction of any new
16 non-residential uses?

17 MR. KRAMER: Yes, ma'am. It
18 would require an amendment to the Master
19 Plan to allow that. So it's not a carte
20 blanche denial of anything, but you would
21 have to go through a procedure or policy
22 through the Planning Commission and then
23 through City Council in order for that to
24 happen.

25 COUNCIL PRESIDENT VERNA: Not

1 6/11/08 - RULES - BILL 080080, etc.
2 seeing the Master Plan, it's hard to --
3 the Chair recognizes Councilman Jones.

4 COUNCILMAN JONES: Thank you,
5 Madam Chair, members of the Committee.

6 I want to first acknowledge the
7 hard work done by your department in
8 preparing this. This is not a new
9 endeavor, but one that has transcended
10 years and also administrations.

11 MR. KRAMER: Yes, sir.

12 COUNCILMAN JONES: Just to add
13 some kind of overview, that this area is
14 a phenomena in my district that has grown
15 from almost a non-permitted use to now
16 finally being a part of the
17 infrastructure of the City of
18 Philadelphia, and we were compelled in
19 some instances to do this work because of
20 environmental issues that would not
21 comply with State laws by way of use of
22 septic tanks and others that pose an
23 environmental hazard to not only the
24 residents in that area but to a great
25 number of citizens down river of River

1 6/11/08 - RULES - BILL 080080, etc.

2 Road.

3 This \$4 million infrastructure
4 investment is something that the State
5 wants us to do and I think as a
6 municipality, we should do.

7 Only one amendment, and this is
8 a part of what this hearing and
9 discussion is, that I have another
10 rendition of that Master Plan that would
11 for reasons include several other parcels
12 on the western side of River Road. Am I
13 saying that correctly?

14 MR. KRAMER: Yes, sir.

15 COUNCILMAN JONES: That should,
16 in my opinion, be grandfathered in
17 because they were structures that were
18 there for at least arguably five years
19 and possibly as long as ten years, and
20 these structures -- if you'll bring that
21 up, I want to show this Committee.

22 There are several residents
23 that would like to maintain their right
24 to, based on certain conditions, to use
25 what are existing trailers that have been

1 6/11/08 - RULES - BILL 080080, etc.
2 there arguably between a half a decade
3 and a decade to be able to build on the
4 eastern side of River Road, as you can
5 see there. The issue becomes whether or
6 not as you see some of the other
7 buildings on that side that are also
8 being grandfathered in. They went
9 through a permitted process and are
10 allowed to be there under L&I specs.
11 These two parcels that I'm asking for the
12 exception just kind of grandfathered
13 their way in to the process, and the
14 reason that I'm going for this is that
15 this has been -- River Road has been an
16 unconventional planning process and it's
17 probably a case study for urban
18 environmental planning in the future.

19 But I offer that to members of
20 the Committee as the only exception to
21 the plan. Otherwise, I agree with the
22 plan presented by the Department.

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 MR. KRAMER: If I may, the

1 6/11/08 - RULES - BILL 080080, etc.
2 planning question is grandfathering in
3 two buildings which were erected or
4 placed on site without the benefit of
5 permits. For a variety of reasons,
6 that's why they were not included in the
7 original consideration or revision that
8 the Planning Commission considered.

9 If the bill is amended to do
10 that, I am directed to take the matter
11 back up to the Commission for their
12 consideration for the amended Master Plan
13 and it would be going there with a staff
14 recommendation of disapproval, owing in
15 large part because of the policies that
16 we dictated with other development that
17 was proposed for the River Road area.

18 There are representatives here
19 from the community that may be able to
20 address that better than I, but as a
21 procedural matter, I would have to --
22 because it has not been considered by the
23 Commission, I would have to take that
24 back to their meeting and have them
25 consider that, and it would go back with

1 6/11/08 - RULES - BILL 080080, etc.
2 a recommendation from the staff of
3 disapproval.

4 COUNCIL PRESIDENT VERNA:
5 Mr. Kramer, did you indicate that you had
6 an amendment?

7 MR. KRAMER: Yes, ma'am.

8 The --

9 COUNCIL PRESIDENT VERNA: Oh,
10 that's the plan.

11 MR. KRAMER: The Master Plan
12 has, yes, ma'am.

13 COUNCIL PRESIDENT VERNA: I'm
14 sorry. Thank you. And that will go to
15 the Chief Clerk's Office?

16 MR. KRAMER: Yes, ma'am. I'll
17 deliver it personally.

18 COUNCIL PRESIDENT VERNA: The
19 Chair recognizes Councilwoman Brown.

20 COUNCILWOMAN BROWN: Thank you,
21 Madam President.

22 Acknowledging the fact that
23 this does transcend two administrations,
24 could you provide for the record briefly
25 what the interface with the community has

1 6/11/08 - RULES - BILL 080080, etc.

2 been.

3 MR. KRAMER: This started two
4 years ago in June on a very, very hot day
5 in a very non-air conditioned auditorium.
6 The Councilman at that time, Councilman
7 Nutter, set up the meeting. There were,
8 at my recollection, somewhere about 200
9 folks that came out to understand and
10 learn what we were trying to do. And it
11 was a presentation by a myriad of
12 agencies, the Health Department, Water
13 Department, Streets, myself, all dealing
14 with how to put a new sewer in to River
15 Road, and the basic premise for the whole
16 thing was the water table is high, as you
17 might imagine given the proximity of the
18 river, and it was making it difficult for
19 the septic systems to function well, and
20 the State was concerned that pollution
21 was running into the river and wanted the
22 City to do something. This was what was
23 done.

24 I have a part in that, and the
25 part that I have was trying to develop

1 6/11/08 - RULES - BILL 080080, etc.
2 zoning controls that would then be
3 utilized. We met with the community
4 then. We met with them several times
5 thereafter. I don't have the exact
6 dates. There was a small working group
7 that we met with a couple times to go
8 over the ideas and get questions and
9 feedback, but there have been no less
10 than three different public meetings over
11 the last two years where we have
12 presented the Master Plan to the
13 community in its entirety and asked for
14 feedback and comment from them.

15 COUNCILWOMAN BROWN: Okay. And
16 the feedback and comment has been in
17 writing or how? Through future meetings
18 or how?

19 MR. KRAMER: Well, I was there
20 to accept comments and take written notes
21 on plans that are all sitting in this
22 file so that the comments that we would
23 get from people, we would sit after -- we
24 would do an explanation of what we did
25 and then sit at a table with whoever

1 6/11/08 - RULES - BILL 080080, etc.
2 wanted to discuss whatever component of
3 the Master Plan and made notes on it as
4 to what changes needed to be made or
5 reflected in the Master Plan, and that's
6 why you have eight revisions to this
7 plan.

8 COUNCILWOMAN BROWN: I see.
9 Okay. Well, thank you for your
10 testimony.

11 MR. KRAMER: You're welcome.

12 COUNCILWOMAN BROWN: Thank you,
13 Madam Chair.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Any questions from members of
17 the Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: Thank
20 you, Mr. Kramer.

21 Do we have anyone to testify on
22 this bill?

23 MR. McPHERSON: Yeah. Mr. Tom
24 Landsman is the next witness.

25 COUNCIL PRESIDENT VERNA: Who

1 6/11/08 - RULES - BILL 080080, etc.

2 is that, Mr. McPherson?

3 MR. MCPHERSON: Tom Landsman.

4 COUNCIL PRESIDENT VERNA:

5 Please approach the witness table, sir.

6 (Witness approached witness
7 table.)

8 COUNCIL PRESIDENT VERNA: Good
9 morning. Welcome. Please identify
10 yourself for the record.

11 MR. LANDSMAN: Good morning.

12 My name is Tom Landsman.

13 I'm not used to speaking in the
14 microphone.

15 I'm here to testify on the
16 history of the process. I'm not going to
17 comment on Rev 7, Rev 8 or Rev 9, because
18 the Planning Commission, or whoever,
19 created them.

20 In June of 2006, I was the
21 Civic President. At that time, we had
22 Michael Nutter as our Councilman. James
23 Donaghy was working with the Managing
24 Director, and Bill Kramer was and still
25 is City Planner.

1 6/11/08 - RULES - BILL 080080, etc.

2 As Bill said, we met in a
3 school on a warm day, and the City had a
4 problem. They had to comply with the 537
5 Act and enact a sewer system, and they
6 wanted a sewer system that would --
7 they'd only have to build once. They
8 wanted to retain the nature of the
9 community, so they thought outside of the
10 box and they said RC-6, create a Master
11 Plan based on primarily what's there,
12 with some development.

13 The City was concerned. They
14 had Health and Safety there about removal
15 of residents during times of flood. If
16 you're on the river side of the road, the
17 only way to get somebody out is by boat,
18 and one thing that I have seen a few
19 times and it ain't pretty is a fireman in
20 a boat. They're much better in a big red
21 truck.

22 Basically, so they want to
23 limit the development along the river's
24 edge for safety reasons. They wanted to
25 retain the nature of the community. But

1 6/11/08 - RULES - BILL 080080, etc.

2 they also said, What do you want? The
3 community will create a Master Plan.

4 So at that time, as I said, I
5 was responsible for the Civic. Me and
6 our Board created a survey basically of
7 what does the community want. Some of
8 the highlights of the survey were no
9 subdivisions, no commercial development,
10 no restaurants, of course, exclusively
11 single-family dwellings, no duplexes, no
12 semi-detached single-family dwellings.
13 There was heights and setbacks and other
14 things.

15 Anything that any community
16 person, whether it was relevant to the
17 survey or not, put down in this survey,
18 we listed and we forwarded it to the
19 Planning Commission, and then the
20 Planning Commission started their process
21 of planning, and that was pretty much the
22 end of the Civic's portion of the
23 planning.

24 From that point on, it was the
25 residents of the community individually

1 6/11/08 - RULES - BILL 080080, etc.
2 contacting the Planning Commission or the
3 Council office. We've had Michael
4 Nutter, then Carol Campbell and now
5 Curtis, Mr. Jones, with their individual
6 requests.

7 There's been a number of
8 meetings over the years to amend the
9 process. We're up to a Rev 8 or 9 or
10 whatever. So each Rev came out of a
11 meeting or interaction. I personally was
12 not present for most of the meetings. I
13 travel to earn my living. But it didn't
14 really matter. It's a community input.
15 The Civic's involvement was not to steer
16 the Master Plan. It was basically to
17 inform the community.

18 I will speak on behalf of Rev 8
19 because I'm very familiar with it. It
20 was, I believe, the City Planning said no
21 new development on the river side of the
22 land. If you have the land and you have
23 land on the road side or the railroad
24 side, your new dwelling had to be on that
25 side. If you didn't have land on the

1 6/11/08 - RULES - BILL 080080, etc.
2 road side, you get a new development or a
3 new dwelling on the river side, because
4 you have a piece of dirt and you want to
5 develop it.

6 They've been fair to all. As
7 the Civic liaison, I was to inform the
8 community. I received at least a half a
9 dozen rejection letters sent out to the
10 community residents basically saying it
11 doesn't comply, no new development on the
12 river side.

13 I personally own subdivided
14 lots on the river side of the street that
15 are not -- under this Rev 8 at least
16 can't be developed.

17 If Rev 8 is enacted, I have
18 spoken to the Preservation Alliance about
19 this open space, the private residents
20 creating open space easements on their
21 now vacant land, and if I'm successful
22 with that, which I would like to be, I
23 would like to come back and revisit the
24 Council Chamber sometime in the future
25 with open space easements to sustain a

1 6/11/08 - RULES - BILL 080080, etc.
2 riparian buffer along the river's edge,
3 which is quite a pretty place actually.
4 I live there. I like it. And for doing
5 that, I would ask, since I receive
6 separate tax bills for my river side land
7 and many of my residents do, some
8 property tax relief. I think it would
9 better the community. It would make the
10 City more livable as a whole with some
11 green space. It would make it safer for
12 firemen. Like I said, it's not pretty
13 seeing the fire guys in a boat. And it
14 would retain the character of the street,
15 which is in compliance with the original
16 survey, which was produced back in
17 September of '06 and submitted to City
18 Planning.

19 That's basically it, I think.

20 COUNCIL PRESIDENT VERNA: Thank
21 you very much.

22 Any comments or questions from
23 the Committee?

24 The Chair recognizes Councilman
25 Jones.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN JONES: Thank you,
3 Madam Chair.

4 Thank you for your testimony,
5 and I'm glad to have been down there and
6 been educated as to the beauty of that
7 area. I understand the strong need,
8 strong need to preserve what you have.
9 There is a knee-jerk reaction whenever
10 you have a beautiful view like that to
11 develop on it and to make it commercial
12 and to change its character, and I
13 understand the strong resistance from the
14 community, not only there, but your
15 neighbors up the hill, to remain as you
16 are and have the open space character
17 that you have. It is a different type of
18 community and requires a special kind of
19 treatment, and I'm honored that you guys
20 took me back there to share that with me.

21 So I just want to say that on
22 the record. Thank you very much, and
23 we're going to work real hard to keep it
24 that way.

25 MR. LANDSMAN: I appreciate

1 6/11/08 - RULES - BILL 080080, etc.
2 taken it a whole other step.
3 I'm not here to create an
4 opinion on that. I'm just here to tell
5 you that as far as the Planning
6 Commission, James Dunaghy, the Councilman
7 Nutter when it started, the intentions
8 were pure. They thought outside of the
9 box, and the Council -- the Planning
10 Commission has been very fair. It's
11 either black or white. You're either
12 compliant or you're not. And in fairness
13 to the people that got rejected, when
14 they see they got rejected but their
15 neighbor got rejected for the exact same
16 thing, they all feel fair, and that's all
17 we want, is a fair bill.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much.

20 MR. LANDSMAN: Thank you.

21 COUNCIL PRESIDENT VERNA: Do we
22 have anyone else to testify on the bills
23 before us?

24 (Witness approached witness
25 table.)

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: We as
3 members of the Committee are willing to
4 sit here as long as it takes. We do have
5 any number of bills that are scheduled
6 and we would like to hear everybody
7 that's here. So I would just ask if
8 people could be brief in their testimony,
9 it would give us an opportunity to hear
10 everyone that has been here since 10
11 o'clock this morning.

12 Hello. Please identify
13 yourself for the record.

14 MR. SMALL: My name is Robert
15 Small. I'm a resident of River Road, and
16 I will keep my comments very brief.

17 I basically agree with
18 Mr. Landsman's testimony. This process,
19 as Mr. Kramer has said, has been going on
20 for two years. I feel it's been a fair
21 and open process. As Mr. Landsman had
22 said, the residents were given
23 opportunities to give feedback to the
24 City, especially the Planning Commission,
25 and I have spoke with Mr. Kramer on

1 6/11/08 - RULES - BILL 080080, etc.
2 several occasions specifically regarding
3 my property. Property owners were given
4 an opportunity to give feedback on the
5 future development of their individual
6 properties to the City, and in that vein,
7 I submitted a proposal to the Planning
8 Commission, and my proposal was to
9 develop the parcel of property that I own
10 between the river and River Road, and
11 that proposal I made was turned down by
12 the Planning Commission. I had
13 conversations with Mr. Kramer about that,
14 and my concern was that if that was the
15 City's position, that their position be
16 fair and that all residents be treated
17 the same, and if I wasn't going to be
18 given the opportunity to develop my
19 property, that the same applied to the
20 other residents that had property on the
21 river side of River Road. And Mr. Kramer
22 assured me that that was the case, that
23 that was the Planning Commission's
24 position. Under those circumstances, I
25 could accept the decision of the Planning

1 6/11/08 - RULES - BILL 080080, etc.

2 Commission and the City.

3 I want to maintain what we have
4 in our area on River Road. I don't want
5 to see -- I personally don't want to see
6 overdevelopment. I like the way our
7 community is with single-family
8 dwellings. And I feel that as a result
9 of the process with the Planning
10 Commission, their Revision 8 reflects
11 what Mr. Kramer had told me and the
12 City's position, and I feel that it
13 treats all the community members fairly.

14 My concern with Rev 9 is that
15 if that is adopted, that that would be a
16 problem concerning the fairness issue.

17 So I am in support of the Planning
18 Commission's Rev 8 on this project.

19 Thank you.

20 COUNCIL PRESIDENT VERNA: Thank
21 you very much.

22 Any questions or comments from
23 members of the Committee?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Do we

1 6/11/08 - RULES - BILL 080080, etc.
2 have anyone else to testify on these
3 bills?

4 (No response.)

5 COUNCIL PRESIDENT VERNA:
6 Seeing no one, I would ask Mr. McPherson
7 to please read the title of Bill No.
8 080251.

9 MR. MCPHERSON: An ordinance
10 establishing a neighborhood improvement
11 district in an area that generally
12 includes the east and west sides of
13 Aramingo Avenue starting at 2700 Aramingo
14 Avenue to 3995 Aramingo Avenue and the
15 following blocks of streets: 2345 to
16 2363 East Allegheny Avenue; 3300 to 3700
17 Gaul Street; 3300 to 3700 East Side Tulip
18 Street; 3300 to 3400 Memphis Street; 2201
19 to 2270 East Butler Street; 2230 to 2701
20 Castor Avenue; 2500 East Ontario Street;
21 3701 to 3801 Sepviva Street; 3740 East
22 Thompson Street; 2400 to 2627 East Tioga
23 Street; 2335 to 2501 East Westmoreland
24 Street; 2415 to 2651 Wheatsheaf Lane; to
25 be known as the Aramingo Avenue Shopping

1 6/11/08 - RULES - BILL 080080, etc.

2 District.

3 And the individual that I have
4 to testify on this is Randy Hofer, the
5 Aramingo Business Improvement District.

6 (Witnesses approached witness
7 table.)

8 MR. HOFER: Yes. Good morning,
9 Madam President --

10 COUNCIL PRESIDENT VERNA: Good
11 morning.

12 MR. HOFER: -- members of
13 Council. We're just here to take any
14 questions, as we had testimony on April
15 30th of 2008.

16 COUNCIL PRESIDENT VERNA: Well,
17 we did have previous testimony on this.
18 If you'll just give me a minute, please.

19 Now, there have been meetings
20 with the affected property owners?

21 MR. HOFER: Since the last
22 meeting April 30th, we've had one
23 Business Association Board meeting, and
24 it is part of the minutes and has been
25 discussed currently with everyone. As

1 6/11/08 - RULES - BILL 080080, etc.
2 you're aware, the second mailing with the
3 final plan has been mailed out, and we're
4 in the position now, I guess, after final
5 plan for 45 days of review by the land
6 owners, tenants.

7 COUNCIL PRESIDENT VERNA: But
8 have 45 days past since its submission?

9 MR. HOFER: No. We're here for
10 the final plan review in front of
11 Committee.

12 (Off-the-record discussion
13 between Councilmembers.)

14 COUNCIL PRESIDENT VERNA: I
15 wanted to get the record straight.

16 MR. HOFER: I'm sorry?

17 COUNCIL PRESIDENT VERNA: We
18 just wanted to make certain that we were
19 doing the right thing here. I understand
20 that the bill will be reported out of
21 Committee, but it would have to lay over
22 for 45 days. So this would probably be
23 voted on then in September.

24 COUNCILMAN DiCICCO: Final
25 passage. For all intents and purposes,

1 6/11/08 - RULES - BILL 080080, etc.

2 we could pass it today.

3 COUNCIL PRESIDENT VERNA:

4 Right. Okay.

5 Any questions from members of
6 the Committee?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: Any
9 comments?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 MR. HOFER: Thank you.

14 COUNCIL PRESIDENT VERNA:

15 Mr. McPherson, would you please read the
16 title of Bill No. 080376.

17 MR. MCPHERSON: An ordinance
18 establishing a neighborhood improvement
19 district in an area that generally
20 includes Cheltenham Avenue with
21 boundaries of Wadsworth Avenue on the
22 west, Broad Street on the east, Ogontz
23 Avenue with boundaries of Cheltenham
24 Avenue on the north, 67th Avenue on the
25 south and Wadsworth Avenue with

1 6/11/08 - RULES - BILL 080080, etc.
2 boundaries of Cheltenham Avenue on the
3 northeast and Michener Avenue on the
4 southwest; to be known as the Greater
5 Cheltenham Avenue Business Improvement
6 District.

7 (Witnesses approached witness
8 table.)

9 COUNCIL PRESIDENT VERNA: Good
10 morning.

11 MR. FRISHKOFF: Good morning,
12 Madam Chairwoman and members of City
13 Council. My name is Andrew Frishkoff and
14 I'm the Director of Neighborhood Economic
15 Development for the City of
16 Philadelphia's Commerce Department. I am
17 here today to provide testimony in
18 support of Bill No. 080376. The bill
19 would allow for the approval of the
20 establishment of the Greater Cheltenham
21 Avenue Business Improvement District.

22 The creation of business
23 improvement districts is consistent with
24 the City's Strategic Plan, especially
25 with the core service areas of Jobs and

1 6/11/08 - RULES - BILL 080080, etc.
2 Economic Development and Healthy and
3 Sustainable Communities. BIDs are also
4 consistent with the goals of the Commerce
5 Department's neighborhood economic
6 development strategies to help
7 re-establish neighborhood commercial
8 corridors as central places to work, shop
9 and meet neighbors. BIDs strengthen
10 local business communities through
11 cleaning, beautification, public safety
12 and marketing activities.

13 The proposed Greater Cheltenham
14 Avenue Business Improvement District is a
15 bi-municipal BID covering areas in
16 Philadelphia and Cheltenham Township. My
17 understanding is that it has the full
18 support of Cheltenham Township. For
19 Philadelphia, using the Board of Revision
20 of Taxes' assessment from 2007, the
21 district's assessment fee will be
22 calculated as 6.3394 percent of the real
23 estate taxes due on Philadelphia
24 commercial properties and 3.1697 percent
25 of real estate taxes due on residential

1 6/11/08 - RULES - BILL 080080, etc.
2 properties that contain five or more
3 residential units. The estimated first
4 year budget for the Philadelphia BID area
5 will be \$38,000. The proposed revenue
6 and expenditures on the Cheltenham side
7 will be approximately \$400,000. The
8 proposed first year services include area
9 cleaning, security ambassadors, and
10 marketing. These activities are
11 consistent with those of other BIDs in
12 the City. The Commerce Department is
13 supportive of these proposed services as
14 long as they have the backing of the
15 affected businesses.

16 The only concern that the
17 Commerce Department has with the proposed
18 Greater Cheltenham Avenue BID is that the
19 annual revenue and expenditures for the
20 Philadelphia portion are lower than those
21 of most successful BIDs in the City.
22 This may necessitate supplemental
23 fundraising on the part of the local
24 business community in order to ensure
25 provision of adequate cleaning and safety

1 6/11/08 - RULES - BILL 080080, etc.
2 services. The local business community
3 has a track record of such fundraising
4 and it should be able to supplement the
5 new BID revenues.

6 Several organizers and
7 supporters of the proposed BID are here
8 today to testify on behalf of the bill.
9 While I will be happy to answer any
10 questions you may have, they are the
11 local experts who can best present the
12 vision and the particulars about the
13 proposed BID.

14 Thank you for your time and
15 your consideration.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Exhibit A states, as you have
19 indicated, that the proposed budget for
20 the district is \$38,033.96 in the first
21 year, with adjustments upwards at the
22 rate of four percent per year. Would the
23 projected budgets contained in Paragraph
24 5 of the exhibit be consistent or vary in
25 accordance with changes in assessed

1 6/11/08 - RULES - BILL 080080, etc.

2 values?

3 MR. FRISHKOFF: The projections
4 would be that as far as anybody can
5 anticipate, that they would go up with
6 changes in the assessed values. The one
7 universal statement that I will share
8 from the Commerce Department perspective
9 is that the prospect of changes in
10 possible full valuation in future years
11 for real estate taxes make it a little
12 bit difficult for BIDs to project forward
13 what the actual changes would be. But I
14 think I can speak for the proponents that
15 this is the best estimate that we have at
16 this point for the future.

17 COUNCIL PRESIDENT VERNA:
18 Exhibit A-3 provides for a proposed
19 budget as described in Exhibit A, but
20 also makes reference to a \$400,000
21 budget. What does this amount refer to?
22 Is the remainder of approximately
23 \$360,000 per year to come from property
24 owners in Cheltenham?

25 MR. FRISHKOFF: Yes. The

1 6/11/08 - RULES - BILL 080080, etc.

2 answer is yes.

3 COUNCIL PRESIDENT VERNA: Are
4 there additional sources of funding, to
5 your knowledge?

6 MR. FRISHKOFF: Additional
7 sources other than the Philadelphia
8 assessed fees and the Cheltenham fees?

9 COUNCIL PRESIDENT VERNA:
10 Right.

11 MS. HOLLOWAY: Not at this
12 time.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 MR. FRISHKOFF: I will just add
16 one piece. This is more on the capital
17 improvement, which is the City is looking
18 to make capital improvements to the
19 ReStore Corridors bond proceeds to parts
20 of Cheltenham and Ogontz Avenue on the
21 Philadelphia side. While that will not
22 directly tie the BID services, those
23 improvements should make it easier to
24 clean and maintain public safety in those
25 areas.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: Fine.

3 Thank you.

4 Any questions from members of
5 the Committee?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: Thank

8 you.

9 Please identify yourself for
10 the record.

11 MS. HOLLOWAY: Denise Holloway.

12 COUNCIL PRESIDENT VERNA:

13 Denise, if you're testifying, please
14 proceed.

15 MS. HOLLOWAY: Good morning,
16 Council President Verna, other members of
17 the Rules Committee and members of City
18 Council. My name is Denise Holloway from
19 the Office of State Representative Dwight
20 Evans. I am here today to testify on
21 behalf of Bill No. 080376, which
22 establishes a neighborhood improvement
23 district known as the Greater Cheltenham
24 Avenue Business Improvement District,
25 BID. This district focuses on

1 6/11/08 - RULES - BILL 080080, etc.

2 revitalization of portions of the
3 economic corridors of Cheltenham Avenue,
4 Ogontz Avenue and Wadsworth Avenue.

5 With me today is Tyrone
6 Holland, Director of Economic Development
7 for the Ogontz Avenue Revitalization
8 Corporation, OARC, a participating member
9 with this BID. Tyrone will give
10 testimony that represents a broader look
11 into other economic development
12 activities within Northwest Philadelphia
13 that will complement this BID.

14 The Greater Cheltenham Avenue
15 Business Improvement District is the
16 second phase of a larger plan, the
17 Cheltenham/Northwest Philadelphia
18 Inter-municipal Cooperative Planning
19 Initiative. In the past, the commercial
20 areas of Cheltenham, Ogontz and Wadsworth
21 Avenues were vibrant, bustling strips
22 catering to the many needs of those it
23 served. However, in most recent years,
24 these same corridors have been slow to
25 attract high-quality merchants and are

1 6/11/08 - RULES - BILL 080080, etc.
2 perceived to be unclean and unsafe. The
3 BID is looking to reverse this trend.
4 Through cooperation with Cheltenham
5 Township, some of the benefits of the BID
6 are: Commercial enterprises within
7 Northwest Philadelphia and the region
8 will increase their market share;
9 BIDs have worked successfully
10 in over a thousand communities, including
11 several in the Philadelphia region and a
12 bi-municipal BID in City Avenue;
13 BIDs keep costs low because all
14 the owners share the cost of security,
15 cleaning and marketing. On average, this
16 BID will cost each property owner
17 approximately \$224 per year or about 61
18 cents per day;
19 BIDs are planned and run by
20 businesspeople, those being assessed;
21 BIDs increase property values
22 for merchants and those in the
23 surrounding residential area;
24 BIDs promote neighborhood
25 beautification;

1 6/11/08 - RULES - BILL 080080, etc.

2 BIDs enhance public safety;

3 BIDs improve customer

4 experience; and

5 BIDs improve quality of life.

6 Tyrone Holland, OARC's Director

7 of Economic Development, will now present

8 a broader view of the economic activities

9 in the West Oak Lane area. We will be

10 happy to answer any questions you may

11 have.

12 Thank you for the opportunity

13 to testify this day.

14 I also want to include that I

15 do have some proposed amendments after

16 Mr. Holland's testimony.

17 COUNCILMAN GREENLEE:

18 Mr. Holland, just identify yourself for

19 the record and proceed, please.

20 MR. HOLLAND: Yes. My name is

21 Tyrone Holland, Director of Economic

22 Development at the Ogontz Avenue

23 Revitalization Corporation.

24 Council President Verna,

25 members of the Rules Committee and

1 6/11/08 - RULES - BILL 080080, etc.
2 members of City Council, good morning.
3 Ogontz Avenue Revitalization Corporation,
4 or OARC as we're commonly known as, is a
5 non-profit community development
6 corporation whose mission is to create
7 and stimulate economic development and
8 improve the quality of life for the
9 residents of West Oak Lane and other
10 neighborhoods in Northwest Philadelphia.
11 Our approach to community revitalization
12 is based on what we term our five
13 pillars: housing and economic
14 development, business development,
15 education and community relations,
16 cleaning and greening, and arts and
17 culture.

18 In terms of economic
19 development, some of our ongoing
20 initiatives include the ReStore
21 Philadelphia Corridors Program. In May
22 of this year, OARC was awarded a \$100,000
23 contract with the City's Department of
24 Commerce to fund direct grants of up to
25 \$10,000 to businesses along Ogontz Avenue

1 6/11/08 - RULES - BILL 080080, etc.
2 between Washington Lane and Cheltenham
3 Avenue for facade improvements, including
4 new security gates, awnings, windows,
5 doors and stucco and painting.

6 Under the program, OARC will
7 fund 90 percent of the cost of the
8 improvements, along with a ten percent
9 match from the eligible businesses.
10 These businesses must have been in
11 operation for at least the past 12 months
12 and must be properly licensed. With
13 these grants, we will improve the
14 physical appearance of as many as eight
15 businesses along Ogontz Avenue, which
16 will positively impact the aesthetic
17 value of the commercial corridor.
18 Customers naturally tend to shop at
19 businesses that are appealing to the eye,
20 patronizing establishments that are neat,
21 clean and structurally sound. The goal
22 here, of course, is to increase
23 commercial activity in this target area.

24 OARC recently completed
25 construction of the West Oak Lane Office

1 6/11/08 - RULES - BILL 080080, etc.
2 Center, near the intersection of Ogontz
3 and Tulpehocken Avenues. The Center
4 houses six office spaces ideally suited
5 for any small business owner. The Center
6 also has a common area conference room.
7 Four of the six spaces have already been
8 leased to a general contractor, a social
9 service agency and an affiliate
10 community-based organization.

11 Just around the corner on the
12 7300 block to Ogontz Avenue are five
13 newly renovated storefront properties
14 OARC now has available for rent, a total
15 of 5,900 square feet.

16 Since 2004, a total of 14 new
17 businesses have opened along the Ogontz
18 Avenue commercial corridor. The West Oak
19 Lane Business Association, a trade group
20 of close to 50 members, is made up of
21 these and other local business owners,
22 non-profit organizations and churches.
23 The Association's goal is to keep West
24 Oak Lane and Northwest Philadelphia a
25 strong business community through

1 6/11/08 - RULES - BILL 080080, etc.
2 marketing, networking and other
3 activities.

4 As the owner of close to
5 300,000 square feet of commercial space,
6 OARC takes an innovative approach to
7 economic development in West Oak Lane.
8 In the past, we've employed a number of
9 incentives to attract promising
10 entrepreneurs to the area, including
11 using economic development grants to fit
12 out commercial space and even allowing
13 select businesses just getting off the
14 ground to operate rent free for a limited
15 period of time.

16 West Oak Lane, Mount Airy and
17 Chestnut Hill, like other neighborhoods
18 in Philadelphia, are fast becoming
19 communities of choice, where people want
20 to live and raise a family, where people
21 come to simply relax and unwind, where
22 businesses want to set up shop. For
23 anyone interested in starting a business,
24 we encourage you to consider doing so in
25 our part of town. The ethnic and the

1 6/11/08 - RULES - BILL 080080, etc.
2 economic diversity of these neighborhoods
3 runs deep, such that anyone who truly
4 wants to start a business should be able
5 to do so. OARC stands ready to assist
6 them any way we can.

7 Economic development can be
8 described as building an infrastructure
9 to bring resources and capital into the
10 community and recycling those resources
11 where they will do the most good. OARC
12 is working together with other community
13 organizations, with local and state
14 government and with the private sector to
15 bring those resources and that capital to
16 Northwest Philadelphia. We want to
17 create a climate that nurtures
18 entrepreneurship and ultimately that
19 strengthens our economy. In the end, our
20 success will be measured by the degree to
21 which we are able to withstand these
22 changing economic times.

23 In closing, I'd like to take a
24 moment to mention the West Oak Lane Jazz
25 and Arts Festival. This internationally

1 6/11/08 - RULES - BILL 080080, etc.
2 known event taking place in a little more
3 than a week will draw more than 400,000
4 people to Northwest Philadelphia. While
5 the Festival features a world-class
6 lineup of entertainment, it also draws
7 attention to the mix of businesses in the
8 area. On a daily basis, these businesses
9 provide neighborhood residents with a
10 safe place to buy goods and services.
11 During the Festival, these same
12 businesses open their doors to the
13 thousands attending the three-day event,
14 allowing the visitors to the area a
15 chance to take part in the local economy
16 as well.

17 We urge everyone here today to
18 come out and join us as we welcome in the
19 summer of 2008 at the West Oak Lane Jazz
20 and Arts Festival.

21 Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you, sir. By the way, for the record,
24 you have a lot of fans of the Oak Lane
25 Jazz Festival on Council.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. HOLLAND: Thank you.

3 COUNCILMAN GREENLEE: Are there
4 any questions from members of the
5 Committee?

6 Councilwoman Miller.

7 COUNCILWOMAN MILLER: Good
8 morning. Welcome to City Council. I
9 don't see you guys down here often. I'm
10 just actually -- you know I'm supporting
11 the bill, because these are things that
12 we've talked about in our meetings, but I
13 need information, because people keep
14 calling me. Would you happen to have a
15 schedule with you on the Jazz Festival on
16 who is coming on what day?

17 MR. HOLLAND: I sure do.

18 COUNCILWOMAN MILLER: Because I
19 keep getting those calls and I don't
20 know. And that is my only question.

21 MR. HOLLAND: I did bring a
22 number of schedules with me, at least ten
23 or 15. I will give them to you gladly.

24 COUNCILWOMAN MILLER: Okay.
25 Great. Thank you. It will really help.

1 6/11/08 - RULES - BILL 080080, etc.

2 Thanks.

3 MS. HOLLOWAY: I do have a few
4 proposed amendments that I would like to
5 give for the BID ordinance, if that's
6 okay.

7 Exhibit A in the heading should
8 change "preliminary" to "final" to
9 indicate that the plan, as amended, will
10 be the final plan for the business
11 improvement district. Exhibit A-1, a
12 color map is to replace the black and
13 white map as Exhibit A-1 of the
14 ordinance.

15 COUNCIL PRESIDENT VERNA:
16 Excuse me. I'm sorry. Can we have
17 copies of the amendment? One should be
18 given to the stenographer and also one
19 will have to go to the Chief Clerk's
20 Office.

21 MS. HOLLOWAY: There no
22 boundary changes on this map, though.

23 Exhibit A-3, the proposed
24 budget, add projected revenue from
25 assessments for years two through five.

1 6/11/08 - RULES - BILL 080080, etc.
2 And Exhibit A-4 on the next-to-last page
3 will change the address of the
4 incorporator, John Ungar. Also, the most
5 recent change that we just received
6 today, due to a residential property that
7 was included incorrectly in the
8 ordinance, Exhibit A-2, Exhibit A-3 must
9 be amended. For the record, this
10 property is 7208 North Broad Street.

11 COUNCIL PRESIDENT VERNA: Thank
12 you very much.

13 Any questions?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Do we have anyone else to
18 testify on this bill?

19 Please approach the witness
20 table.

21 (Witness approached witness
22 table.)

23 COUNCIL PRESIDENT VERNA: Good
24 afternoon. Please identify yourself for
25 the record.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. TABAS: Good afternoon. My
3 name is Lee Tabas. I represent a group
4 that owns property on Wadsworth Avenue.

5 Certainly something that
6 beautifies and improves the area without
7 too much cost is a good thing. My
8 understanding is that there would be an
9 assessment on commercial properties,
10 which amounts to a six percent increase
11 of your taxes, and there would be a
12 residential assessment as well. I
13 believe that non-profit organizations
14 should be included in those that pay for
15 this improvement district. Non-profits
16 are growing disproportionately faster to
17 the economy as a whole and are assuming a
18 larger share of the overall economy, says
19 Kirsten Gronbjerg of the Center of
20 Philanthropy at Indiana University.

21 The Pennsylvania Association of
22 Non-Profit Organizations commissioned a
23 study of employment and found over the
24 past eight years, non-profit employment
25 grew by 25 percent, more than three times

1 6/11/08 - RULES - BILL 080080, etc.
2 the seven percent growth rate achieved by
3 the for-profit sector. And the report
4 states that seven percent -- excuse me.
5 The report states that 11 percent of the
6 salaries in Pennsylvania are paid by
7 non-profits.

8 Some non-profits compete
9 directly with profit-making ventures. We
10 all know Blue Cross, which competes
11 directly with Aetna and United
12 Healthcare.

13 In response to non-profit
14 proliferation, many local governments
15 have become more aggressive in asking for
16 PILOT payments, which is short for
17 payment in lieu of taxes, for
18 non-profit-owned real estate, and I
19 believe there's a good argument that
20 non-profits should pay to support City
21 services and other services. I believe
22 that non-profits should be included in
23 those that pay for the Greater Cheltenham
24 Business Improvement District.

25 COUNCIL PRESIDENT VERNA: Thank

1 6/11/08 - RULES - BILL 080080, etc.

2 you very much.

3 Any questions or comments from
4 members of the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Thank
7 you again.

8 Anyone else to testify on this
9 bill?

10 (No response.)

11 COUNCIL PRESIDENT VERNA:
12 Seeing no one, I would ask Mr. McPherson
13 to please read the title of Bill No.
14 080381.

15 MR. MCPHERSON: An ordinance to
16 amend the Philadelphia Zoning Maps by
17 changing the zoning designations of
18 certain areas of land located within an
19 area bounded by Delaware Avenue,
20 Fairmount Avenue, Front Street and Poplar
21 Street.

22 (Witness approached witness
23 table.)

24 COUNCIL PRESIDENT VERNA:
25 Mr. Kramer.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. KRAMER: Good afternoon,
3 Chairman Verna and members of the Rules
4 Committee. I am William Kramer, Division
5 Director of the Development Division of
6 the City Planning Commission. I am here
7 today to testify on Bill No. 080381,
8 which was introduced into City Council
9 April 10, 2008.

10 This bill will amend the
11 Philadelphia Zoning Maps by changing the
12 zoning of a five and one half acre parcel
13 of land bounded by Delaware Avenue,
14 Fairmount Avenue, Front Street and Poplar
15 Street, this land being known as 700
16 North Delaware Avenue. The zoning will
17 change from the existing designation of
18 C-4 Commercial to a new zoning
19 designation of C-2 Commercial. The
20 zoning change is intended to limit the
21 potential development of this site. This
22 site was the subject of a proposed
23 development that after lengthy
24 negotiations with the community had
25 attained community support. It was the

1 6/11/08 - RULES - BILL 080080, etc.
2 subject of Bill No. 050418, which changed
3 the zoning designation of this site from
4 G-2 General Industrial to its current
5 classification of C-4 Commercial.

6 The Philadelphia City Planning
7 Commission at its meeting of May 20, 2008
8 considered Bill No. 080381 and
9 recommended that it not be approved. The
10 Commission staff is working in connection
11 with the District Councilman's office to
12 develop legislation that will address the
13 community's concerns over the development
14 of the central waterfront area. It is
15 intended to coordinate the efforts of the
16 Planning Commission and others to examine
17 existing and proposed patterns of
18 development in the waterfront area and
19 develop legislation that will be
20 consistent with recent planning efforts.

21 That is the conclusion of my
22 testimony. I will be happy to answer any
23 questions you may have.

24 COUNCIL PRESIDENT VERNA:
25 Mr. Kramer, for the record, can you tell

1 6/11/08 - RULES - BILL 080080, etc.
2 us what would be allowed under a C-4
3 designation?

4 MR. KRAMER: A C-4 designation
5 is an FAR designation, or a floor area
6 ratio. It allows pretty much all
7 commercial uses on site as well as
8 residential, hotels, office -- mixed-use
9 commercial development. The floor area
10 ratio has a base of five FAR, or 500
11 percent of the area of this site. If you
12 design it, you may be eligible for an
13 additional eight FAR of bonuses, taking
14 you to a total of 13 FAR on the site.

15 COUNCIL PRESIDENT VERNA: To
16 your knowledge, is there a developer for
17 this site?

18 MR. KRAMER: Not that I am
19 aware of, no, ma'am.

20 COUNCIL PRESIDENT VERNA: And
21 would off-street parking be required to
22 accommodate any development at this site?

23 MR. KRAMER: It would depend
24 upon the use. Under the Code, the
25 commercial uses under C-4, C-5 do not

1 6/11/08 - RULES - BILL 080080, etc.
2 require parking. However, if you were to
3 use a residential use, it would in this
4 area be a one-to-one parking ratio that
5 would be required.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 COUNCILMAN DiCICCO: Madam
9 President, maybe I can answer your
10 question about is there a developer.
11 There was a developer, which caused us to
12 do the original change from G-2 to C-4
13 two, three years ago. I forget how long
14 it's been. But there was an agreement at
15 the time with that developer and the
16 neighborhood association and that
17 Mr. Ruben is here from Northern Liberties
18 who will testify that if in fact the
19 developer either failed to go forward
20 with his project or another developer who
21 wanted to take over for that developer
22 wanted to change the size and scope and
23 shape of what we all agreed to, "we"
24 meaning the neighborhood association and
25 Planning Commission, if there was any

1 6/11/08 - RULES - BILL 080080, etc.
2 change in that, we would revert back to
3 G-2. So basically that's what we're
4 doing today.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Any questions or comments from
8 members of the Committee?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: Thank
11 you, Mr. Kramer.

12 Do we have anyone else to
13 testify on this bill?

14 Please approach the witness
15 table.

16 (Witness approached witness
17 table.)

18 COUNCIL PRESIDENT VERNA: Good
19 afternoon.

20 MR. RUBEN: Good afternoon,
21 Madam President.

22 Madam President, members of the
23 Committee, my name is Matt Ruben,
24 M-A-T-T, R-U-B-E-N. I am President of
25 the Northern Liberties Neighbors

1 6/11/08 - RULES - BILL 080080, etc.
2 Association, and I also was President of
3 the Association at the time the original
4 bill referred to in Mr. Kramer's
5 testimony was introduced, and I come here
6 today on behalf of the community to
7 testify strongly in favor of an amended
8 version of this bill, which I understand
9 the Councilman is amending, will be
10 amending, to rezone this property from
11 the current C-4 back to its original G-2
12 Industrial.

13 The Northern Liberties
14 Neighbors Association is not in favor of
15 spot zoning and we are very happy that
16 the Planning Commission, the Councilman,
17 the Administration, the community,
18 everyone is on board with moving forward
19 with remapping and otherwise providing
20 solutions for our neighborhood on the
21 waterfront in general to ensure a more
22 effective and more efficient and better
23 planned riverfront as we move forward.

24 We are in favor of this
25 particular bill, however, for one very

1 6/11/08 - RULES - BILL 080080, etc.
2 simple reason, which is that we agreed to
3 the rezoning of this from G-2 to C-4 back
4 in '05 because there was a very
5 particular plan of development in hand.
6 We spent five months hammering out a
7 three-part agreement totalling more than
8 30 pages that included a development
9 agreement and a restrictive covenant on
10 the land that would prevent someone from
11 developing free and clear C-4, which, as
12 I'm sure you're aware, can allow all
13 manner of large buildings and extremely
14 impactful development, and we have
15 residents nearby we have to be mindful
16 of.

17 The current owner of the
18 property refused to record the deed
19 restriction and the developer could not
20 record the deed restriction until they
21 settled and became the owner. So we were
22 stuck, and the way that we dealt with
23 that problem of not being able to have
24 free and clear C-4 zoning out there was
25 that if the development fell through,

1 6/11/08 - RULES - BILL 080080, etc.
2 then Councilman DiCicco would put through
3 the rezoning bill that's before you
4 today.

5 So for us, this is not spot
6 zoning. This is just the falling of the
7 other shoe. This is returning things
8 back to a clean slate so that we can be
9 sure that while we embark this summer on
10 a remapping with the help of the Planning
11 Commission, that during that time, the
12 property does not get sold to another
13 developer, who would then be able to do
14 anything that C-4 allowed, which would
15 include very tall buildings right next to
16 the residential row houses, would include
17 all kinds of problematic parking
18 situations for non-residential uses and
19 generally could create serious problems
20 for the community.

21 So we are simply asking for
22 this bill to be agreed to so that we may
23 be confident while we embark on a better
24 solution for the future that nothing that
25 would be incredibly negatively impactful

1 6/11/08 - RULES - BILL 080080, etc.
2 can happen in the meantime. And I
3 believe everyone is on board with that
4 process, and the Planning Commissioners
5 themselves at their last hearing
6 indicated that they understood the
7 urgency and the need to get this back to
8 G-2 if necessary for the time being until
9 we can get the remapping in place.

10 COUNCIL PRESIDENT VERNA: Thank
11 you very much. You've been extremely
12 patient. We do thank you for coming in
13 to testify.

14 Are there any questions or
15 comments from members of the Committee?

16 (No response.)

17 COUNCIL PRESIDENT VERNA:

18 Seeing none, thank you.

19 Do we have anyone else to
20 testify on this bill?

21 (No response.)

22 COUNCIL PRESIDENT VERNA:

23 Mr. McPherson will please read the title
24 of Bill No. 080437.

25 MR. MCPHERSON: An ordinance

1 6/11/08 - RULES - BILL 080080, etc.
2 approving the thirty-seventh amendment of
3 the redevelopment proposal for the Model
4 Cities Urban Renewal Area, being the area
5 beginning at the northwest corner of
6 Front Street and Spring Garden Street,
7 including the twenty-ninth amendment to
8 the urban renewal plan and the
9 twenty-seventh amendment to the
10 relocation plan, which provides, inter
11 alia, for the additional land acquisition
12 of approximately 11 properties for
13 residential and related uses; the
14 provision of certain relocation services,
15 as required by law, and declaring that
16 condemnation is not imminent with respect
17 to the project.

18 And our first two witnesses are
19 Michael Koonce and Deborah McColloch.

20 (Witness approached witness
21 table.)

22 MS. MCCOLLOCH: Good afternoon.

23 COUNCIL PRESIDENT VERNA: Good
24 afternoon. Kindly identify yourself for
25 the record.

1 6/11/08 - RULES - BILL 080080, etc.

2 MS. McCOLLOCH: I'm Deborah
3 McColloch, Acting Director of Housing. I
4 have copies of my testimony.

5 COUNCIL PRESIDENT VERNA: I
6 think it has already been distributed.

7 MS. McCOLLOCH: Fine. I wasn't
8 sure.

9 Good afternoon, Council
10 President Verna and members of the Rules
11 Committee. My name is Deborah McColloch
12 and I'm Acting Director of the Office of
13 Housing and Community Development. I am
14 here today to testify on Bill No. 080437,
15 which was introduced by Councilmember
16 Clarke on May 1, 2008 and would authorize
17 the Redevelopment Authority to acquire 11
18 properties in Strawberry Mansion.

19 Since January, as part of the
20 Fiscal Year '09 budget and preparation of
21 the NTI Program Statement and Budget,
22 this Administration has sought a full
23 accounting of the NTI program
24 expenditures. In the process, we have
25 discovered program oversight, project

1 6/11/08 - RULES - BILL 080080, etc.
2 management and accounting deficiencies.

3 While at this time we are not
4 prepared to support Bill 080437, we look
5 forward to collaborating with the Council
6 as we work through the process of a
7 preliminary audit and financial
8 reconciliation of NTI acquisition funds.
9 Until the Redevelopment Authority
10 completes this preliminary audit, any
11 additional acquisitions further increase
12 the City's potential financial liability.

13 We look forward to resolving
14 this issue as quickly as possible so as
15 to continue our support for this and
16 other critical redevelopment projects.

17 Thank you for allowing me to
18 testify today. I'm happy to answer any
19 questions.

20 COUNCIL PRESIDENT VERNA: So
21 your request is?

22 MS. MCCOLLOCH: We are not
23 supporting the bill moving forward.

24 COUNCIL PRESIDENT VERNA: The
25 Chair recognizes Councilman Greenlee.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Madam President.

4 Ms. McColloch, on these
5 particular properties, are you aware of
6 any problem at all? I mean, I know your
7 general statement, but I assume these
8 things have been worked on for a while.
9 Are you aware of any particular problem
10 with these properties, this particular
11 acquisition --

12 MS. MCCOLLOCH: No.

13 COUNCILMAN GREENLEE: -- in and
14 of itself?

15 MS. MCCOLLOCH: It and of
16 itself, there are no particular issues
17 with this acquisition or this
18 development. It's that continuing to
19 acquire properties before we've completed
20 the financial reconciliation would only
21 further deepen the City's potential
22 liability.

23 COUNCILMAN GREENLEE: All
24 right. I appreciate that, but I just
25 want to get on record there's nothing

1 6/11/08 - RULES - BILL 080080, etc.
2 wrong with this particular acquisition,
3 in and of itself.

4 MS. MCCOLLOCH: Not that we
5 know of, because the audit has not been
6 conducted yet.

7 COUNCILMAN GREENLEE: Okay.
8 All right. Thank you.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilman Clarke.

11 COUNCILMAN CLARKE: Thank you,
12 Madam President.

13 Good morning, Ms. McColloch.

14 MS. MCCOLLOCH: Good morning,
15 Councilman.

16 COUNCILMAN CLARKE: Let's talk
17 about the two projects in question. One
18 project, the one at 10th Street, which is
19 known as the Apollo housing -- part of
20 the Apollo housing project?

21 MS. MCCOLLOCH: Yes.

22 COUNCILMAN CLARKE: It's my
23 understanding -- and correct me if I'm
24 wrong -- that the development, the actual
25 building of the structures, the money for

1 6/11/08 - RULES - BILL 080080, etc.
2 that development will come from money
3 that was gotten as a result of the Apollo
4 development agreement where Temple
5 University contributed money in an
6 agreement that was reached with
7 then-Councilman Street in the community
8 to provide funding to build affordable
9 housing?

10 MS. McCOLLOCH: Yes. The
11 development funds for the proposed
12 development would be supported by the
13 Temple-Apollo money.

14 COUNCILMAN CLARKE: So that's
15 not City money?

16 MS. McCOLLOCH: That's not City
17 money. Well, it's City money now because
18 it's now been turned over to the City,
19 but its source was the Temple-Apollo
20 agreement.

21 COUNCILMAN CLARKE: So would
22 you say that the ability to acquire these
23 sites would allow us to leverage a
24 million and a half dollars of private
25 money --

1 6/11/08 - RULES - BILL 080080, etc.

2 MS. McCOLLOCH: Yes.

3 COUNCILMAN CLARKE: -- to build
4 affordable housing?

5 MS. McCOLLOCH: Yes.

6 COUNCILMAN CLARKE: And that
7 traditionally doesn't happen. We
8 normally depend on essentially all
9 government funding.

10 MS. McCOLLOCH: Yes.

11 COUNCILMAN CLARKE: Right?

12 MS. McCOLLOCH: Yes. I mean,
13 the private funding we normally have is
14 private mortgages for homeowners.

15 COUNCILMAN CLARKE: That's the
16 individuals. That's not our money.

17 MS. McCOLLOCH: Correct.

18 COUNCILMAN CLARKE: So this is
19 an abnormal deal where we actually have
20 an outside source contributing to
21 affordable housing?

22 MS. McCOLLOCH: Yes.

23 COUNCILMAN CLARKE: And that's
24 a good thing?

25 MS. McCOLLOCH: Yes.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN CLARKE: And that's
3 abnormal?

4 MS. McCOLLOCH: Yes.

5 COUNCILMAN CLARKE: All right.
6 Okay. Have you had any conversations
7 with representatives from the local
8 community development corporation or the
9 consultant and State Senator Shirley
10 Kitchen on this project?

11 MS. McCOLLOCH: Yes.

12 COUNCILMAN CLARKE: And what
13 was your --

14 MS. McCOLLOCH: I've had many
15 conversations with them. I've been
16 working with them to develop a
17 development plan that would create some
18 commercial space, some market-rate units
19 and some affordable housing units.

20 COUNCILMAN CLARKE: And at that
21 meeting -- and I wasn't actually in that
22 meeting, but at the conclusion of that
23 meeting, was it understood that Senator
24 Kitchen was going to get some dollars
25 outside of the City's -- I'm sorry. I'm

1 6/11/08 - RULES - BILL 080080, etc.
2 wrong. There were some dollars outside
3 of the 5th District acquisition funding,
4 then some City Significant dollars that
5 were going into the project.

6 MS. McCOLLOCH: I'm not sure --
7 I'm trying to understand your question,
8 but the NTI bond proceeds that were to be
9 committed to this acquisition that --
10 we're not withdrawing that -- were City
11 Significant funding, City Significant.

12 COUNCILMAN CLARKE: And a
13 portion, 300,000, of 5th District
14 dollars, right?

15 MS. McCOLLOCH: Yes; a piece of
16 5th District, a piece of City
17 Significant.

18 COUNCILMAN CLARKE: And at the
19 conclusion of that meeting, was it
20 understood and was it told to Senator
21 Kitchen and the participants in that
22 meeting that that's something that we
23 will be proceeding on?

24 MS. McCOLLOCH: Yes.

25 COUNCILMAN CLARKE: Okay. The

1 6/11/08 - RULES - BILL 080080, etc.

2 other project, 31st Street, which is in
3 Strawberry Mansion?

4 MS. McCOLLOCH: Yes.

5 COUNCILMAN CLARKE: There is a
6 developer, the Friends Rehab, to
7 develop --

8 MS. McCOLLOCH: Friends Rehab
9 Program, yes.

10 COUNCILMAN CLARKE: --
11 affordable housing in Strawberry Mansion.

12 Has the City committed funding
13 to that particular development?

14 MS. McCOLLOCH: Yes.

15 COUNCILMAN CLARKE: And the
16 City sent letters to PHFA or did whatever
17 we do when we support a development to
18 PHFA as one of the priority projects in
19 the past?

20 MS. McCOLLOCH: The City sent
21 letters indicating the commitment of
22 funds to the development. There are HOME
23 funds committed and Housing Trust funds
24 committed. This is simply to request
25 that this be postponed until the audit

1 6/11/08 - RULES - BILL 080080, etc.

2 could be completed.

3 COUNCILMAN CLARKE: I
4 understand what you're requesting.

5 Did we walk that site, actually
6 myself included, two, three times, along
7 with PHFA staff?

8 MS. McCOLLOCH: Yes.

9 COUNCILMAN CLARKE: To your
10 knowledge, have we had community
11 meetings, any of which you've attended
12 and staff members, in support of the
13 Strawberry Mansion housing plan which
14 this was a part of?

15 MS. McCOLLOCH: Yes.

16 COUNCILMAN CLARKE: All right.
17 So you would --

18 MS. McCOLLOCH: Some of which I
19 attended, yes.

20 COUNCILMAN CLARKE: So you
21 would say that this was something that
22 we, the City, was interested in and got a
23 sense that the community was very
24 supportive of this?

25 MS. McCOLLOCH: Yes.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN CLARKE: The
3 developer has, to my understanding,
4 submitted at least twice for funding from
5 PHFA?

6 MS. McCOLLOCH: Yes.

7 COUNCILMAN CLARKE: And they
8 are prepared to submit this round for NRI
9 dollars, which is a variation of
10 Homeownership Choice?

11 MS. McCOLLOCH: Yes.

12 COUNCILMAN CLARKE: And if they
13 cannot show site control for this
14 particular development, will it decrease
15 the chances of them receiving funding?

16 MS. McCOLLOCH: I believe so.

17 COUNCILMAN CLARKE: So if we do
18 not move this forward today, would they
19 not be able to submit their application,
20 show any levels of site control for the
21 properties that are in this bill?

22 MS. McCOLLOCH: The City will
23 not be able to demonstrate site control
24 for the application that's due in July,
25 that is correct.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN CLARKE: Thank you.

3 Thank you, Ms. McColloch.

4 Thank you, Madam President.

5 COUNCIL PRESIDENT VERNA: Thank

6 you.

7 Any further questions or

8 comments?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: Thank

11 you very much, Ms. McColloch.

12 Do we have anyone else to

13 testify on this bill?

14 Please approach the witness

15 table.

16 (Witnesses approached witness

17 table.)

18 COUNCIL PRESIDENT VERNA: Good

19 afternoon. Kindly identify yourself for

20 the record.

21 MS. YOON: I'm at the 2010 --

22 COUNCIL PRESIDENT VERNA: Pull

23 the microphone closer to you, please.

24 MS. YOON: My name is Myong

25 Duck Yoon. I'm at the 2010 North 10th

1 6/11/08 - RULES - BILL 080080, etc.

2 Street on the property.

3 MR. McCONEGHY: Good morning,
4 Madam Chairman. Good morning, members.
5 I'm Gerald McConeghy. I represent
6 Mrs. Yoon. I'm her personal counsel, and
7 she has asked me to address Council as to
8 her issues and concerns.

9 On the bill before you there's
10 two sets of properties, as Councilman
11 Clarke mentioned. One of these sets of
12 properties is on North 10th Street.
13 Mrs. Yoon owns all of those properties.
14 They're contiguous and there's one sort
15 of continuous structure on those
16 properties.

17 She operates an ongoing and
18 vibrant retail food market in the
19 property at 2010-2018 North 10th Street
20 and she's operated that for 14 years, and
21 before that there was another person that
22 owned the store and operated a grocery
23 store.

24 Mrs. Yoon has been approached
25 by various groups over the last couple

1 6/11/08 - RULES - BILL 080080, etc.
2 years asking about development and
3 redevelopment and so on. She herself has
4 been quite interested in trying to
5 develop the area and improve the
6 appearance of the area. Three of her
7 four buildings are not put to good use at
8 this point. There is a laundromat that
9 went out of business and it's closed.
10 There is a garage that's used for storage
11 and there was another empty building. So
12 she's quite anxious to do something.

13 In November and December of
14 2006, she worked with an architectural
15 firm to try to set up a plan for building
16 multiple housing on the site, and we got
17 the plans and we received estimates.
18 Since that time, we have been trying to
19 work with the southern neighbors, the
20 southern property owners; that is, the
21 property owner that owns the property on
22 10th Street and Norris, which is just
23 south of ours, and also with the property
24 owner to the north of us that owns the
25 properties up to Diamond Street. We have

1 6/11/08 - RULES - BILL 080080, etc.
2 not been able to reach any type of an
3 agreement as to a global redevelopment,
4 but it's not for lack of trying on our
5 part.

6 Mrs. Yoon has access to private
7 funds, but she's reluctant to get
8 involved with redevelopment if the other
9 areas contiguous to her, and including
10 the properties in the back on Alder
11 Street, are not going to be redeveloped.

12 Here before the Council is a
13 proposal to take just one piece of land,
14 this piece in the middle that belongs to
15 Mrs. Yoon, and give that to the
16 Redevelopment Authority. What about all
17 the other land on the whole block? How
18 can you redevelop an area and take just
19 one little piece in the middle? Hence,
20 we believe that the ordinance at this
21 point and the proposal is premature.
22 We're very willing to work with the
23 Redevelopment Authority and try to work
24 with those other parties that have
25 properties contiguous to us and to try to

1 6/11/08 - RULES - BILL 080080, etc.
2 work out a plan for redevelopment that
3 meets the goals of the City and the
4 Redevelopment Authority. And we would
5 request that Council defeat this
6 ordinance at this time and we will work
7 with the Redevelopment Authority, as I
8 said, to try to accomplish the goals that
9 Councilman Clarke has set.

10 I have nothing further. Thank
11 you.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 The Chair recognizes Councilman
15 Clarke.

16 COUNCILMAN CLARKE: Thank you,
17 Madam President.

18 Good morning.

19 MR. McCONEGHY: Good morning,
20 sir.

21 COUNCILMAN CLARKE: Can you
22 give me the dates again? You said you
23 had selected an architect to --

24 MR. McCONEGHY: That was
25 November and December of 2006.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN CLARKE: 2006?

3 MR. McCONEGHY: Yes.

4 COUNCILMAN CLARKE: The
5 building in question or the potential
6 building that, if things worked out
7 correctly, you would have built, are they
8 zoned residential or are they parcels?

9 MR. McCONEGHY: The whole area
10 is zoned G-2 at this time.

11 COUNCILMAN CLARKE: So it's not
12 residential?

13 MR. McCONEGHY: Correct.

14 COUNCILMAN CLARKE: So any
15 development of a residential nature would
16 have required zoning?

17 MR. McCONEGHY: Definitely,
18 sir.

19 COUNCILMAN CLARKE: Had you
20 reached out to any of the local community
21 groups or local residents to talk about
22 your proposal since it would have
23 required zoning; therefore, required some
24 level of community support?

25 MR. McCONEGHY: We talked with

1 6/11/08 - RULES - BILL 080080, etc.
2 the local community group about
3 redeveloping, and the plan that they had
4 proposed was that Mrs. Yoon --

5 COUNCILMAN CLARKE: The plan
6 that Mrs. Yoon proposed, you talked to
7 them, to the community, about that
8 proposal, the 2006?

9 MR. McCONEGHY: We talked to
10 our southern neighbors and our northern
11 neighbors. We did not talk to the
12 community groups.

13 COUNCILMAN CLARKE: Well, who
14 are your southern neighbors?

15 MR. McCONEGHY: Community
16 Outreach is the name of the group that
17 owns the property to our south.

18 COUNCILMAN CLARKE: Does
19 somebody live there?

20 MR. McCONEGHY: No. It's
21 vacant land, sir.

22 COUNCILMAN CLARKE: So there's
23 nobody there physically?

24 MR. McCONEGHY: Correct.

25 COUNCILMAN CLARKE: The way

1 6/11/08 - RULES - BILL 080080, etc.
2 your testimony is giving the impression
3 that you're actually talking to people
4 who live in that community. What you
5 did, you talked to the property owners of
6 vacant land?

7 MR. McCONEGHY: Yes. The
8 property owners do happen to live in the
9 community and they're patrons of her
10 store and they talk frequently, and we
11 have met with them. They are interested,
12 they say, they have told us, in setting
13 up either a church or a school on that
14 property.

15 COUNCILMAN CLARKE: And the
16 name of the group again is Community?

17 MR. McCONEGHY: Community
18 Outreach.

19 COUNCILMAN CLARKE: Okay.

20 MR. McCONEGHY: I believe
21 that's the name.

22 COUNCILMAN CLARKE: The
23 properties in question, to your
24 knowledge, how long have they been
25 vacant?

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. McCONEGHY: I'm sorry, sir?

3 COUNCILMAN CLARKE: The
4 properties in question, how long have
5 they been vacant?

6 MR. McCONEGHY: How long have
7 they been what?

8 COUNCILMAN CLARKE: Vacant.

9 MR. McCONEGHY: The grocery
10 store has been vacant probably for about
11 four or five years. It was -- I'm sorry.
12 I meant the laundromat has been vacant
13 for about four or five years. At the
14 local housing, they had set up their own
15 laundry facilities or something, so the
16 business just died and it was closed up.
17 So that's been vacant about four or five
18 years.

19 The garage has always been in
20 use, but it's only in use for storage.
21 And then there's another building in the
22 middle that's been vacant for as long as
23 she's owned it, and she uses it for
24 storage of some stuff from her store.

25 COUNCILMAN CLARKE: As long as

1 6/11/08 - RULES - BILL 080080, etc.

2 how long?

3 MR. McCONEGHY: That would be
4 about 14 years it's not been used.

5 COUNCILMAN CLARKE: Fourteen
6 years it's been vacant?

7 MR. McCONEGHY: Yes, sir.

8 COUNCILMAN CLARKE: And the
9 vacant lots on both sides of the
10 property, Mrs. Yoon's property, have been
11 vacant for approximately how long?

12 MR. McCONEGHY: I can't answer
13 that. I don't know.

14 COUNCILMAN CLARKE: You don't
15 know?

16 MR. McCONEGHY: Before my time
17 anyway. More than seven years.

18 COUNCILMAN CLARKE: So those
19 properties, you say a minimum four years
20 ago, five, six maybe, best case, have
21 been vacant for at least more than four
22 or five, six years and the adjacent
23 properties have probably been vacant for
24 double-digit years, ten years or more,
25 and one you said has been vacant for 14

1 6/11/08 - RULES - BILL 080080, etc.
2 years?

3 MR. McCONEGHY: To my
4 knowledge, yes.

5 COUNCILMAN CLARKE: That
6 particular community has over the last
7 few years experienced significant
8 development, would you say?

9 MR. McCONEGHY: Yes, sir,
10 definitely.

11 COUNCILMAN CLARKE: So,
12 therefore, wouldn't you think that if
13 someone -- I don't want to imply that
14 you're not attempting to. Wouldn't you
15 say that there was a stronger possibility
16 of developing that land than in other
17 parts of North Philadelphia where there's
18 not necessarily as much development? If
19 somebody aggressively sought to develop
20 that site, that probably could have
21 happened?

22 MR. McCONEGHY: Yes, that's
23 true. That's why she's been trying to
24 develop it.

25 COUNCILMAN CLARKE: But she

1 6/11/08 - RULES - BILL 080080, etc.

2 wasn't able to do it. Okay.

3 MR. McCONEGHY: The neighbor to
4 the north, sir, has had their property
5 for sale for a long time and they've been
6 trying to sell it and they've also been
7 discussing with us about developing the
8 property.

9 COUNCILMAN CLARKE: Okay.
10 We're going to actually have some
11 residents who live a block away that will
12 be talking to the condition of that,
13 because I'm very familiar with this site
14 and I don't recall, first of all, a "for
15 sale" sign on the northern part. I do
16 recall a sale sign on the southern part
17 that came up shortly after the
18 Redevelopment sent notice that we're
19 interested in the property, but all
20 right.

21 MR. McCONEGHY: I've never seen
22 a sale sign on the southern part, sir.
23 They tell me it's not for sale, but on
24 the northern part, there has been long --

25 COUNCILMAN CLARKE: I'm sorry.

1 6/11/08 - RULES - BILL 080080, etc.
2 You're right. It is the northern part.
3 I'm sorry. My fault. You're right. I'm
4 a little turned around.

5 Okay. But you have not met
6 with any of the local residents who
7 actually live there on any potential
8 development since 2006, knowing that
9 you --

10 MR. McCONEGHY: Well, we met
11 with the group that has been working with
12 Shirley Kitchen, and we discussed some
13 things with them, but the proposals that
14 they had working through their -- I
15 believe he was an architect, was that
16 Mrs. Yoon surrender her property and then
17 they go into some type of community
18 ownership with Mrs. Yoon of a strip
19 that's on Diamond Street. We were not
20 agreeable to surrendering our property.
21 We wanted to develop our property.

22 COUNCILMAN CLARKE: My question
23 is, have you talked to the local
24 community about what you propose since
25 2006?

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. McCONEGHY: No, sir, not
3 other than the property owners that I
4 mentioned.

5 COUNCILMAN CLARKE: Okay. All
6 right. Thank you.

7 MR. McCONEGHY: Any further
8 questions?

9 COUNCIL PRESIDENT VERNA: I beg
10 your pardon?

11 MR. McCONEGHY: Any further
12 questions of me?

13 COUNCIL PRESIDENT VERNA: I'll
14 be happy to ask.

15 MR. McCONEGHY: Thank you.

16 COUNCIL PRESIDENT VERNA: Are
17 there any further questions?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: No,
20 there are not.

21 MR. McCONEGHY: Thank you.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 Do we have anyone else to
25 testify?

1 6/11/08 - RULES - BILL 080080, etc.

2 (Witnesses approached witness
3 table.)

4 COUNCIL PRESIDENT VERNA:

5 Whoever is testifying, please identify
6 yourself for the record and proceed with
7 your testimony.

8 MR. WILSON: Good afternoon,
9 Madam President and to members of the
10 Rules Committee. My name is Lamar Wilson
11 and I'm the principal of Wilson
12 Associates. I'm a local development
13 consultant with a practice in community
14 development, with a focus on affordable
15 housing and neighborhood revitalization.

16 First of all, I'm here in
17 support of the ordinance. In 2005, I was
18 retained by Metamorphosis Community
19 Development Corporation, a three-year-old
20 neighborhood-based, non-profit
21 organization serving the North
22 Philadelphia community, bounded generally
23 by Broad, 10th, Norris and York Streets,
24 to assist them in completing
25 pre-development activities for the

1 6/11/08 - RULES - BILL 080080, etc.
2 eventual redevelopment of this largely
3 vacant block in North Philadelphia
4 bounded by Diamond, 10th, Norris and
5 Alder Streets.

6 In sponsoring this project at
7 10th and Diamond, Metamorphosis proposes
8 residential uses as the predominant use.
9 Current plans call for approximately 35
10 mixed-income homeownership units, with a
11 possibility of small-scale neighborhood
12 convenience retail uses. Preliminary
13 site and unit design plans, which have
14 been completed, Metamorphosis is
15 presently in early discussions with
16 potential developers experienced in this
17 type of development, the joint venture,
18 given that Metamorphosis does not have
19 any real estate development experience.

20 We, in conjunction with a
21 developer that we will select through a
22 competitive RFQ, request for
23 qualifications, initially and then
24 subsequently a request for proposals
25 process, we're going to look into the

1 6/11/08 - RULES - BILL 080080, etc.
2 possibilities of, in addition to the
3 Temple-Apollo funds that have been
4 committed to this site, other resources
5 through the local Housing Trust Fund,
6 through PHFA's NRI program, which is a
7 component, as you know, of the
8 Homeownership Choice Program.

9 One of the goals of this
10 single-family sales housing project is to
11 encourage young families who have grown
12 up in this area and moved away to pursue
13 educational and/or career opportunities
14 to move back to the community. That's
15 one of Metamorphosis' primary goals here.

16 Metamorphosis believes that the
17 ability to attract this market of
18 potential home buyers is a function of
19 having high-quality, affordable, modern
20 homes on a site, with access to a broader
21 area by way of the seven regional rail
22 lines that service the Temple University
23 Station one block away at 9th and Berks.

24 In addition, the project is
25 part of a parallel process to identify

1 6/11/08 - RULES - BILL 080080, etc.

2 transit-oriented development

3 opportunities around the Temple Regional

4 Rail Station.

5 On both the development project

6 and on the transit-oriented development

7 project, we've been working very closely

8 with City Councilman Clarke's office,

9 with State Senator Shirley Kitchen's

10 office and with the surrounding

11 community.

12 I'd like to just say in terms

13 of the previous testimony, the owners of

14 the site that's in question here, I

15 personally met with them on at least two

16 occasions and before I got involved in

17 this project, there was at least an

18 understanding or at least a possibility

19 that the existing owners of the

20 convenience store might participate in

21 the development of this overall

22 development. So initially when the

23 Redevelopment Authority responded to the

24 request of the community to acquire all

25 the other sites but for the convenience

1 6/11/08 - RULES - BILL 080080, etc.
2 store site and the adjacent properties,
3 there was a clear, at least a hope, that
4 there might be a possibility of the
5 existing owner and the neighborhood
6 organization coordinating their
7 activities together.

8 We've engaged a professional
9 architect. We've got a market analysis.
10 And the focus was to sort of redo
11 effectively as we plan new housing on
12 that site, townhouses and condos, that we
13 would focus on the northern portion of
14 the site, the portion of the site that
15 fronts on Diamond, as perhaps a more
16 realistic site for a convenience store,
17 grocery, sit-down, family-oriented
18 restaurant in a much higher quality
19 product to that community, integrated
20 with not only the housing development on
21 this particular site but also the
22 surrounding community. And I know this
23 is not the forum for kind of a debate in
24 terms of what that meeting was about, but
25 what I can tell you is that we reached

1 6/11/08 - RULES - BILL 080080, etc.
2 out as Metamorphosis and my
3 representative -- being a representative
4 of Metamorphosis, we reached out to
5 figure out if there's an opportunity for
6 the owners of that site to work with us,
7 and they essentially indicated, as I
8 think they indicated here, that they were
9 going to pursue some of their own plans,
10 they were going to bring in their own
11 architect and essentially try to develop
12 their site within the existing site or
13 existing footprint versus a notion of
14 trying to relocate the retail to a
15 portion of the site that seemed to make
16 much more sense from a land use
17 standpoint.

18 So there are representatives of
19 Metamorphosis here, but I just wanted to
20 mention that, again, my role here is to
21 sort of work with the organization. I've
22 been working with the RDA, with OHCD and
23 the Planning Commission over a period of
24 two or three years to, again, move this
25 project forward to sort of position it to

1 6/11/08 - RULES - BILL 080080, etc.
2 acquire the necessary resources, starting
3 with the land and then moving forward
4 with the resource side.

5 One other point and then I'm
6 going to turn it over to my client. One
7 of the important reasons for having site
8 control, overall site control for this
9 site, we've conducted a Phase 1
10 environmental analysis about a year and a
11 half ago. As you know, a Phase 1 is a
12 very early analysis. You look at records
13 and figure out whether there are any
14 particular potential environmental
15 hazards based on previous uses and based
16 on the records review of all the uses
17 over time. It was discovered that
18 there's potential for asbestos, lead in
19 soil, lead paint, and other environmental
20 hazards. In order for us to sort of
21 refine our cost estimates on the
22 development site, we need to do a Phase 2
23 analysis and really figure out what is
24 happening much more subsurface through
25 testing. We're not authorized, and our

1 6/11/08 - RULES - BILL 080080, etc.
2 conversation with the RDA, we understand
3 the legal limits. We are not authorized
4 to go on the site and perform the
5 environmental Phase 2 with our
6 environmental engineer until and unless
7 we have site control of the entire site.

8 I'd be happy to answer any
9 questions you might have.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 Any questions or comments from
13 members of the Committee of this witness?

14 (No response.)

15 MR. DOWLING: Good morning,
16 Madam -- excuse my voice this morning.

17 COUNCIL PRESIDENT VERNA: Nice
18 seeing you again.

19 MR. DOWLING: Good morning,
20 Madam Chairman, Councilmembers. My name
21 is Sam Dowling. I'm President of
22 Metamorphosis Community Development
23 Corporation.

24 Normally my voice is a lot more
25 boomy than this and you can hear me

1 6/11/08 - RULES - BILL 080080, etc.

2 easier.

3 As we said, what Metamorphosis
4 is trying to do in a sector of North
5 Philadelphia is impacted by certain
6 elements that are hurting the community.
7 We're trying to bring empowerment to the
8 community through our organization for
9 education and commercial use, as well as
10 bringing senior citizens into the 21st
11 century.

12 We have done certain things in
13 our short time. We have developed a
14 computer school, which we have
15 after-school programs. We have adult
16 searching, computers for job search and
17 what-have-you.

18 I say this to say that in
19 looking to be ongoing in our
20 organization, the 10th Street project was
21 looked at a while ago. As Mr. Wilson
22 said, we tried to include the only person
23 that was there, who was a store. In our
24 endeavor to include them, we shared with
25 them some of the blueprints. They seemed

1 6/11/08 - RULES - BILL 080080, etc.
2 acceptable at first. Then, as you said,
3 in '06 all of the sudden they decided to
4 go their separate ways.

5 We would truly appreciate the
6 Council consideration on this project of
7 ours and this bill. And I'm not going to
8 say too much more. I can answer any
9 questions you have.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 Please identify yourself for
13 the record.

14 COUNCILMAN CLARKE: Madam
15 President?

16 COUNCIL PRESIDENT VERNA: Yes.

17 COUNCILMAN CLARKE: I just want
18 one quick question of Mr. Dowling.

19 COUNCIL PRESIDENT VERNA: Yes.
20 Councilman Clarke.

21 COUNCILMAN CLARKE: Thank you,
22 Madam President.

23 Mr. Dowling, I know that you've
24 been a resident in that area a block or
25 so away.

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. DOWLING: Fifty-nine years
3 now.

4 COUNCILMAN CLARKE: And I
5 didn't ask you to give your age, but to
6 your knowledge, the vacant land, how long
7 has that land been vacant, both on the
8 north and the south side of the building,
9 the current building?

10 MR. DOWLING: The land that
11 we're speaking of has been vacant for 20
12 years.

13 COUNCILMAN CLARKE: Twenty-plus
14 years?

15 MR. DOWLING: Thirty years.
16 Excuse me.

17 COUNCILMAN CLARKE: Thirty
18 years. And on numerous occasions I think
19 that you probably called my office -- I
20 can actually remember you calling me
21 telling me that somebody has short dumped
22 on the lot, can I please send somebody
23 out from the City to pick up the debris
24 and cut the weeds that were on the lot.

25 MR. DOWLING: The lot

1 6/11/08 - RULES - BILL 080080, etc.
2 basically -- the only exterior, outside
3 of the store, the only exterior
4 improvements to that ground has been
5 simply blacktopping a portion of the
6 properties.

7 COUNCILMAN CLARKE: Right.

8 MR. DOWLING: There's been no
9 rush out there. The City has cut the
10 grass in most cases.

11 COUNCILMAN CLARKE: Right.

12 MR. DOWLING: Other than that,
13 there's been just shudas (ph), as we call
14 the youth. She has blacktopped a portion
15 of the property she acquired. There's
16 been no endeavor to improve that property
17 at no time.

18 COUNCILMAN CLARKE: Okay.

19 Thank you. Thank you, Mr. Dowling.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 MR. ARMOUR: Madam President,
23 I'm a member of Metamorphosis. My name
24 is Ronald Armour.

25 And certainly with all the

1 6/11/08 - RULES - BILL 080080, etc.
2 development that has taken place in North
3 Central Philadelphia, we're very
4 fortunate. You heard the numbers that
5 was given out, 30 years of vacancy. We
6 certainly -- we're going to co-exist, and
7 we certainly are going to co-exist.

8 At the early stages of this
9 idea bringing it into a reality of
10 stages, we extended the invitation to the
11 businessperson. That person attended the
12 meeting there. And Metamorphosis is all
13 about bringing the transition, because it
14 means transition. We included the owner
15 of the business to come to our meetings.
16 She came to one meeting. And even saying
17 that, even with all development and her
18 plan, it still can be worked out. And
19 Metamorphosis' organization is about
20 bringing the businesspeople, the
21 community itself together to make sure
22 that this initiative comes into
23 existence.

24 There's no problem, there's no
25 situation in the community in the years

1 6/11/08 - RULES - BILL 080080, etc.
2 that we're in now and the development
3 that's taking place in our wonderful City
4 of Philadelphia, we can resolve this. So
5 the only thing what we're saying to the
6 businessperson, once again, attend our
7 meetings.

8 And there's something else that
9 was said here in this Chambers today that
10 is a key point. It is our job,
11 Metamorphosis' job, to make sure that
12 everyone in that community is informed
13 with the flyers and things so they can be
14 a part of it, so now you have a community
15 development. And I would say to the
16 businessperson behind me, once again, we
17 are going to co-exist. We are not -- I'm
18 certainly not suggesting or Metamorphosis
19 has never suggested to just take
20 someone's property, because we've been
21 there a long time. But we are saying,
22 now is the time, let us come together,
23 put all the resources available and this
24 thing can be a wonderful project. Not
25 only will the community benefit by it,

1 6/11/08 - RULES - BILL 080080, etc.
2 but the City itself will benefit by it,
3 too.

4 Thank you very much.

5 COUNCIL PRESIDENT VERNA: Thank
6 you. Thank you very much.

7 Any questions or comments for
8 this group?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 Do we have anyone else to
13 testify?

14 (Witness approached witness
15 table.)

16 MR. LAURIE: Good afternoon,
17 Madam President.

18 COUNCIL PRESIDENT VERNA: Good
19 afternoon. Please identify yourself for
20 the record.

21 MR. LAURIE: My name is Alfred
22 Laurie, Jr. I'm also a member of
23 Metamorphosis organization. I also lived
24 in that community for 32 years, and in 32
25 years in that area, which I seen a lot of

1 6/11/08 - RULES - BILL 080080, etc.
2 development, the community is starting to
3 grow. Outside there's still just one
4 eyesore in the community, which I'm
5 talking about the 10th Street. I've been
6 there 32 years. I seen change. At one
7 time it used to be a candy store at one
8 time. Then it transferred over, grocery
9 store, laundromat, but still there's no
10 improvement in that area.

11 I also served in Vietnam, come
12 back to the states side. I'm tired of
13 seeing slum in the community. Community
14 need to grow, just like the people in the
15 community need to grow to expand, to
16 achieve. This is what I'm looking for.

17 That's all I have to say.

18 COUNCIL PRESIDENT VERNA: Thank
19 you. Thank you.

20 Any questions or comments?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: Thank
23 you very much, sir. We appreciate your
24 coming in to testify.

25 MR. LAURIE: Thank you.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: Do we
3 have anyone else to testify on this bill?

4 (No response.)

5 COUNCIL PRESIDENT VERNA:

6 Seeing no one, I would ask Mr. McPherson
7 to please read the title of Bill No.
8 080469.

9 MR. MCPHERSON: An ordinance to
10 amend the Philadelphia Zoning Maps by
11 changing the zoning designations of
12 certain areas of land located within an
13 area bounded by State Road, Poquessing
14 Creek, the Delaware River and Grant
15 Avenue.

16 (Witness approached witness
17 table.)

18 COUNCIL PRESIDENT VERNA:

19 Mr. Kramer.

20 MR. KRAMER: Good afternoon,
21 Chairman Verna and members of the Rules
22 Committee. I am William Kramer, Division
23 Director of the Development Division of
24 the Philadelphia City Planning
25 Commission. I am here today to testify

1 6/11/08 - RULES - BILL 080080, etc.
2 on Bill No. 080469, which was introduced
3 into City Council May 8, 2008.

4 This bill will amend the
5 Philadelphia Zoning Maps by changing the
6 zoning of certain areas of land bounded
7 by State Road, Poquessing Creek, the
8 Delaware River and Grant Avenue, this
9 land also being known as the Glen Foerd
10 estate. The zoning will change from the
11 existing designation of R-2 Residential
12 to a new zoning designation of REC
13 Recreational. The zoning change will
14 reflect the fact that Fairmount Park is
15 the trustee of Glen Foerd.

16 The City Planning Commission
17 will consider Bill No. 080469 at its
18 meeting of June 17, 2008 and our
19 recommendation will be delivered shortly
20 thereafter. The Planning Commission
21 staff is recommending approval for this
22 zoning change to the Philadelphia City
23 Planning Commission.

24 This is the conclusion of my
25 testimony. I will be happy to answer any

1 6/11/08 - RULES - BILL 080080, etc.

2 questions of the Committee.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 (Witness approached witness
6 table.)

7 COUNCIL PRESIDENT VERNA:
8 Hello. Please identify yourself for the
9 record.

10 MR. FOCHT: Good afternoon,
11 Council President Verna. Mark Focht,
12 Executive Director of Fairmount Park.

13 Members of the Committee, I am
14 pleased to appear before you today on
15 behalf of Fairmount Park in support of
16 Council Bill No. 080469 to amend the
17 Philadelphia Zoning Maps by changing the
18 zoning designation of a parcel of land
19 located at the confluence of the Delaware
20 River and the Poquessing Creek, commonly
21 referred to as Glen Foerd, from R-2
22 Residential to REC Recreational. Before
23 I describe the purpose of the bill, it's
24 important to provide you with a brief
25 history of the property.

1 6/11/08 - RULES - BILL 080080, etc.

2 Glen Foerd was a private
3 residential estate until 1971 when the
4 property was conveyed to the Lutheran
5 Church and America's trustee. In 1984,
6 the City of Philadelphia Fairmount Park
7 Commission was appointed as substitute
8 trustee of Glen Foerd by the Orphans
9 Court. In 1985, City Council authorized
10 acceptance of the property by the City in
11 the name of the Fairmount Park
12 Commission. Since 1985, the property has
13 been successfully managed and maintained
14 through a lease with the Glen Foerd
15 Conservation Corporation, whose members
16 are made up of representatives of the
17 East Torresdale Civic Association and the
18 community surrounding the property.

19 Glen Foerd is host to special
20 events that offset the cost of
21 maintaining and preserving this historic
22 structure and grounds. The historic
23 mansion and museum is available for
24 scheduled tours and community events, and
25 the grounds are open and used by the

1 6/11/08 - RULES - BILL 080080, etc.
2 community for passive recreation.
3 Glen Foerd has remained zoned
4 R-2 Residential and is the only property
5 within the Fairmount Park system and
6 under the jurisdiction of Fairmount Park
7 that is not zoned Recreational. This
8 mismatch of zoning and use has resulted
9 in the need for the Conservation
10 Corporation to expend precious resources
11 to go through the inefficient process of
12 acquiring a series of permits and
13 variances for things such as signage,
14 parking and other uses which are in
15 accordance with our mission and are
16 needed to operate and maintain the
17 estate. Rezoning the property from R-2
18 Residential to Recreational will make the
19 zoning designation at Glen Foerd, number
20 one, consistent with the zoning for the
21 rest of the Fairmount Park system; two,
22 appropriate for the use of property; and,
23 three, more efficient and effective,
24 enable the Glen Foerd Conservation
25 Corporation to preserve and maintain both

1 6/11/08 - RULES - BILL 080080, etc.
2 the structures and grounds at Glen Foerd
3 for passive recreation, cultural and
4 educational program, and to host events
5 at this historic property.

6 Fairmount Park's ten-year
7 strategic plan completed in June 2004
8 requires the Park to develop and
9 implement a property management plan to
10 improve past management approach for our
11 historic assets. The Fairmount Park
12 staff takes its charge very seriously and
13 in accordance with the strategic plan, we
14 are striving to perform our mission more
15 appropriately and efficiently. We
16 believe that this zoning change will
17 advance the goal of addressing a
18 recommendation of the strategic plan,
19 help the Conversation Corporation ensure
20 the future well-being of Glen Foerd for
21 Torresdale and Philadelphia and do so in
22 accordance with the legal responsibility
23 as substitute trustee.

24 I appear before you today to
25 support the pledge of Fairmount Park for

1 6/11/08 - RULES - BILL 080080, etc.
2 this legislation and respectfully ask
3 this Committee's favorable recommendation
4 of Bill No. 080469.

5 Thank you.

6 COUNCIL PRESIDENT VERNA: Thank
7 you very much.

8 Any questions or comments from
9 the Committee?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 MR. FOCHT: Thank you.

14 COUNCIL PRESIDENT VERNA: I
15 would ask Mr. McPherson to please read
16 the title of Bill No. 080491.

17 MR. MCPHERSON: Bill No. 080491
18 is an ordinance to amend the Philadelphia
19 Zoning Maps by changing the zoning
20 designations of certain areas of land
21 located within an area bounded by
22 Harbison Avenue, Tulip Street, Harbison
23 Avenue, Eadom Street and Bridge Street.

24 (Witness approached witness
25 table.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA:

3 Mr. Kramer.

4 MR. KRAMER: Good afternoon,
5 Chairman Verna and members of the Rules
6 Committee. I am William Kramer, Division
7 Director of the Development Division of
8 the Philadelphia City Planning
9 Commission. I am here today to testify
10 on Bill No. 080491, which was introduced
11 into City Council on May 15, 2008.

12 This bill will amend the
13 Philadelphia Zoning Maps by changing the
14 zoning designations of certain areas of
15 land located within an area bounded by
16 Harbison Avenue, Tulip Street, former
17 Harbison Avenue, Eadom Street and Bridge
18 Street. The zoning will change the north
19 portion of the existing designation of
20 C-7 Commercial to a new zoning
21 designation of G-2 General Industrial.
22 The purpose of the change to G-2 General
23 Industrial zoning is consistent with the
24 existing use of the property and will
25 allow the current operators to continue

1 6/11/08 - RULES - BILL 080080, etc.
2 operations here without the need to
3 constantly apply for zoning variances.

4 The Philadelphia City Planning
5 Commission will consider Bill No. 080491
6 at its meeting of June 17th and the
7 recommendation will be delivered to
8 Council shortly thereafter. The Planning
9 Commission staff will be recommending
10 approval of this bill to the Philadelphia
11 City Planning Commission.

12 That is the conclusion of my
13 testimony. I will be happy to answer any
14 questions of the Committee.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Mr. Kramer, what is the current
18 use of this property?

19 MR. KRAMER: It's a
20 manufacturing and processing of dairy
21 products. Primarily they take milk and
22 turn it into cream cheese at this
23 location. And this was anticipated that
24 Harbison Avenue here would go commercial,
25 which is why it was changed to C-7, and

1 6/11/08 - RULES - BILL 080080, etc.
2 this manufacturing facility remained in
3 existence and has stayed there and has
4 put up with being zoned C-7. So they
5 came to us and said, Can you change us
6 back to G-2, which is really the history
7 of where this came from.

8 COUNCIL PRESIDENT VERNA:

9 Great. Thank you.

10 Any questions or comments from
11 members of the Committee?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: Thank
14 you, Mr. Kramer.

15 Our final bill, I hope.

16 Mr. McPherson, kindly read the
17 title of Bill No. 080527.

18 MR. MCPHERSON: An ordinance
19 amending Section 14-2007 of The
20 Philadelphia Code, entitled "Historic
21 Buildings, Structures, Sites, Objects and
22 Districts," to permit the historic
23 designation of the public interior
24 portion of buildings, and making
25 technical changes, all under certain

1 6/11/08 - RULES - BILL 080080, etc.
2 terms and conditions.

3 Our first panel of witnesses
4 are John Farnham, Sam Sherman, Lewis
5 Rosman, Gary Jastrzab and Sharon
6 Pinkenson.

7 (Witnesses approached witness
8 table.)

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

13 MR. FARNHAM: Good afternoon,
14 Council President Verna and members of
15 the Rules Committee. I am Jonathan
16 Farnham, the Executive Director of the
17 Philadelphia Historical Commission. With
18 me is Sam Sherman, the Chair of the
19 Philadelphia Historical Commission. I am
20 here today to testify on Bill No. 080527,
21 which was introduced into City Council on
22 May 22, 2008.

23 This bill would amend the
24 City's historic preservation ordinance,
25 Section 14-2007 of The Philadelphia Code.

1 6/11/08 - RULES - BILL 080080, etc.
2 Currently, the historic preservation
3 ordinance authorizes the Historical
4 Commission to ensure the preservation of
5 historically significant buildings,
6 structures, sites, objects and districts.
7 The Historical Commission identifies and
8 designates buildings, structures, sites,
9 objects and districts as historic,
10 listing them on the Philadelphia Register
11 of Historic Places. It regulates their
12 preservation through the City's building
13 and other permitting processes.

14 Under the current ordinance,
15 the Historical Commission regulates the
16 exterior envelopes of buildings and
17 structures, as well as their sites and
18 appurtenances. This bill would expand
19 the Historical Commission's purview,
20 additionally authorizing it to designate
21 and regulate interior portions of
22 buildings and structures that are or were
23 designed to be customarily open or
24 accessible to the public by invitation or
25 otherwise.

1 6/11/08 - RULES - BILL 080080, etc.

2 More than any other American
3 city, Philadelphia is endowed --

4 COUNCILWOMAN BROWN: Excuse me.
5 Could you please slow down just a little
6 bit so that we can take this all in.

7 MR. FARNHAM: Certainly.

8 More than any other American
9 city, Philadelphia is endowed with a
10 wealth of irreplaceable historic
11 treasures. As the Historical Commission
12 preserves Philadelphia's past and
13 safeguards its unique heritage and
14 treasures, it fosters civic pride,
15 provides educational opportunities,
16 promotes healthy and sustainable
17 communities, enhances property values and
18 attracts new residents, businesses and
19 tourists. Philadelphia's historic
20 treasures not only document its past, but
21 also propel its 21st century economy.

22 Like the historic buildings,
23 structures, sites, objects and districts
24 that the Historical Commission already
25 protects, the public has a vested

1 6/11/08 - RULES - BILL 080080, etc.
2 interest in the preservation of
3 historically significant publicly
4 accessible interior spaces, which have
5 great value as both reminders of our past
6 and as economic engines for our future.
7 Preservation agencies in many large
8 American cities, including New York, Los
9 Angeles, Chicago, Boston, San Francisco
10 and Washington, DC, have exercised
11 similar authorities over interiors, in
12 some cases for decades, and have
13 successfully protected both the public's
14 interest in historic resources and the
15 rights of private property owners.

16 The Chair, Mr. Sherman, and I
17 appreciate this effort to enhance the
18 Commission's ability to protect historic
19 resources and we support Bill 080427 in
20 principle. However, the Chair and I
21 cannot speak for the Historical
22 Commission itself, the 14-member body,
23 which has not had an opportunity to
24 assess the bill and issue an official
25 position on it. The Historical

1 6/11/08 - RULES - BILL 080080, etc.
2 Commission was unaware of the bill's
3 impending introduction when it last met
4 on May 9th, and moreover, neither the
5 final text of the bill nor a thorough
6 analysis of it was available for
7 distribution to the Historical Commission
8 for its upcoming meeting on June 13th,
9 this Friday. Nonetheless, the Historical
10 Commission will discuss the bill in
11 executive session at that meeting on June
12 13th. Significant questions about the
13 bill remain open, especially those
14 regarding developing appropriate
15 designation and regulation procedures and
16 re-allocating the Commission's resources.
17 The Historical Commission will review
18 this bill and may or may not take an
19 official position on it at its June 13th
20 meeting this Friday. If it delays making
21 a final decision on this bill to collect
22 additional information, undertake
23 additional analyses or hold public
24 discussions, it would not have another
25 opportunity to take an official position

1 6/11/08 - RULES - BILL 080080, etc.
2 until July 11th, its next monthly
3 meeting. Of course, the Historical
4 Commission will promptly report on its
5 deliberations to this Committee.

6 This concludes my testimony. I
7 appreciate the opportunity to appear
8 before you today and we would be pleased
9 to answer any questions you may have.

10 COUNCIL PRESIDENT VERNA: I'm
11 sorry. When did you say that the
12 Commission would be meeting?

13 MR. FARNHAM: The Commission
14 will meet this Friday, June 13th.

15 COUNCIL PRESIDENT VERNA: And
16 when will this be considered?

17 MR. FARNHAM: It will discuss
18 this bill in executive session at that
19 meeting, but the meeting materials went
20 out to the Commission members, were sent
21 to the Commission members last week
22 before we had the final version or the
23 proposed changes to the language
24 available, and we have been sending those
25 electronically to the Commission members

1 6/11/08 - RULES - BILL 080080, etc.
2 and will continue to do so if it
3 continues to change. So the Commission
4 members will have some material before
5 them to review prior to the meeting,
6 albeit they'll only have a few days to
7 review it. They will hold a discussion,
8 but they won't have the advantage of a
9 comprehensive analysis from the staff of
10 the Historical Commission and others at
11 that meeting. It's just too short a time
12 for us to prepare that for them.

13 COUNCIL PRESIDENT VERNA: So
14 your consideration will be made in
15 August? The vote will be taken by the
16 Commission in August?

17 MR. FARNHAM: Well, I think the
18 Commission itself will decide how it
19 wants to deliberate on this issue. It
20 will have an opportunity to come to a
21 conclusion this Friday, June 13th, but as
22 I say, I don't know that they have all
23 the information they need to reach a
24 conclusion that soon. Their next
25 opportunity would be Friday, July 11th,

1 6/11/08 - RULES - BILL 080080, etc.
2 will be the next monthly meeting of the
3 Commission.

4 COUNCIL PRESIDENT VERNA:
5 Mr. Farnham, although I realize that the
6 Historic Commission has not yet met to
7 consider this bill and make any
8 recommendations, your testimony seems
9 somewhat questionable. Although you
10 support it in principle, you state you
11 have significant questions about the
12 bill. Have you had a chance, because I
13 certainly have not, had a chance to
14 review the amendments that Councilman
15 Green intends to offer today, and if so,
16 do you have any comments on those
17 amendments?

18 MR. FARNHAM: Well, I have not
19 seen those amendments in writing, but
20 they have been conveyed --

21 COUNCILMAN GREEN: Point of
22 information.

23 COUNCIL PRESIDENT VERNA: Yes.
24 Councilman Green.

25 COUNCILMAN GREEN: Dr. Farnham,

1 6/11/08 - RULES - BILL 080080, etc.
2 I'd just like to clarify something about
3 your testimony. Isn't it true that since
4 this bill was introduced three weeks ago,
5 members of my staff have been
6 communicating with you on almost a daily
7 basis? They have had numerous meetings
8 with you and the Law Department to
9 discuss the amendments. I just want to
10 be clear for the record that the amended
11 version of the bill represents the
12 collaborative efforts between my office,
13 the Historical Commission staff and the
14 Law Department.

15 MR. FARNHAM: Yes. That's
16 absolutely true.

17 COUNCILMAN GREEN: Okay.

18 Thank you for the point of
19 information, Madam President.

20 COUNCIL PRESIDENT VERNA:

21 Councilman Green, maybe it would be a
22 nice gesture to offer a copy of the
23 amendments --

24 COUNCILMAN GREEN: He has them,
25 Madam President.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: Oh,
3 you have them?

4 MR. FARNHAM: Well, I have the
5 amendments as of Monday. I understood
6 there was --

7 COUNCILMAN GREEN: There are no
8 other amendments, Mr. Farnham.

9 MR. FARNHAM: Yes, then I do
10 have what's the latest version. Yes, I
11 have that before me.

12 COUNCIL PRESIDENT VERNA: Well,
13 I'm sure you've had a chance to review
14 the amendments. Do you have any comments
15 about the amendments as being proposed
16 today?

17 MR. FARNHAM: Yes. The
18 amendments that are proposed and have
19 been proposed since the bill was
20 introduced do address the concerns that
21 the staff of the Historical Commission
22 raised and also the attorney in the Law
23 Department who represents the Historical
24 Commission raised. I have not discussed
25 one particular section with my attorney.

1 6/11/08 - RULES - BILL 080080, etc.
2 I didn't have a chance to in the last
3 day, but -- and I'm not here to comment
4 on the legality of it. I'm not an
5 attorney, but from an Historical
6 Commission process perspective, I think
7 that they do address the primary concerns
8 raised by the staff of the Commission.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilman Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Madam President. Actually, the
13 question -- because we're talking on your
14 question about the time and when it might
15 be considered. I don't know if
16 Mr. Sherman is going to give separate
17 testimony, because I was going to ask him
18 as the Chair, maybe you could talk about
19 the time frame a little better than --

20 MR. SHERMAN: I can address
21 that. My name is Sam Sherman. I'm the
22 Chairman of the Philadelphia Historical
23 Commission. Thank you for giving me the
24 opportunity to speak, Madam President and
25 Councilmembers.

1 6/11/08 - RULES - BILL 080080, etc.

2 Yes. I was made aware of this
3 legislation approximately three weeks ago
4 and it was relayed to me via e-mail from
5 John Farnham, from his office. At that
6 time, I downloaded it and printed it and
7 reviewed it. And I believe that was on
8 or about May 22nd. I think that was
9 about the day that I received it. And
10 subsequent to that, there were either one
11 or two amendments that had come through,
12 or possibly just one, that I did have a
13 chance to look at and review.

14 My main concern is the fact
15 that this information has been held
16 primarily between Mr. Farnham and myself
17 and Councilman Green and his staff and
18 members of City Council. Although I am
19 the Chairman of the Commission, it is, by
20 no means, a dictatorship and I am
21 uncomfortable with the fact that we have
22 not as a group had a discussion about the
23 intent and content of this legislation,
24 as we are going to be the body that
25 implements its rules and regulations. I

1 6/11/08 - RULES - BILL 080080, etc.
2 feel it necessary to have an open
3 dialogue with members of the Commission
4 in order to have everybody understand the
5 implications and how it's going to impact
6 not only our public meetings and the
7 potential for cases coming before the
8 Commission, but also the potential work
9 that's going to have to be performed by
10 the staff at the Commission itself.

11 That being said, after reading
12 the legislation and meeting with
13 Councilman Green last Friday, I too do
14 not oppose this bill in its principle,
15 but I will not offer support of the bill
16 at this time based on the fact that I
17 have not had the opportunity to have a
18 discussion of the bill with the rest of
19 the Commission members. Not to say that
20 I will not support the bill once that
21 vetting process has been completed, but
22 there will be potentially unintended
23 consequences that come out of any
24 legislation that's passed by this body.
25 We all know that. And what I offered to

1 6/11/08 - RULES - BILL 080080, etc.
2 Councilman Green was a compromise, that
3 we take the version of the bill that he
4 is going to present for passage and he
5 gives the Commission the summer to take a
6 case study, preferably a publicly held
7 building, that what's good enough for a
8 private property owner should be good
9 enough for the City government, in my
10 opinion. We take a public building and
11 we take the bill and we apply it to a
12 specific test case so that the staff can
13 work through the mechanics of the bill,
14 understand how it's to be administered
15 and rise to the surface or bring to the
16 surface any potential issues that may
17 arise, because I understand that it's
18 important to protect our interiors, but I
19 also understand that if the issues come
20 up after final passage of the bill, then
21 we're coming back and we're doing
22 amendments to the bill. I would rather
23 have people directly affected by the
24 implementation of the bill work it
25 through and take a case study, and I

1 6/11/08 - RULES - BILL 080080, etc.
2 would hope that that will be acceptable
3 to both Councilman Green and this
4 Committee.

5 COUNCILMAN GREENLEE: So I'm
6 clear, Mr. Sherman, you're suggesting
7 that when you say "take a case study," of
8 one particular property; is that what you
9 mean?

10 MR. SHERMAN: Well, my
11 suggestion -- and I spoke to John Farnham
12 about this -- is that we identify a
13 building that would be an obvious
14 candidate for interior designation.

15 COUNCILMAN GREENLEE: How about
16 the Boyd, just throw it off the top of my
17 head?

18 MR. SHERMAN: I'm not going to
19 make light of it, but that was --

20 COUNCILMAN GREENLEE: Just
21 coincidence, just something came to my
22 head.

23 MR. SHERMAN: But that
24 suggestion was made, that the Boyd could
25 be a test case, but because that's

1 6/11/08 - RULES - BILL 080080, etc.
2 privately owned, I didn't want to have
3 any kind of insinuation that what we were
4 doing as a test case could then be
5 extrapolated into putting some
6 restriction on the new owner. And I
7 understand that that is the flash point
8 of this issue right now, believe me. We
9 move to designate the historic facade of
10 the building. And I appreciate the
11 intent of Councilman Green, and I'm not
12 here arguing the nature of the bill.
13 What I'm really arguing is the mechanical
14 implementation of the bill as it moves
15 forward. That's what I'm arguing.

16 COUNCILMAN GREENLEE: I think I
17 follow. All right.

18 MR. SHERMAN: I hope I made
19 that clear.

20 COUNCILMAN GREENLEE: Just for
21 the record, Mr. Sherman used to be a
22 committeeman in the 15th Ward and he
23 confused me at a few meetings, too. So
24 this isn't the first time.

25 COUNCIL PRESIDENT VERNA: Oh,

1 6/11/08 - RULES - BILL 080080, etc.

2 okay.

3 Just kidding. Just kidding,

4 sir.

5 MR. SHERMAN: I was old enough.

6 I had to resign.

7 COUNCIL PRESIDENT VERNA: The

8 Chair recognizes Councilman DiCicco.

9 COUNCILMAN DiCICCO: Thank you,

10 Madam President.

11 I think Mr. Sherman probably
12 answered all of the questions that I
13 would have asked. And as a member of
14 this Committee and as someone who has
15 been the recipient of the Preservation
16 Alliance award a couple years ago and
17 whose district probably has the majority
18 of historic buildings in the City of
19 Philadelphia, I certainly appreciate the
20 intent of this bill as well. My only
21 concern was the collaboration between
22 Mr. Farnham and staff and Councilman
23 Green's office. Not that there's
24 anything wrong in that collaboration, but
25 I was not a party to that, nor was any

1 6/11/08 - RULES - BILL 080080, etc.
2 member of my staff. And this is an
3 opportunity, I think, to do something
4 that is right for the City and our
5 historical buildings and I think it's
6 important that when we do it, we get it
7 right and not have to continue to come
8 back to try to tweak it. So I would
9 offer the suggestion to the sponsors of
10 the bill that we should take the summer
11 to look this bill over, and either test
12 cases or some further discussion I think
13 needs to be had. Unless someone could
14 demonstrate to me that there is, aside
15 from the Boyd, that there is some other
16 property or building that is in imminent
17 danger of somehow being destroyed between
18 now and the time we get back, I'd like to
19 know what building that might be, if
20 there's something we can do to prevent
21 that, but absent that, I would also
22 suggest that we just take the summer to
23 figure this all out.

24 Thank you, Madam President.

25 COUNCIL PRESIDENT VERNA: Thank

1 6/11/08 - RULES - BILL 080080, etc.

2 you.

3 The Chair recognizes

4 Councilwoman Brown.

5 COUNCILWOMAN BROWN: Thank you.

6 Thank you, Madam President.

7 Good morning -- or good

8 afternoon.

9 Just for my own knowledge base
10 here, having heard the testimony that the
11 Commission members have not had a chance
12 yet to look-see, deliberate, et cetera,
13 I'm just curious to know of those in the
14 audience here, how many are Commission
15 members?

16 (Commission member raising
17 hand.)

18 COUNCILWOMAN BROWN: Very well.

19 What's the composition of your
20 Board in terms of skill set?

21 MR. FARNHAM: The Historical
22 Commission has six ex officio members,
23 City officials, who bring skills from
24 Department of Public Property, Licenses
25 and Inspections, City Planning and other

1 6/11/08 - RULES - BILL 080080, etc.
2 offices that have direct interest,
3 Commerce Department, and eight appointed
4 members. Of those eight members, six are
5 required to have specific skills or
6 represent specific constituencies. There
7 is an historian, an architectural
8 historian, an architect, a developer, a
9 representative of a community
10 organization and a representative of a
11 community development corporation.

12 COUNCILWOMAN BROWN: Okay.
13 What is the standard operating procedure
14 with regards to District Councilmembers
15 having a say in deliberations that
16 involve historic buildings in their
17 councilmanic district?

18 MR. FARNHAM: Well, the
19 Historical Commission endeavors to notify
20 the public and Councilmembers about its
21 agenda items so that Councilpeople who
22 have specific interest in applications
23 appearing before the Commission certainly
24 have an opportunity to weigh in on those,
25 and especially regarding designations and

1 6/11/08 - RULES - BILL 080080, etc.
2 especially district designations, the
3 Commission looks to involve the
4 Councilpeople, the District
5 Councilpeople, before those designations
6 move forward.

7 COUNCILWOMAN BROWN: And that
8 is a standard operating procedure where
9 at all times District Councilmembers are
10 alerted and informed of potential action
11 around a building in their district?

12 MR. FARNHAM: Well, yes. By
13 e-mail to staff members, I believe that
14 that does happen through our interested
15 parties list. We try to have
16 Councilpeople's staff members on that
17 list.

18 When we're discussing historic
19 districts, which have greater
20 implications, we inform the Councilpeople
21 directly in writing. We certainly could
22 implement a system where we do that with
23 individual designations as well.

24 The Commission is designating
25 very few properties at this point, so

1 6/11/08 - RULES - BILL 080080, etc.
2 it's not a circumstance that we find
3 ourselves in all that often, two or three
4 times a year, and we'd be happy to extend
5 the district notification procedure to
6 the individual designations and notify
7 you and other Councilpeople directly in
8 writing.

9 COUNCILWOMAN BROWN: Again for
10 my own knowledge base, in the time that
11 you've served in leadership, you and/or
12 the Chairman, have there been any
13 instances where the view, the
14 perspective, the opinion, the wish of the
15 District Councilperson takes precedent
16 over actions of the Commission?

17 MR. SHERMAN: I can only speak
18 to my term, which started in February,
19 and as far as I know, that has not
20 occurred in my tenure so far.

21 MR. FARNHAM: I've worked at
22 the Historical Commission since --

23 COUNCILWOMAN BROWN: I don't
24 believe your mike is on.

25 MR. FARNHAM: I've been

1 6/11/08 - RULES - BILL 080080, etc.
2 employed at the Historical Commission
3 since 2002 and was Acting Director since
4 2005, and I know no instance in which
5 that has occurred.

6 COUNCILWOMAN BROWN: So is it
7 safe to assume then that the good news is
8 that actions rendered by the Commission
9 have been acceptable to District
10 Councilmembers?

11 COUNCILMAN DiCICCO: Not
12 always.

13 COUNCILWOMAN BROWN: For the
14 most part since 2002?

15 COUNCILMAN DiCICCO: Not
16 always.

17 MR. SHERMAN: I wouldn't be
18 comfortable saying that it would be
19 acceptable, but if lack of complaint or
20 lack of phone call is any indication, I
21 would assume that we've been doing what
22 we're supposed to be doing.

23 COUNCILWOMAN BROWN: Okay.
24 With regards to this particular bill --
25 or in your mission statement someplace,

1 6/11/08 - RULES - BILL 080080, etc.
2 you're very clear about -- you get into
3 the historic building structure, object
4 of land, period. Any considerations ever
5 given to size of a historic piece as a
6 factor when seeking to take action on
7 anything?

8 MR. FARNHAM: No. The
9 Philadelphia Historical Commission within
10 the historic preservation ordinance
11 determines whether or not a property is
12 historically significant and worthy of
13 designation using ten criteria that are
14 laid out explicitly in the ordinance.

15 COUNCILWOMAN BROWN: Okay.

16 MR. FARNHAM: And the property
17 or anything to be designated, building,
18 structure, site, object or district, must
19 meet at least one of those criteria
20 before it can be designated. And the
21 Historical Commission holds at least two
22 public meetings -- in the case of
23 districts, usually many more than two --
24 to discuss precisely that, whether or not
25 the structure or site proposed for

1 6/11/08 - RULES - BILL 080080, etc.
2 designation in fact meets one or more of
3 those designation criteria, and it's
4 advised by an expert committee as well.

5 COUNCILWOMAN BROWN: Okay. All
6 right, then. Thank you for your
7 testimony.

8 Thank you, Madam Chair.

9 COUNCIL PRESIDENT VERNA: Thank
10 you.

11 The Chair recognizes Councilman
12 Jones.

13 COUNCILMAN JONES: First of
14 all, thank you, Madam Chairman, for
15 appointing me to this Committee one day
16 and one day only. When it sunsets, I
17 will respectfully not do this again. But
18 while I'm here, I'm going to say
19 something.

20 Is it not -- and good
21 afternoon. Is it not true that at the, I
22 want to say, Conversational Hall in this
23 building in City Hall was at one point
24 covered over and split into office space
25 with low-hanging ceilings and kind of art

1 6/11/08 - RULES - BILL 080080, etc.
2 deco design to increase the amount of
3 office space --

4 MR. SHERMAN: You're correct.

5 COUNCILMAN JONES: -- at one
6 point, and then we discovered its beauty
7 and decided to revert it back to its
8 original character?

9 MR. SHERMAN: You are correct.

10 COUNCILMAN JONES: Is that
11 correct?

12 MR. SHERMAN: Yes.

13 COUNCILMAN JONES: Because I go
14 through that hall and as I bring people
15 here to this building, I always take a
16 tour down there. And that is an example
17 of interior misuse, if I would, and we
18 had an opportunity to correct it. I will
19 never ever, ever, ever argue against
20 District Council prerogative, being a
21 District Councilperson, with no
22 disrespect to my at-large colleagues, but
23 District Council prerogative is important
24 to me. But I would also argue that
25 sometimes every now and then that the

1 6/11/08 - RULES - BILL 080080, etc.
2 at-large perspective should be considered
3 because they're responsible for keeping
4 us not so parochial in our view that we
5 forget the best interest of the City.

6 In regard to Center City, I
7 believe that absolutely pound for pound
8 square inch per acre there is more
9 historical buildings down here, but also
10 in the neighborhoods. We have been the
11 victims of misuse of both exterior and
12 interior alterations to what are
13 beautiful historic properties, whether we
14 talk about the mansions of Germantown,
15 whether we talk about the beautiful
16 facades that can be found in East Falls,
17 whether you talk about in low-income
18 neighborhoods where renovators came in to
19 communities telling senior citizens that
20 they would replace their windows with
21 energy-efficient windows, only to remove,
22 recycle and resell stained-glass windows
23 that were ten times the value of the
24 replacement glass that they were giving
25 away, and these victims didn't know what

1 6/11/08 - RULES - BILL 080080, etc.
2 they were giving away. There are
3 companies that are in Philadelphia today
4 that make a living off of North
5 Philadelphia homes that take away their
6 celebrations and the unique craftsmanship
7 of the moulding and then resells them to
8 Main Line firms that do construction
9 outside of the City.

10 So this bill is important by
11 way of our long-term preservation of the
12 character of not only the buildings that
13 are commercial buildings downtown, but
14 some of the neighborhoods that make
15 Philadelphia unique. So I know we need
16 to get it right, but we do need to get
17 it, because I've had an opportunity to
18 knock on a lot of doors in my district
19 and I look at a beautiful exterior
20 building, only to come in and find
21 popcorn ceilings that were dropped down
22 because it was a fad to put sparkles in
23 the ceilings, and it's such a travesty to
24 the rich character of our neighborhoods.
25 And I just wanted to put that on the

1 6/11/08 - RULES - BILL 080080, etc.
2 record. Having said it, you know, thank
3 you for the opportunity.

4 COUNCIL PRESIDENT VERNA:
5 You're welcome.

6 Councilman DiCicco.

7 COUNCILMAN DiCICCO: I forgot
8 what I was going to ask, so I'll hold off
9 for a while, but thank you.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 Councilman Green.

13 COUNCILMAN GREEN: Thank you,
14 Madam President.

15 I have a series of questions
16 that involve both these people who are
17 testifying and the people I thought would
18 be on this panel, which are the Law
19 Department and the Planning Commission
20 all together. Would it be possible to
21 have them to testify also and then I can
22 ask the group a question rather than
23 doing it to two separate panels?

24 COUNCIL PRESIDENT VERNA: If
25 the Committee has no objection. As a

1 6/11/08 - RULES - BILL 080080, etc.

2 matter of fact, I believe they all had

3 been called to approach the witness

4 table.

5 COUNCILMAN GREEN: Thank you,

6 Madam President.

7 COUNCIL PRESIDENT VERNA: Four

8 people can sit at the witness table.

9 (Witnesses approached witness

10 table.)

11 COUNCIL PRESIDENT VERNA: Good

12 afternoon. Identify yourself for the

13 record and proceed with your testimony.

14 MR. JASTRZAB: Good afternoon.

15 I am Gary Jastrzab. I'm the Acting

16 Executive Director of the City Planning

17 Commission. I am here today to express

18 the City Planning Commission's staff

19 support for Bill 080527, as amended,

20 which was introduced by Councilmembers

21 Green, Greenlee and Reynolds Brown on May

22 22nd. The City Planning Commission

23 itself has not yet had an opportunity to

24 review this bill, but will do so at its

25 next meeting on Tuesday, June 17th. And

1 6/11/08 - RULES - BILL 080080, etc.

2 I understand that the Historical
3 Commission, as we heard, will be
4 discussing this bill in executive session
5 later this week.

6 This bill would authorize the
7 Historical Commission to designate for
8 preservation the interiors of buildings
9 that are or were designed to be
10 customarily open or accessible to the
11 citizens of the City of Philadelphia.
12 The interiors that are referenced in the
13 bill are public in nature and we know
14 them generally as banks, stores,
15 theatres, train stations or lobbies of
16 office buildings. The bill does not
17 apply to the interior of private
18 residences, whether these buildings are
19 historically certified or not.

20 In addition to its power to
21 designate historic structures in the
22 City, the Historical Commission has had
23 regulatory powers over modifications to
24 the exteriors of historically certified
25 structures since its inception in 1955.

1 6/11/08 - RULES - BILL 080080, etc.
2 In the more than 50 years that have
3 passed since the Historical Commission
4 was created, preservation policy has
5 matured, and it is now recognized that
6 outstanding examples of interior
7 architecture that is both familiar to and
8 much loved by the public should have
9 protection similar to that which historic
10 designation affords. Peer cities have
11 designated interiors of buildings as
12 historic for the education, pleasure and
13 welfare of the city. Philadelphia, with
14 its wealth of structures that feature
15 magnificently designed interiors, should
16 join their ranks.

17 Philadelphia's Historical
18 Commission, the first of its kind in the
19 nation, has played a significant role in
20 maintaining the excellence of the built
21 environment that defines the unique
22 character of our city. We have learned
23 that economic development and investment
24 goes hand in hand with successful
25 preservation planning. This bill gives

1 6/11/08 - RULES - BILL 080080, etc.
2 the Historical Commission yet another
3 tool to accomplish its charge.

4 That concludes my testimony and
5 I'd be happy to answer any questions you
6 may have.

7 MR. ROSMAN: Good afternoon,
8 Madam Chair. I'm Lewis Rosman. I'm a
9 senior attorney with the Law Department.
10 I don't have any prepared testimony, but
11 I'm available for any questions that any
12 members may have.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 I'm kind of curious, do you
16 have any estimate of the number of
17 properties that would be affected by
18 these proposals?

19 MR. FARNHAM: John Farnham,
20 Executive Director of the Historical
21 Commission.

22 I asked my staff to prepare a
23 list of what they thought would be the
24 interiors that would fit the criteria for
25 designation, and that list has

1 6/11/08 - RULES - BILL 080080, etc.

2 approximately 80 properties on it.

3 COUNCIL PRESIDENT VERNA: I beg
4 your pardon?

5 MR. FARNHAM: Approximately 80
6 interiors was the estimate that my staff
7 developed. That's within the ball park.
8 I would not imagine more than 100, 150
9 over the course of many, many years of
10 considering nominations.

11 COUNCIL PRESIDENT VERNA: I
12 think we would all appreciate it if we
13 could have a copy of that list.

14 MR. FARNHAM: Certainly.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Do you know of any other
18 jurisdictions that in fact have an
19 ordinance such as we are proposing?

20 MR. FARNHAM: Yes. There are
21 several in the United States. The
22 ordinance as proposed is based on New
23 York City's ordinance -- the section of
24 New York City's ordinance that allows for
25 the designations of interiors. The

1 6/11/08 - RULES - BILL 080080, etc.
2 language is very similar. In addition to
3 that, in my testimony I noted Los
4 Angeles, Chicago, Boston, San Francisco,
5 Washington, DC. We're also aware of many
6 smaller cities such as Pasadena,
7 California have ordinances that are in
8 many ways very similar to what is
9 proposed here.

10 COUNCILMAN GOODE: Point of
11 information.

12 COUNCIL PRESIDENT VERNA: Yes.
13 The Chair recognizes Councilman Goode.

14 COUNCILMAN GOODE: Good
15 afternoon. I'm confused about a couple
16 of things. Has your testimony been that
17 you have not had a chance to fully review
18 the legislation?

19 MR. FARNHAM: Well, I think I
20 personally have. I think my testimony is
21 that the Historical Commission as a body
22 has not had a chance to review it and
23 discuss it as a group.

24 COUNCILMAN GOODE: I think I
25 just heard two things in your latest

1 6/11/08 - RULES - BILL 080080, etc.
2 that shows that you actually know the
3 impact of how many buildings this will
4 affect, are you suggesting that we should
5 go through your process before we go
6 through ours?

7 MR. FARNHAM: I'm, by no means,
8 suggesting that this Council should be
9 guided by the Historical Commission. I
10 would like to have it vetted through the
11 Historical Commission. I think the Chair
12 agrees with me. Because the Historical
13 Commission members come from many
14 different -- they have different
15 perspectives. They represent different
16 constituencies, and I'm sure that they
17 will raise questions, perhaps concerns
18 that my staff and I, along with the
19 Chair, have not yet even considered.

20 COUNCILMAN GOODE: You have
21 questions and concerns that will not be
22 vetted through this legislative process?

23 MR. FARNHAM: Well, I think the
24 hope is that if there are concerns, that
25 those would be conveyed to you

1 6/11/08 - RULES - BILL 080080, etc.
2 immediately after Friday's meeting.

3 COUNCILMAN GOODE: Thank you.
4 I think you answered what I needed to
5 know very succinctly.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilman Kelly.

9 COUNCILMAN KELLY: Right.
10 Thank you, Madam Chair.

11 It seems to me and I have the
12 impression that most people testifying --
13 there are quite a few -- have some
14 questions about the ramifications of this
15 bill and they've requested more time. I
16 know Councilman DiCicco has recommended
17 maybe we allow the summer for people to
18 digest this bill in its present form.

19 I'm just wondering from the
20 sponsor maybe, is there any reason why we
21 have to vote this bill out of Committee
22 today? Are there any buildings that are
23 being designated as being torn down today
24 or whatever? I just want to find out how
25 important it is that we act on this today

1 6/11/08 - RULES - BILL 080080, etc.
2 and not give the people who have
3 requested more time to digest this bill.

4 COUNCILMAN GREEN: May I
5 respond?

6 COUNCIL PRESIDENT VERNA:
7 Councilman Green.

8 COUNCILMAN GREEN: Thank you,
9 Madam President.

10 Well, this bill came to
11 fruition as we were looking at the Boyd
12 Theatre matter. In fact, I think it will
13 help explain if I just read the statement
14 I was going to read at the beginning of
15 this, and, that is, all of Philadelphia's
16 peer cities have similar provisions in
17 their laws and regulations, but
18 Philadelphia, a city of significant
19 architectural landmarks, has lagged
20 behind and only permits the designation
21 of exteriors and historic districts.

22 We are not heading into
23 unchartered territory with this bill.
24 Boston, San Francisco, Chicago, New York
25 City each have designated public interior

1 6/11/08 - RULES - BILL 080080, etc.
2 spaces for decades. This legislation is
3 modeled after the language in New York
4 City's longstanding ordinance, 35 years,
5 which simply permits the designation of
6 historically significant interiors that
7 are customarily designed to be open and
8 accessible to the public.

9 In practice, this would permit
10 building lobbies or other public spaces
11 to be designated as historic. The
12 designation would not and could not be
13 applied to customarily private spaces
14 inside private buildings, nor would it
15 affect homes.

16 The Boyd Theatre has recently
17 rekindled the historic preservation issue
18 and drawn our attention to the need for
19 following the best practices of other
20 major cities such as New York.

21 The State Supreme Court ruled
22 15 years ago that the Historical
23 Commission does not have any legal
24 authority to designate and preserve the
25 interior of the Boyd or any other

1 6/11/08 - RULES - BILL 080080, etc.
2 significant building because our
3 ordinances did not give them the specific
4 authority to do so. This legislation
5 will finally give the Commission the
6 ability to do so, not that they
7 necessarily will, unless they reach their
8 own finding of historical significance.

9 Philadelphia's existing
10 historically significant interiors such
11 as the Wanamaker Building, the Academy of
12 Music and the Ben Franklin House have
13 remained intact by the benevolence of
14 their owners. There is currently no
15 legal means to prevent any current or
16 future owner from gutting any of these
17 magnificent spaces or altering them
18 beyond recognition.

19 The attempted sale and removal
20 of the Dream Garden mosaic in the Curtis
21 Building has shown how unexpectedly one
22 of our famous interiors can be
23 permanently altered. Even if the Boyd
24 Theatre's current application for
25 designation is approved, it would only

1 6/11/08 - RULES - BILL 080080, etc.
2 protect the facade of the building and
3 leave the Theatre's unique art deco
4 interior vulnerable to destruction.

5 With the Boyd up for sale once
6 again and the future treatment of our
7 other treasured spaces uncertain, I think
8 we need to move on this legislation, even
9 if we do so without a suspension of the
10 rules to give the Historical Commission
11 more time to respond. However, I think
12 if I go through a bunch of questions that
13 I had for these witnesses, I can answer
14 many of those questions more
15 specifically.

16 Thank you.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilman DiCicco.

19 COUNCILMAN DiCICCO: Thank you,
20 Madam President.

21 I'll probably hold off on some
22 of my other questions, but the one
23 question I have, is there an effective
24 date? I don't see it in the bill, nor in
25 the amendment.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN GREEN: It would be
3 effective upon signing by the Mayor.

4 COUNCILMAN DiCICCO: So
5 technically if it was voted out and we
6 passed it on the 19th, the Mayor has,
7 what, ten days -- we still wouldn't get
8 it to the fall, right? This wouldn't
9 come -- because we're going on recess on
10 the 19th, this bill would not become
11 effective until the fall when we return
12 anyway; is that --

13 MR. ROSMAN: The Mayor can sign
14 it any time after the 19th. Upon its
15 delivery to the Mayor from Council, the
16 Mayor could sign it any time and it would
17 become --

18 COUNCILMAN DiCICCO: The
19 earliest we can deliver it is the 19th,
20 the day we recess.

21 MR. ROSMAN: That's right.

22 COUNCILMAN DiCICCO: If we're
23 in recess, because the Mayor signed it,
24 does it become law immediately?

25 MR. ROSMAN: Yes, it does.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN DiCICCO: So it's
3 effective --

4 COUNCIL PRESIDENT VERNA: If he
5 signs it on the 19th.

6 COUNCILMAN DiCICCO: I know
7 there's been some back and forth
8 discussion on the peer cities and, again,
9 I guess my question goes back to if staff
10 from the Planning Commission and staff
11 from the Historical Commission have
12 reviewed this but the Boards of those two
13 agencies have not had an opportunity to
14 comment, I guess it kind of goes to
15 Councilman Goode's question, is -- maybe
16 this wasn't his question. It's my
17 question. We normally would wait until
18 the Boards come back with a decision. In
19 many cases we may not concur with those
20 decisions, but we do rely on that
21 testimony.

22 So there is a number of
23 questions that no one knows what may come
24 about from the Historical Commission and
25 the Planning Commission Board over the

1 6/11/08 - RULES - BILL 080080, etc.
2 next couple of weeks or whenever they're
3 meeting again. Wouldn't it make more
4 sense, I guess, to the sponsors of the
5 bill, again, that we take that -- let
6 that opportunity -- allow for that
7 opportunity to vet itself and see where
8 we are? And I don't know if --
9 Councilman Green says he has some answers
10 to some of the questions.

11 Are there any other buildings
12 beside the Boyd that are in jeopardy of
13 being demolished or renovated in such a
14 manner that alter the integrity of those
15 interiors between now and the fall? And
16 I know that Councilman Clarke has been
17 working on the Boyd Theatre issue for a
18 number of years. Is there any resolution
19 to that from the Administration?

20 Could the Historical
21 Commission, where are we with the Boyd?

22 MR. FARNHAM: John Farnham of
23 the Historical Commission.

24 The Preservation Alliance, the
25 preservation advocacy non-profit, has

1 6/11/08 - RULES - BILL 080080, etc.
2 submitted a nomination for the
3 designation under the current ordinance
4 of the Boyd that will be heard by the
5 Historical Commission's Committee on
6 Historic Designation on July 16th and by
7 the full Commission at its meeting in
8 early August. The notice letter has been
9 sent to the property owner, Live Nation,
10 announcing the consideration of the two
11 public meetings. As of the date of that
12 notice letter, which I believe was May
13 29th, the property is under the
14 jurisdiction of the Historical Commission
15 until it votes otherwise. Any building
16 permit applications for the property must
17 be referred from the Department of
18 Licenses and Inspections to the
19 Historical Commission for review for
20 those to be approved.

21 That said, the property is for
22 sale and it's my understanding that bids
23 were recently accepted by Live Nation,
24 but I personally have not had any contact
25 with Live Nation and don't know the

1 6/11/08 - RULES - BILL 080080, etc.

2 outcome of that bidding process.

3 COUNCILMAN DiCICCO: Let me
4 know if I understand this correctly. So
5 if the Commission accepts and approves
6 the recommendation for the Boyd, the
7 alterations or any alterations would not
8 be able to proceed?

9 MR. FARNHAM: The Historical
10 Commission would have to review, just as
11 it does for designated buildings now --

12 COUNCILMAN DiCICCO: Review
13 proposals for alterations.

14 MR. FARNHAM: Proposals for
15 alterations.

16 COUNCILMAN DiCICCO: So, in
17 essence, someone just can't walk into the
18 Boyd if it's approved by the Historical
19 Commission and just do any interior
20 renovations or demolition without having
21 to go through that process?

22 MR. FARNHAM: All permit
23 applications would be required to go
24 through the Historical Commission's
25 process, but it's important to point out

1 6/11/08 - RULES - BILL 080080, etc.
2 that currently the Historical Commission
3 does not have jurisdiction over
4 interiors. So any work to the interior
5 that did not impact the exterior of the
6 building or the structure of the building
7 would be automatically approved by the
8 Historical Commission.

9 COUNCILMAN DiCICCO: Thank you.
10 Bill, are you chairing this?

11 COUNCILMAN GREENLEE: Thank
12 you, Councilman.

13 Councilman Green, you wanted
14 the floor?

15 COUNCILMAN GREEN: Yes. Thank
16 you.

17 This question goes to the Law
18 Department. The way this legislation is
19 drafted, what would be the process for
20 then the Historical Commission to create
21 rules and regulations for governing
22 designation of interior spaces?

23 MR. ROSMAN: It would be the
24 same process for any department to adopt
25 regulations. They would meet. They

1 6/11/08 - RULES - BILL 080080, etc.
2 would presumably start with staff,
3 discussing with the Law Department some
4 initial drafts. They would share the
5 drafts in some form with the Commission
6 in some sort of preview respect, and then
7 once it was in sufficient form to bring
8 to the full Commission, the Commission
9 would vote on the regulations and publish
10 the regulations, as all departments do,
11 through the Records Department. There
12 would be a comment period, 30-day comment
13 period, during which the public could
14 request a hearing on the regulations, and
15 then if the hearing was requested,
16 there's additional process. It would be
17 the same process under the Charter for
18 any department to adopt regulations.

19 COUNCILMAN GREEN: Is the
20 approval of the Historical Commission
21 required to have this ordinance be
22 effective in any way or --

23 MR. ROSMAN: No. I mean, to
24 implement the ordinance if it's
25 adopted --

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN GREEN: They would
3 have to adopt rules and regulations, but
4 their approval, is that required?

5 MR. ROSMAN: No.

6 COUNCILMAN GREEN: The Planning
7 Commission, is their approval required
8 for this?

9 MR. ROSMAN: I don't believe
10 so.

11 COUNCILMAN GREEN: You don't
12 believe so?

13 MR. ROSMAN: No. I mean, the
14 Planning Commission, sometimes it's
15 required that they make recommendations
16 in connection with legislation. I don't
17 think that applies in this case. But
18 there are no bills where Planning
19 Commission approval is required.

20 COUNCILMAN GREEN: Have you
21 ever seen City Council pass a Streets
22 ordinance or something like that and then
23 have the Planning Commission approve it
24 at their next meeting based upon the
25 recommendation of the staff of the

1 6/11/08 - RULES - BILL 080080, etc.
2 Planning Commission in Council testimony?

3 MR. ROSMAN: You're saying
4 after the Council hearing or after the
5 bill is --

6 COUNCILMAN GREEN: Gary is
7 here.

8 Has the Planning Commission
9 ever testified before City Council prior
10 to the entire Commission meeting and had
11 us, based upon the staff's
12 recommendation, pass out a bill that was
13 then approved by the Commission at a
14 later Planning Commission hearing?

15 MR. JASTRZAB: We have done so,
16 yes.

17 COUNCILMAN GREEN: Do you do
18 that all the time?

19 MR. JASTRZAB: Not all the
20 time. A lot of it is dependent upon
21 schedules. This time of year is
22 particularly difficult because the City
23 Planning Commission has monthly meetings
24 and there are many bills to be
25 considered. But the answer to the

1 6/11/08 - RULES - BILL 080080, etc.
2 question is, yes, we have done that in
3 the past.

4 COUNCILMAN GREEN: Most Streets
5 hearings I'm on we end up doing that, but
6 okay.

7 Very good. I just wanted to
8 point out that this would not be at all
9 an unusual process for City Council to
10 have done its work, work closely with the
11 staff, produce good legislation and then
12 have the relevant agency approve it
13 afterwards. But in those cases where we
14 normally do that, I point out that
15 Planning Commission approval is actually
16 needed prior to our passage of this
17 legislation. According to the Law
18 Department's testimony, it is not
19 required for this ordinance. So my
20 personal opinion is, we should not
21 concern ourselves with that.

22 So can you tell me, somebody
23 either from the Planning Commission or
24 the Law Department, when the first
25 historical ordinance was passed, were the

1 6/11/08 - RULES - BILL 080080, etc.
2 rules and regulations governing how it
3 was going to work written by the staff
4 prior to or after the ordinance was
5 passed?

6 MR. ROSMAN: Well, I don't know
7 for a fact. I've never researched it,
8 but if the Historical Commission didn't
9 exist, presumably there was nobody to
10 adopt regulations.

11 COUNCILMAN GREEN: But
12 generally when you pass legislation, when
13 are the rules and regulations written?
14 Before or after you pass the legislation?

15 MR. ROSMAN: Generally after.

16 COUNCILMAN GREEN: Right. So I
17 just want to make that point.

18 So does the Historical
19 Commission have the authority to make
20 amendments to its rules and regulations
21 to address new issues that arise over
22 time, getting to Mr. Sherman's concern?

23 MR. ROSMAN: Sure.

24 COUNCILMAN GREEN: Yes, they
25 do. Okay.

1 6/11/08 - RULES - BILL 080080, etc.

2 Has the Historical Commission
3 ever revised its rules and regulations in
4 the past?

5 MR. FARNHAM: Yes. Absolutely.

6 COUNCILMAN GREEN: Thank you.
7 If given the authority to designate
8 interiors under this legislation, do you
9 anticipate the Historical Commission will
10 revise its rules and regulations to set
11 forth specific guidelines and processes
12 for implementing that new authority?

13 MR. FARNHAM: Yes, I anticipate
14 that the Commission would.

15 COUNCILMAN GREEN: Are you
16 aware of the rules and regulations for
17 the New York City Landmarks Commission,
18 which has had the authority to designate
19 interiors for over three decades and
20 which our ordinance is based upon?

21 MR. FARNHAM: Yes, I am aware
22 of them. I certainly don't know them
23 chapter and verse, but I'm aware of them.

24 COUNCILMAN GREEN: To your
25 knowledge, are those rules and

1 6/11/08 - RULES - BILL 080080, etc.

2 regulations working well?

3 MR. FARNHAM: I have no
4 knowledge as to whether they work well.

5 COUNCILMAN GREEN: Did I ask
6 you to call the New York Planning
7 Commission and talk to them about their
8 rules and regulations before testimony?

9 MR. FARNHAM: Yes, you did.

10 COUNCILMAN GREEN: Did you have
11 an opportunity to do that?

12 MR. FARNHAM: I have not had an
13 opportunity to do that, no.

14 COUNCILMAN GREEN: In preparing
15 revised rules and regulations to address
16 the designation of historical interiors,
17 could the Commission use rules and
18 regulations employed by its sister
19 commissions in other cities as a model?

20 MR. FARNHAM: I don't
21 believe -- of course, we can learn
22 something from them, but I don't believe
23 that the New York rules are really
24 applicable to Philadelphia. Their rules
25 are based on building typology, which is

1 6/11/08 - RULES - BILL 080080, etc.
2 very different from our current rules and
3 would be difficult to adapt, and I would
4 advocate that we didn't adapt a set of
5 rules based on typology.

6 COUNCILMAN GREEN: So how would
7 you see the process going if we were to
8 pass this ordinance?

9 MR. FARNHAM: I would imagine
10 that the Commission would establish a
11 committee, an ad hoc committee, to draft
12 a set of rules that would include staff
13 members, perhaps a few members of the
14 Committee, perhaps a few from outside the
15 Commission and would prepare -- and the
16 Commission would hold a series of public
17 discussions on those rules and
18 regulations during its regular monthly
19 meetings, and when the Commission was
20 convinced that they were the appropriate
21 rules, would go through the process that
22 my colleague has stated.

23 COUNCILMAN GREEN: Right. So
24 if we pass this legislation, the
25 Historical Commission will go through

1 6/11/08 - RULES - BILL 080080, etc.
2 exactly the process that Mr. Sherman
3 testified that he'd like the Historical
4 Commission to go through in terms of
5 having each Commission member's input,
6 they would have their input on how
7 exactly the rules would be written, how
8 specific, specific criteria are for
9 designation, et cetera?

10 MR. FARNHAM: Yes. The
11 Commission would go through a process
12 similar to that that Mr. Sherman was
13 suggesting, but if I may, I believe that
14 Mr. Sherman was suggesting that we
15 undertake that exercise not to establish
16 a set of rules and regulations but to
17 better understand --

18 COUNCILMAN GREEN: With
19 respect, I don't know how you can
20 designate an interior unless you know the
21 specific criteria that apply because you
22 have rules and regulations written. In
23 other words, you can say this is a pretty
24 room, but until you have rules and
25 regulations, you can't go through the

1 6/11/08 - RULES - BILL 080080, etc.
2 process of sort of picking a case room
3 criteria. Now, you can do that as you --
4 use that as a model to help you write
5 better rules and regulations when you do
6 that, but they would be at least
7 coterminous activities; would they not?

8 MR. FARNHAM: I can't disagree
9 with that, but I think that --

10 COUNCILMAN GREEN: Well, then
11 you can say yes also.

12 MR. FARNHAM: -- Mr. Sherman
13 was suggesting that we go through that
14 exercise, not necessarily to --

15 COUNCILMAN GREEN: I didn't ask
16 what Mr. Sherman -- I didn't ask you to
17 repeat what Mr. Sherman said. I said the
18 question, Dr. Farnham, is, isn't that
19 exactly what the Commission will do once
20 we pass this ordinance? And if you want
21 to do that in a process of picking a room
22 at a time to help you write the rules and
23 regulations, you can do that. Is that a
24 yes? I'd like a yes or a no answer to
25 that.

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2 MR. FARNHAM: Could you please
3 repeat the question?

4 COUNCILMAN GREEN: The
5 Historical Commission, would it go
6 through -- by picking an example room,
7 wouldn't it have to almost write the
8 rules and regulations at the same time
9 that would apply to creating what the
10 characteristics or aspects of that room
11 that have to be preserved are and
12 essentially there's no reason for us to
13 delay for you to go through that process?
14 You're going to go through that process,
15 and until you do go through that process,
16 you won't have the ability to accept
17 applications for the historical
18 designations of interiors, so that the
19 Historical Commission will have its full
20 input prior to any rules and regulations,
21 including all the expertise on it and the
22 ability to do a practice room if you
23 choose to do so as a Historical
24 Commission as you're writing the rules
25 and regulations. Isn't that correct?

1 6/11/08 - RULES - BILL 080080, etc.

2 MR. FARNHAM: I think I ought
3 to defer to Mr. Sherman to answer that
4 question. My testimony was that I
5 thought that the Commission ought to at
6 its June 13th meeting have an opportunity
7 to discuss this and present --

8 COUNCILMAN GREEN: And you
9 will.

10 MR. FARNHAM: -- its findings
11 to this Council and this Committee.

12 COUNCILMAN GREEN: And you
13 would have that opportunity before final
14 passage to present your findings to us --

15 MR. FARNHAM: That was my
16 testimony.

17 COUNCILMAN GREEN: -- and
18 inform us of that.

19 MR. FARNHAM: I would defer
20 your earlier question or your question to
21 Mr. Sherman to answer, because I didn't
22 make that statement.

23 MR. SHERMAN: In reference to
24 that earlier question, as I understand
25 it -- and it was brought up in the

1 6/11/08 - RULES - BILL 080080, etc.
2 discussion on Friday at our meeting that
3 we had at the Historical Commission
4 offices -- that this legislation has been
5 in the process since January or February
6 of this year.

7 COUNCILMAN GREEN: The idea of
8 it has been since February.

9 MR. SHERMAN: Okay. Really I
10 think the point that I'm trying to drive
11 home here is that the City of
12 Philadelphia has an up and functioning
13 Historical Commission, and every
14 Councilman has their prerogative to
15 introduce whatever legislation they want
16 to introduce.

17 COUNCILMAN GREEN: Thank you.

18 MR. SHERMAN: But the point
19 that I'm really trying to make is that
20 this is an important issue and we have a
21 highly trained staff at Historic
22 Commission that, in my opinion, I would
23 like to engage more fully and not -- I'm
24 not saying rewrite the bill or offer
25 amendments, but to tap that expertise

1 6/11/08 - RULES - BILL 080080, etc.
2 that we've got at that Commission and vet
3 this bill and put it through its paces.
4 That's all I'm suggesting.

5 COUNCILMAN GREEN: But my
6 point, Mr. Sherman, is the bill -- and
7 the Law Department can testify to this --
8 doesn't have to go through any paces.
9 All of the rules and regulations
10 governing the interior spaces will be
11 written by your Commission. The bill
12 itself has no impact on that. So the
13 process you are talking about is
14 essentially a rule-making process. The
15 legislation gives you broad discretion.
16 You will be able to write the rules and
17 regulations the way you want, going
18 through exactly the process you're
19 talking about.

20 MR. SHERMAN: Understood.

21 COUNCILMAN GREEN: Could you
22 talk to that, Lewis, please?

23 COUNCILMAN GOODE: Point of
24 information.

25 COUNCIL PRESIDENT VERNA: The

1 6/11/08 - RULES - BILL 080080, etc.

2 Chair recognizes Councilman Goode.

3 COUNCILMAN GOODE: Mr. Rosman,
4 let me try to guide you in some of those
5 comments.

6 In developing the
7 administrative regulations, it's simply
8 true that the administrative regulations
9 cannot conflict with the ordinance; is
10 that true?

11 MR. ROSMAN: That's correct.

12 COUNCILMAN GOODE: But the
13 administrative regulations can go beyond
14 the ordinance?

15 MR. ROSMAN: They can develop
16 what's in the ordinance and provide
17 additional guidance, additional rules
18 under the ordinance, but they can't
19 conflict.

20 COUNCILMAN GOODE: And that is
21 essentially where the technical expertise
22 comes into play. I don't think
23 Councilmembers are expected to be experts
24 on every subject that comes before them,
25 although we do our independent research,

1 6/11/08 - RULES - BILL 080080, etc.
2 whether we pull in the agencies and
3 commissions, whether we pull in
4 independent consultants. However we
5 develop the legislation that we
6 developed, it is understood as the
7 government of design that we are here to
8 legislate, and that is not to be dictated
9 to by the administrative branch or vice
10 versa necessarily. Even after we do what
11 we do in terms of legislating,
12 essentially you still have the ability to
13 create administrative regulations that
14 further develop the implementation.

15 So my question really is to the
16 Historical Commission staff that has
17 obviously studied this already with their
18 technical expertise, is there absolutely
19 anything you're going to come up with
20 that's going to conflict with the
21 ordinance as currently drafted or the
22 amendments?

23 MR. FARNHAM: I don't know the
24 answer to that question until I've had an
25 opportunity to discuss it with the

1 6/11/08 - RULES - BILL 080080, etc.

2 Commission.

3 COUNCILMAN GOODE: No. You
4 will be making recommendations to the
5 Commission. You won't just be discussing
6 with them. My question is, based upon
7 your review of the current legislation
8 and even the amendments that might be
9 offered, right now do you know of
10 anything that you would recommend or can
11 you conceive of anything you would
12 recommend that can't just be put into the
13 administrative regulations in a way
14 that's not going to conflict with this
15 ordinance?

16 MR. FARNHAM: No, I cannot.

17 COUNCILMAN GOODE: Thank you.

18 Thank you, Councilman.

19 COUNCILMAN GREEN: Thank you.

20 I have no more questions for
21 this panel. Thank you.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 Are there any other questions

25 or comments from members of the

1 6/11/08 - RULES - BILL 080080, etc.

2 Committee?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Gentlemen, thank you very much.

6 MR. McPHERSON: The next two

7 witnesses are John Gallery and Lori

8 Salganicoff.

9 (Witnesses approached witness
10 table.)

11 MR. GALLERY: I'm John Gallery.

12 COUNCIL PRESIDENT VERNA:

13 Mr. Gallery, pardon me.

14 MR. GALLERY: Good afternoon.

15 COUNCIL PRESIDENT VERNA: Good

16 afternoon. Nice seeing you. Please

17 identify yourself.

18 MR. GALLERY: My name is John

19 Gallery. I'm the Executive Director of

20 the Preservation Alliance for Greater

21 Philadelphia. I appreciate the

22 opportunity to be here and to testify on

23 this bill.

24 You were given a copy of a

25 written testimony that I prepared before

1 6/11/08 - RULES - BILL 080080, etc.
2 I had seen the latest amendments and
3 before the discussion that's occurred
4 today, so I'm going to not read my
5 testimony, but I'm going to address some
6 of the issues in it, but also address
7 some of the questions that have come up
8 in this recent discussion.

9 First of all, let me say the
10 Preservation Alliance is in favor of
11 adding the designation of interiors to
12 the Philadelphia ordinance. We think
13 this is something that should be done and
14 we think it is appropriate for us to do
15 it in Philadelphia.

16 As has already been testified,
17 the provision to designate interiors is
18 common in ordinances of many other
19 cities. In 2006, the Preservation
20 Alliance undertook a research study to
21 look at ordinances in other cities to see
22 in fact how they handle the designation
23 of interiors. Again, it's been mentioned
24 we looked at the ordinances in Boston,
25 Washington, New York, San Francisco,

1 6/11/08 - RULES - BILL 080080, etc.
2 Portland, Oregon and many smaller cities,
3 and what we discovered were a number of
4 things.

5 First, many, many, many, many,
6 many more cities than we realized do
7 include interior designation in their
8 ordinances.

9 Secondly, the nature of the
10 designations varies considerably. If you
11 lived in Pasadena, California, your
12 entire living room, kitchen, dining room,
13 bedroom of your private single-family
14 home could be designated as a historic
15 interior if it was a house designed by
16 the famous California architects Greene
17 and Greene. If you lived in Oak Park,
18 Illinois, your living and bedroom could
19 be designated as historic if you lived in
20 a house designed by Frank Lloyd Wright.

21 However, what we did discover
22 in that research was that the majority,
23 the vast majority, of historic interior
24 ordinances focus on interiors that are
25 accessible to the public in the normal

1 6/11/08 - RULES - BILL 080080, etc.
2 course of the use of that building. That
3 is the norm, that is the predominant
4 approach, and that is what is suggested
5 in this ordinance.

6 We also discovered that many of
7 these ordinances allowed you to designate
8 an individual feature, not an entire
9 room. We think that is useful and it is
10 also encompassed in this ordinance.

11 I think it is worth pointing
12 out that in these other cities, the use
13 of interior designations is rather small.
14 I'll give you what I think is, in a
15 certain sense, the worst case example,
16 and that is Chicago. Chicago has, we
17 believe, designated about 120 interiors
18 of buildings, of historic buildings, far
19 more than we discovered in most other
20 cities, but Chicago has 6,500 buildings
21 which are designated as historic. So the
22 percentage of interiors, even though the
23 number may seem large, is very small in
24 relation to the number of historic
25 buildings that are designated in the city

1 6/11/08 - RULES - BILL 080080, etc.
2 as a whole.

3 I think that is likely to be
4 the case in Philadelphia, that we have
5 presently 12,000, 10,000 approximately
6 buildings listed on the Register. I
7 think the number of historic interiors
8 that will be added would be rather small
9 and would be quite selective.

10 There are several issues that
11 have been brought up in this discussion
12 which I would just like to comment on
13 first.

14 Mr. Sherman has mentioned the
15 fact that the Historical Commission
16 intends to discuss this bill in executive
17 session on June 13th. I would simply
18 point out that if the Commission intends
19 to take any formal action on the bill, it
20 needs to do it in a public session, in a
21 session in which the public could comment
22 on it. An executive session on June 13th
23 would not fulfill that requirement.
24 Therefore, the Commission could not
25 really take any action on this bill until

1 6/11/08 - RULES - BILL 080080, etc.

2 July.

3 Secondly, is there a reason to
4 approve this bill now? No, there is not.
5 There is nothing that is threatened that
6 this bill will help us with at the
7 moment, not even the Boyd Theatre.

8 Is there a reason not to pass
9 this bill now? No, there is not a reason
10 not to pass this bill now either.
11 Councilman Green I think is correct in
12 saying that the Commission can proceed
13 with the rules and regulations under the
14 general auspices of this bill. It is my
15 own concern that once you do that, we
16 will discover things that have not been
17 addressed and we will perhaps come back
18 in the fall to retweak this bill. And
19 I'm thinking ahead here in terms of, for
20 example, what is the distinction between
21 the alteration of a historic interior and
22 the demolition of a historic interior?
23 How much of an interior must be
24 demolished for it to be a demolition as
25 an alteration? This is not clearly

1 6/11/08 - RULES - BILL 080080, etc.
2 identified in the ordinance. It's
3 already a problem with buildings. It
4 will be a problem, I think, when it comes
5 to interiors that may or may not lead to
6 changes that should be made in the
7 ordinance. We don't know that. We can
8 find those things out by writing the
9 rules and regulations, and if we find
10 that there are no further changes
11 necessary, that's fine. And if we find
12 out there are some, we can come back to
13 City Council for further refinement of
14 this bill.

15 So I would say on the issue of
16 do it now or not do it now, either case
17 can be made. There is no reason not to
18 and there is no reason -- whatever the
19 opposite of that is. You can do it or
20 you can't do and it makes no difference.

21 There are a few parts of this
22 bill I'd like to just draw your attention
23 to that I think are important. The
24 latest amendment includes, in describing
25 the features of an interior, the volume

1 6/11/08 - RULES - BILL 080080, etc.
2 of the space. If you think of this room,
3 if we came in here and built a two-story
4 new room sitting in this space that
5 didn't touch any of the walls, we would
6 have destroyed this interior, even though
7 we would not have touched the walls,
8 because we would have lost this volume of
9 space. That is an important part of this
10 bill.

11 I am concerned about the
12 section of this bill that allows
13 interiors that are no longer accessible
14 to the public to be designated. The
15 wording has been changed to try to refine
16 it, but I think it is still a difficult
17 part of what is being proposed and a part
18 that I fear is subject to fairly easy
19 legal appeal.

20 If public accessibility is the
21 test and an interior has not been
22 accessible to the public for eight of ten
23 years, even if it hasn't been physically
24 changed, what are our grounds for
25 designating it? I'm not sure whether it

1 6/11/08 - RULES - BILL 080080, etc.
2 should be included in the bill or not. I
3 am cautious about it, but I definitely
4 feel that if that broad authority is in
5 the bill, the Historical Commission has
6 to look at some very explicit reasons as
7 to why an interior that is no longer
8 accessible to the public, even in its
9 unchanged state, should be designated.
10 And I think there is an issue there that
11 requires a lot more careful thought.

12 Lastly, I do support what has
13 been said about the need for a clear set
14 of rules and regulations before any
15 designations occur. If that were not the
16 case, I think we would be subject to
17 legal challenges purely for procedural
18 grounds.

19 In closing, I have one further
20 remark, and you'll forgive me for taking
21 the opportunity of making this remark
22 again.

23 The Historical Commission has
24 an excellent staff in John Farnham and
25 has an excellent Executive Director. It

1 6/11/08 - RULES - BILL 080080, etc.
2 with this ordinance and continuing to
3 ignore the districts which have been
4 sitting there for five years I think is a
5 serious problem. Therefore, I am
6 challenging you if you vote for adding
7 additional responsibility for the
8 Commission, then in the 2009 fiscal
9 budget find \$300,000 to give them the
10 staff needed to implement what we need to
11 do in Philadelphia.

12 Thank you.

13 COUNCIL PRESIDENT VERNA: The
14 Chair recognizes Councilman Jones.

15 COUNCILMAN JONES: Just for the
16 record, we want to recognize your long
17 history in the City, and I had an
18 opportunity to meet you up close and -- I
19 was an intern when you were head of OHCD.
20 And I look forward to working with you.
21 And for the record, what part of town do
22 you live in?

23 MR. GALLERY: Center City. I'm
24 in Councilman DiCicco's district.

25 COUNCILMAN JONES: Okay. I was

1 6/11/08 - RULES - BILL 080080, etc.
2 trying to get you in the 4th, but that's
3 okay. I look forward to working with you
4 and I appreciate your input.

5 MR. GALLERY: Thank you very
6 much. Thank you for reminding me of my
7 age. And I would like to take the
8 opportunity just to point out that when
9 you mentioned Conversation Hall,
10 Conversation Hall was my office when I
11 was the Director of OHCD and I discovered
12 the room hidden above the plywood of my
13 office, and I'm happy to say that was
14 part of the process that started its
15 restoration.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 The Chair recognizes Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam President, and thank you,
22 Mr. Gallery, for all your hard work and
23 for your testimony today.

24 I'm not trying to put words in
25 your mouth, but I heard you say on a

1 6/11/08 - RULES - BILL 080080, etc.
2 number of occasions in your testimony
3 where you did have concerns with some
4 portions of the bill and you have a
5 greater concern that even if it were
6 passed -- and, again, I'm not trying to
7 put words in your mouth -- that staff at
8 the Historical Commission would not be
9 able to even deal with these issues.

10 So again I go back to my
11 original comments earlier, and I think
12 your comments and statements support why
13 I think a couple of months, 90 days I
14 guess it would be from now until the time
15 we return, to go over some of these
16 issues and even talk to the
17 Administration about possibly adding
18 additional funding to the Historical
19 Commission and working with you and other
20 people who are familiar with these issues
21 on creating the bill, without gutting it
22 obviously, but adding things to the bill
23 that might give protections to those
24 areas that you have already raised
25 concern about.

1 6/11/08 - RULES - BILL 080080, etc.

2 I mean, I want to see something
3 happen, so everyone understands and the
4 sponsors of the bill understand. I think
5 this is important, but I'm hearing
6 conflicting statements even from those
7 who are in support of the bill, who have
8 had a lot more time than I have and I
9 would assume my colleagues have had to
10 have a discussion on this issue.

11 MR. GALLERY: I'd like to be
12 able to give you a definitive answer, but
13 I've tried to suggest to you that there
14 isn't a definitive answer. First of all,
15 let me just say that Councilman Green's
16 staff has done a very conscientious job
17 of reaching out not only to the
18 Commission but to myself, to others who
19 are concerned with this, and the reason
20 this bill has been amended several times
21 since it was introduced is through an
22 effort on their part to build into the
23 bill issues about which we have been
24 concerned.

25 I think the bill is

1 6/11/08 - RULES - BILL 080080, etc.
2 considerably improved from the version in
3 which it was introduced and I'm not -- I
4 would not be uncomfortable if this bill
5 were passed. The choices that you have
6 are pass the bill, develop the rules and
7 regulations. You may find at the end of
8 that process that there's no
9 inconsistency between the rules and
10 regulations and the bill and the bill is
11 fine. You may find at the end of that
12 process that there are some
13 inconsistencies that actually need
14 changes in the ordinance. We do not know
15 that because this bill has happened so
16 fast that none of us have really had the
17 opportunity to trace through the whole
18 ordinance, but what I'm saying to you --
19 COUNCILMAN DiCICCO: Could I
20 interrupt you just for a second? I need
21 to interrupt. That goes to the heart of
22 this issue with me. And I can't speak
23 for my colleagues. And I admire the work
24 that's been done. I am certain, because
25 I have staff and I know how hard -- staff

1 6/11/08 - RULES - BILL 080080, etc.
2 works very hard on bills that I would
3 like to have introduced and ultimately
4 introduce. But I hear about three weeks
5 or four weeks since the bill has been
6 introduced, there's been some interaction
7 with the Preservation Alliance, with the
8 Planning Commission, with the Historical
9 Commission, but three weeks is not a lot
10 of time and there are those issues that
11 are still outstanding. And I hear you,
12 John. You're kind of saying -- I know
13 you're anxious to get something done, and
14 I can respect and appreciate that, but
15 for all intents and purposes, the time
16 that we're asking that we be allowed to
17 continue to work on it collectively --
18 again, I can speak only for myself. I
19 don't believe my staff has had any
20 interaction on this legislation and I'm
21 not -- I'm only one of 17, so I can't
22 speak for the rest of the folks, but I
23 have a district, as you know, that has
24 probably -- I don't know where the 150 or
25 so properties has come from. Probably a

1 6/11/08 - RULES - BILL 080080, etc.
2 vast majority of those are in my
3 district. Maybe some of those properties
4 are already being looked at for
5 development. I don't want to come up
6 with something that may add another layer
7 of bureaucracy to potential development,
8 and at the same token, I don't want just
9 development to happen without any regard
10 for the property.

11 So that's why I'm looking for
12 some time here. If someone can show me
13 the list of those properties, at least as
14 it relates to my district, and if I can
15 identify any of those properties that are
16 already being considered for development,
17 I'd like to engage the developer at least
18 in that part of the conversation to let
19 him or her know what may be expected of
20 them.

21 I mean, there's a lot of stuff
22 in the pipeline in this city, and that
23 doesn't necessarily mean that we should
24 just, well, because of that, we got to go
25 back, stop the -- put the brakes on, no

1 6/11/08 - RULES - BILL 080080, etc.
2 more development until we get this done.
3 I'm not being that radical, but I think
4 that common courtesy should be allowed
5 with those developers among the parties,
6 the interested parties, to develop, as
7 best we can, a bill that addresses the
8 majority of those properties. We always
9 know that as time passes, we'll figure
10 out things and say, Oh, you know what,
11 this isn't working as well as we thought
12 it would, we need to come back and
13 revisit it. But three weeks on a bill of
14 this importance and it has such a broad
15 impact, could have the potential for very
16 broad impact, asking for 90 days, I don't
17 think we're asking for too much.

18 MR. GALLERY: I think you're
19 correct in saying that a broader public
20 discussion could make the bill stronger
21 and have support in the future, and as I
22 said before, I know of no instance at the
23 present time, including the Boyd Theatre,
24 in which a delay of this bill would have
25 any effect.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN DiCICCO: Thank you.

3 Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 Any other questions or comments
7 of Mr. Gallery?

8 COUNCILMAN GREEN: Yes, Madam
9 President.

10 COUNCIL PRESIDENT VERNA: I'm
11 sorry. Councilman Green.

12 COUNCILMAN GREEN: Thank you.

13 I'd like to ask Lewis Rosman to
14 join you.

15 Lewis, Mr. Gallery testified
16 that he had concerns about demolition,
17 alteration, et cetera, and some other
18 concerns. Are those not things that are
19 addressed in the rules and regulations by
20 the Historical Commission itself?

21 MR. GALLERY: No. They're in
22 the ordinance.

23 COUNCILMAN GREEN: The
24 definition of them are addressed by --

25 MR. GALLERY: It's in the

1 6/11/08 - RULES - BILL 080080, etc.
2 ordinance.

3 COUNCILMAN GREEN: Lewis?

4 MR. ROSMAN: I'm sorry. I was
5 out of the room during the beginning of
6 Mr. Gallery's testimony. I'm not quite
7 sure I understand what the issue is.

8 COUNCILMAN GREEN: Mr. Gallery,
9 your objection to those definitions
10 applies to exterior facades in the way
11 the ordinance currently works; isn't that
12 correct? I mean, there's lots of
13 ambiguities about those terms that apply
14 to exterior facades, and I think what
15 you're saying --

16 MR. GALLERY: It will be more
17 ambiguous when they apply to interiors.

18 COUNCILMAN GREEN: And we don't
19 know what their application will be with
20 respect to interiors.

21 MR. GALLERY: Right. And the
22 definitions are in the ordinance. And so
23 if we felt that what constitutes an
24 alteration to suit an interior needed to
25 be more carefully defined, that section

1 6/11/08 - RULES - BILL 080080, etc.
2 of the ordinance, not the rules and
3 regulations, the ordinance needs to be
4 changed. And that's the concern that I
5 have, is that once --

6 COUNCILMAN GREEN: But will we
7 know if those definitions need changing
8 until we're putting this into practice
9 with rules and regulations?

10 MR. GALLERY: Well, yeah. Of
11 course, we could know that. We could sit
12 down right now and say suppose this were
13 passed, how would the definition of
14 "alteration" work. We could determine
15 that it wouldn't work and we could decide
16 how we should revise the ordinance.

17 COUNCILMAN GREEN: It's not
18 your testimony, though, that it won't
19 work?

20 MR. GALLERY: It's my testimony
21 that we don't know.

22 COUNCILMAN GREEN: Okay.

23 MR. GALLERY: And the concern
24 that I have is that -- I mean, I think if
25 I went to the issue of delay, the

1 6/11/08 - RULES - BILL 080080, etc.
2 argument would be if we had more time, we
3 would know that and we would pass one
4 ordinance. If we pass the current
5 ordinance and we go through it and we
6 find that it doesn't work, that would be
7 perhaps a second argument. And you could
8 do either one.

9 COUNCILMAN GREEN: Just so you
10 understand, Mr. Gallery, if we pass this
11 out of Committee today, that does not
12 pass the full Council.

13 MR. GALLERY: I'm aware of the
14 procedure.

15 COUNCILMAN GREEN: And what
16 I've talked to the Historical Commission
17 and the Planning Commission about is that
18 they will meet and get back to me, and if
19 they agree with your concern after
20 Friday, the 13th --

21 MR. GALLERY: I'd like to just
22 go on the record here that Friday, the
23 13th, an executive session --

24 COUNCILMAN GREEN: They are not
25 meeting to determine whether or not they

1 6/11/08 - RULES - BILL 080080, etc.
2 have to support this bill. In fact,
3 their approval is not required.

4 MR. GALLERY: I understand
5 that, but they have no authority to make
6 any comment on this bill. It's not on
7 their agenda. They have no authority --

8 COUNCILMAN GREEN: I don't want
9 to turn this into a debate about open
10 records law, because that's nothing that
11 you and I are going to solve here today
12 as to how they're going to conduct their
13 meeting on Friday. So my point is,
14 they're the experts that work for the
15 City of Philadelphia. If they come back
16 and have your concern about those
17 definitions, then we'll hold the bill and
18 we'll work through the summer. But it's
19 my intention to get this bill out of
20 Committee today and then work with
21 yourself, the Historical Commission and
22 others to write rules and regulations
23 over the summer that we can all agree
24 with, and if -- and I don't think it's
25 going to happen, Mr. Gallery, but if some

1 6/11/08 - RULES - BILL 080080, etc.
2 changes need to be made to the ordinance
3 as a result of having gone through that
4 process, then I think that we would make
5 them. And what I'd like to know is, you
6 must not have been aware of that, that
7 that was the process that we were talking
8 about.

9 MR. GALLERY: I mean, first of
10 all, it's the process I suggested to your
11 staff, so I'm aware of it. Secondly,
12 I've tried to be clear -- and it's hard
13 to be clear here -- there are two
14 choices. The choice you're
15 recommending --

16 COUNCILMAN GREEN: Mr. Gallery.

17 MR. GALLERY: -- and the choice
18 that Mr. DiCicco is suggesting, and both
19 choices are equally possible. One is not
20 preferable over the other.

21 COUNCILMAN GREEN: Well, I
22 think Councilman DiCicco and I are
23 basically saying the same thing, although
24 we don't understand it. But it's my
25 intention to move this bill out of

1 6/11/08 - RULES - BILL 080080, etc.
2 Committee and then work with the
3 Historical Commission and others to put
4 these things in place so that we can pass
5 it the first session of Council coming
6 back in the fall if everything is in
7 order.

8 MR. GALLERY: Excuse me. That
9 was not -- I don't think that has ever
10 been said to anyone except what you said
11 right now. It certainly has never been
12 said to me. I don't think it was --

13 COUNCILMAN GREEN: Would you
14 fully endorse that plan?

15 MR. GALLERY: That plan would
16 allow the bill, approved by this
17 Committee, to be further amended before
18 it goes to City Council.

19 COUNCILMAN GREEN: If
20 necessary.

21 MR. GALLERY: If necessary. Is
22 that correct?

23 COUNCILMAN GREEN: Yes.

24 MR. GALLERY: That procedure
25 would be fine.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN GREEN: Thank you.

3 Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 Good afternoon. Are you going
7 to testify? Please identify yourself for
8 the record.

9 MS. SALGANICOFF: My name is
10 Lori Salganicoff. I'm actually
11 representing myself. I'm an historic
12 preservation consultant and did the work
13 that led to the report for the
14 Preservation Alliance, and the Councilman
15 asked that I be here to answer any
16 questions that he might have about the
17 report that was done about the 20-some
18 cities that also have preservation
19 ordinances to protect interiors. I do
20 not have testimony.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Councilman Green, do you have
24 any questions for the witness?

25 COUNCILMAN GREEN: No. It's a

1 6/11/08 - RULES - BILL 080080, etc.
2 great report that you wrote, and if it's
3 okay with the Preservation Alliance, I'd
4 love to pass it on to the people in City
5 Council.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Thank you for your patience.
10 You've been waiting all day, I know.

11 I would ask Mr. McPherson to
12 please call the next witnesses.

13 MR. MCPHERSON: The next panel
14 is Sharon Pinkenson, John Nivala, Craig
15 Schelter, Howard Haas.

16 (Witnesses approached witness
17 table.)

18 COUNCIL PRESIDENT VERNA:
19 Welcome, Sharon. Please identify
20 yourself for the record and proceed with
21 your testimony.

22 MS. PINKENSON: Yes. My name
23 is Sharon Pinkenson and I'm from the
24 Greater Philadelphia Film Office.

25 Council President Verna,

1 6/11/08 - RULES - BILL 080080, etc.
2 Councilman Green and all of my City
3 Council friends and colleagues, I thank
4 you very much today for the opportunity
5 to address this most respected City
6 Council so that I may testify in support
7 of Bill No. 080527.

8 I have served as the Executive
9 Director of the Greater Philadelphia Film
10 Office for the past 16 and a half years.
11 As an economic development office, GPFO
12 is responsible for attracting production
13 to the entire Philadelphia area,
14 including all five counties, and
15 expanding the City's facilities and
16 incentives for the purpose of growing the
17 region's film, television and video
18 industry.

19 It has been my great pleasure
20 to work with filmmakers on over 250
21 feature films, including blockbuster
22 Hollywood projects such as "The Sixth
23 Sense," "Philadelphia," "National
24 Treasure," "Signs," "Unbreakable,"
25 "Invincible" and "Rocky Balboa." I'm

1 6/11/08 - RULES - BILL 080080, etc.
2 pleased to be here today to give
3 testimony in support of Bill No. 080527
4 amending Section 14-2007 of The
5 Philadelphia Code, entitled "Historic
6 Buildings, Structures, Sites, Objects and
7 Districts," to permit the historic
8 designation of the public interior
9 portion of buildings, and making
10 technical changes, all under certain
11 terms and conditions.

12 Since 1992, the work of the
13 Greater Philadelphia Film Office has
14 stimulated well over \$2 billion of
15 economic impact to our region through
16 film, television and video production.
17 It is apparent that the film industry in
18 Philadelphia is growing, that production
19 has doubled since last year, that the
20 productions are filling our hotel rooms
21 and restaurants, hiring our local crew
22 and actors, paying state and local taxes,
23 and creating excitement for all of our
24 citizens. It is broadly accepted that
25 the film industry is indeed good business

1 6/11/08 - RULES - BILL 080080, etc.
2 for Philadelphia.

3 When filmmakers make decisions
4 about where to shoot their films, many
5 factors are considered. Because film is
6 a business, one driving force in
7 decision-making is always financial. So
8 nearly every U.S. state and city are
9 competing for this very lucrative filming
10 activity by creating tax incentives and
11 providing free services to lure the
12 business.

13 The other reason production
14 companies, however, leave Hollywood
15 surrounds creative considerations. Like
16 other businesses, it's about location,
17 location, location.

18 In Philadelphia, we are
19 uniquely fortunate because we are blessed
20 with magnificent, intact historic
21 locations to offer filmmakers, as well as
22 a brilliant new skyline filled with some
23 of the finest examples of modern
24 architecture. But any city can build new
25 skyscrapers. What makes Philadelphia

1 6/11/08 - RULES - BILL 080080, etc.
2 truly unique is the ambience of our city
3 that comes from the wealth of our
4 beautiful, intact locations, exterior and
5 interior. We must preserve them or we
6 will suffer the demise of cities that
7 have nothing unique to offer and we will
8 lose our attraction to filmmakers.

9 Imagine what would have
10 happened if in 1992 when I received a
11 call from Jonathan Demme, the Director
12 who was then renowned for "The Silence of
13 the Lambs," when he told me that he
14 needed a city with a wonderful
15 courthouse, a magnificent courtroom for
16 several weeks so he could film a movie
17 about a lawyer fired from his law firm
18 because he had contracted the AIDS virus.
19 Were it not for Courtroom 243, for
20 example, or the library at the University
21 of the Pennsylvania, there would have
22 never been a movie named "Philadelphia."

23 Imagine what would have
24 happened if in 1995 when Terry Gilliam
25 came to scout and there hadn't been still

1 6/11/08 - RULES - BILL 080080, etc.
2 the great Train hall, which served as an
3 airport terminal, or if there hadn't been
4 a classic department store like
5 Wanamakers or if there were no longer the
6 grand old interiors of the Richmond and
7 Delaware Power Plants to portray the
8 underworld prison, or the Met, the sad
9 old Metropolitan Opera House on North
10 Broad Street, or the magnificence of the
11 domed Memorial Hall serving as a lecture
12 hall. There would have never been a
13 movie named "12 Monkeys" in Philadelphia.

14 Imagine "Witness" without 30th
15 Street Station and the power of the scene
16 where the young Amish boy standing in
17 that magnificent hall looks up to be
18 transfixed by the angel statue and then
19 is witness to a horrific murder.

20 Imagine the film "Annapolis"
21 without the final boxing scene shot in
22 The Legendary Blue Horizon. I cannot.

23 Can you imagine a restaurant
24 scene with Bruce Willis and Robert Wright
25 Penn created in the Curtis Center in

1 6/11/08 - RULES - BILL 080080, etc.
2 front of the Tiffany mural anywhere else?
3 And tourists still ask to see
4 inside Striped Bass in the old Butcher
5 and Singer Building where Bruce Willis
6 dined with Olivia Williams in "The Sixth
7 Sense."
8 From the time that the
9 Pennsylvania Convention Center was built
10 and the Philadelphia Civic Center was
11 left vacant until it was demolished just
12 a few years ago, we made movies and TV
13 shows in that historic 40,000 square foot
14 arena, like "The Sixth Sense,"
15 "Unbreakable," "Beloved" with Oprah
16 Winfrey and Danny Glover, and the TV
17 series "Hack," and then it was
18 demolished. Even though long before
19 there were movies there, the Civic
20 Center's hollowed arena allowed
21 Philadelphia to place host to the Sixers,
22 the Flyers, three national political
23 conventions, Frank Sinatra and the
24 Beatles and much more. But now it is
25 lost forever.

1 6/11/08 - RULES - BILL 080080, etc.

2 If we lose these important
3 interior treasures of our great city, it
4 will be like losing our collective
5 hearts, for it is the grandeur of the
6 rooms that imbue our lasting memories and
7 serve our economy, and we cannot live as
8 fully without them. Sure, we can and
9 will build sound stages so that movies
10 can create settings in our city, but they
11 won't choose to use the sound stages in
12 Philadelphia if we do not have real
13 spaces to lure them.

14 I cringe at the idea of losing
15 the Divine Lorraine Hotel, and I know
16 that Philadelphia Director Lee Daniels,
17 who shot "Shadowboxer" there with Cuba
18 Gooding, Jr. and Helen Mirren just a
19 couple years ago, would be devastated to
20 know its interiors will soon be lost
21 forever.

22 The DreamWorks movie
23 "Transformers 2" is in town and soon will
24 be transforming City Hall Courtyard into
25 a Paris cafe. Without locations like

1 6/11/08 - RULES - BILL 080080, etc.
2 these, we might as well be Cincinnati or
3 Houston.

4 And, finally, last night I
5 attended the world premiere of M. Night
6 Shyamalan's \$65 million film for 20th
7 Century Fox entitled "The Happening."
8 Here is my ticket. The premiere was held
9 at the Ziegfeld Theatre in New York City,
10 but it is clear that the premiere of the
11 movie by Philadelphia's most prestigious
12 and successful filmmaker would have been
13 held at the historic Boyd Theatre were it
14 preserved and restored.

15 I will never forget the night
16 that the movie "Philadelphia" had its
17 world premiere at the then-Sam Eric/Boyd
18 Theatre, nor will I forget seeing "South
19 Pacific" there with my parents when I was
20 a little girl.

21 Ladies and gentlemen of City
22 Council, it is not too late. Please act
23 now and save the Boyd Theatre and protect
24 other great interior landmarks. They are
25 our heart and you have the power to keep

1 6/11/08 - RULES - BILL 080080, etc.

2 it beating.

3 Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you. Thank you very much.

6 Questions or comments?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Mr. Schelter, if you have
11 testimony that's prepared, we will give a
12 copy to the stenographer and perhaps you
13 can abbreviate your comments, and your
14 testimony will be transcribed in full.

15 MR. SCHELTER: Madam Chairwoman
16 and members of the Rules Committee, good
17 afternoon.

18 COUNCIL PRESIDENT VERNA: Good
19 afternoon.

20 MR. SCHELTER: My name is Craig
21 Schelter. I appear before you today as
22 Executive Director of the Development
23 Workshop, Inc., 1735 Market Street, 51st
24 Floor, Philadelphia.

25 The Development Workshop, Inc.

1 6/11/08 - RULES - BILL 080080, etc.
2 is a Pennsylvania not-for-profit trade
3 organization organized in accordance with
4 Section 501(c)(6) of the Internal Revenue
5 Code dedicated to promoting real estate
6 development in Philadelphia and to help
7 the City realize its full potential,
8 create construction and permanent jobs,
9 increase the tax base and support
10 development in the context of vibrant,
11 safe neighborhoods.

12 The Workshop monitors the
13 activities of local government that bear
14 on planning, zoning and development;
15 advocates for sensible planning and
16 development decisions; and will make its
17 views known through an active government
18 and community relations effort.

19 While the Development Workshop
20 applauds the intent and efforts of the
21 bill sponsors, Bill Green, William
22 Greenlee and Blondell Reynolds Brown, to
23 protect the interiors of Philadelphia's
24 historic building interiors, we believe
25 that action by the Rules Committee is

1 6/11/08 - RULES - BILL 080080, etc.

2 premature at this time.

3 Members of the Development
4 Workshop have direct experience taking
5 the sometimes enormous risk that
6 ultimately lead to the appropriate
7 conversion of historic properties. I
8 come to this conclusion after having been
9 involved in making historic preservation
10 actually happen on numerous complicated
11 transactions over 34 years in the public
12 sector at the City Planning Commission
13 and at the Philadelphia Industrial
14 Development Corporation and in advocating
15 for compatible conversions of historic
16 properties as a private consultant since
17 2002.

18 Participating firsthand in the
19 rebirth of 700 to 714 Spruce Street by
20 Pennsylvania Hospital, the conversion of
21 Lits to Mellon Bank Center, the creation
22 of the Philadelphia Historic Preservation
23 Corporation, the redevelopment of the
24 Reading Headhouse as a Marriott Hotel,
25 the preservation of the Reading Trainshed

1 6/11/08 - RULES - BILL 080080, etc.

2 well-qualified professional design,
3 engineering and construction and legal
4 services.

5 Three, each had a developer
6 that shunned historic certification of
7 the projects' interiors. This is not to
8 say that they did not work actively with
9 the Historic Commission or the Planning
10 Commission locally or the State Historic
11 and Museum Commission in Harrisburg.

12 Four, each was concerned with
13 the impact that the certification would
14 have on third-party lenders and those who
15 might purchase the property on
16 completion.

17 Five, and most importantly,
18 each was concerned about the impact that
19 interior certification would have on
20 opponents of a redeveloper and what that
21 would mean in terms of time, consultant,
22 construction and market risk.

23 In the bill before you today,
24 there are insufficient specific
25 guidelines for what might be construed an

1 6/11/08 - RULES - BILL 080080, etc.
2 historic interior, nor a specific process
3 for consideration before the Historical
4 Commission. What about lobbies for train
5 stations, college buildings for assembly,
6 library lobbies, places of religious
7 assembly?

8 In an effort to assist City
9 Council in its deliberations on this
10 bill, the Developer Workshop would like
11 to bring some of its developer members to
12 talk firsthand about what transactional
13 elements made their project a go or a no
14 go, such as the role of federal tax
15 credits, TIF financing, development
16 bonuses. This could be achieved over the
17 summer. We believe it would show that no
18 two transactions are alike and that each
19 involved trusting relationships between
20 City government and developers,
21 coordination among planning and
22 development agencies, a willingness to be
23 flexible with regard to interiors and
24 leadership from the top.

25 Again, we would recommend that

1 6/11/08 - RULES - BILL 080080, etc.
2 the Rules Committee table this bill for
3 further consideration also given that we
4 were unable to ascertain that the
5 Historical Commission and the City
6 Planning Commission have had ample
7 opportunity to weigh in on the questions
8 raised, as we want to present our views
9 directly to them as well.

10 Thank you for this opportunity
11 to testify before you today. I would be
12 happy to answer any questions you may
13 have.

14 COUNCIL PRESIDENT VERNA: I
15 certainly want to thank you for
16 abbreviating your remarks. We really
17 appreciate it.

18 Good afternoon, Doctor.

19 DR. NIVALA: Good afternoon.
20 My name is John Nivala. I'm a Professor
21 of Law at Widener Law School. Among the
22 subjects that I teach are administrative
23 law and property, and I have written
24 articles on historic preservation,
25 including one which my editor said went

1 6/11/08 - RULES - BILL 080080, etc.
2 into paralytic detail about the Dream
3 Garden designation incident in
4 Philadelphia.

5 I'm going to summarize my
6 testimony also. I was asked to explore
7 caselaw involving interior designation.
8 It was a very limited search. It turned
9 up very few cases, three from New York
10 and one from DC.

11 As far as I can tell, there's
12 never been a case that has overturned a
13 historic preservation ordinance dealing
14 with interiors, nor accepted any
15 constitutional challenge, either state or
16 federal, to the application of those
17 ordinances to an interior.

18 The key is, do you have a
19 clearly articulated public purpose, do
20 you have clearly articulated standards by
21 which that purpose is to be applied, and
22 do you have clearly articulated
23 procedures by which those standards will
24 be implemented.

25 Those seem to be the key, I

1 6/11/08 - RULES - BILL 080080, etc.
2 think, between the proposal, which I
3 favor, and the rules and regulations
4 which have been developed by the
5 Historical Commission. I believe that
6 this proposal would withstand certainly a
7 facial challenge. We would have to see
8 about it as applied, but I think there's
9 enough precedent that we have learned how
10 to apply these to interiors.

11 Geez, for an academic, that's
12 short.

13 COUNCIL PRESIDENT VERNA: Thank
14 you so much.

15 Any questions or comments from
16 members of the Committee?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 DR. NIVALA: Thank you.

21 COUNCIL PRESIDENT VERNA: Good
22 afternoon. Please identify yourself for
23 the record and proceed with your
24 testimony.

25 MR. HAAS: Thank you. Hello.

1 6/11/08 - RULES - BILL 080080, etc.
2 My name is Howard Haas. I am a Center
3 City resident, attorney and President of
4 Friends of the Boyd. That's the
5 non-profit organization of volunteers
6 devoted to ensuring the survival,
7 restoration and reopening of Center
8 City's last movie palace, the Boyd
9 Theatre at 19th and Chestnut.

10 The Boyd closed in 2002, then
11 known as the Sam Eric. Exactly six years
12 ago today, on June 11, 2002, we organized
13 our group because the then-owner of the
14 Boyd Theatre was seeking to demolish it.

15 The designation of historic
16 theatres in Philadelphia began with the
17 designation of the Boyd Theatre in 1988.
18 The court battles that followed resulted
19 in the loss of interior preservation law,
20 but the State Supreme Court suggested
21 that the ordinance could be amended to
22 protect interiors. Twenty years later
23 now we are here today discussing that
24 possibility.

25 The Boyd has recently been

1 6/11/08 - RULES - BILL 080080, etc.
2 renominated, as you were told, for the
3 Philadelphia Register of Historic Places,
4 but as you were told, without passage of
5 this bill, there is no legal protection
6 of the Boyd's interior, which is
7 Philadelphia's most significant art deco
8 interior. Movie palace historians and
9 art deco authorities have proclaimed the
10 Boyd's interior an art deco masterpiece
11 and a national treasure. Everybody who
12 visits the Boyd is awestruck by how
13 gorgeous it is.

14 Much of Philadelphia's appeal
15 is in its 300 years of history. If you
16 travel anywhere in the world to another
17 large city and pick up a Frommer or Fodor
18 or another travel guidebook, you will
19 find a paragraph in a chapter on
20 theatres. The paragraph reads something
21 like this: 1920s former movie palace
22 saved from destruction by preservation
23 activists and beautifully restored to its
24 original elegance, with grand lobbies and
25 a huge ornate auditorium. The theatre

1 6/11/08 - RULES - BILL 080080, etc.
2 presents musicals, concerts and an
3 occasional film festival.

4 That paragraph is missing from
5 Philadelphia guidebooks, and the interior
6 of the Boyd Theatre is still in danger of
7 being gutted. And I will say this: A
8 new owner could be selected this week and
9 at any time, as you heard today, they
10 could apply for and receive a permit to
11 completely demolish the interior of the
12 Boyd Theatre as long as it doesn't affect
13 the exterior. That's the state of the
14 law.

15 Boston, New York City, Chicago,
16 Washington, DC, San Francisco and Los
17 Angeles have laws that protect historic
18 interiors, including many movie palaces.
19 Now is the opportunity to restore
20 Philadelphia's interior preservation law.
21 There are many Philadelphia landmarks
22 whose interiors have no legal protection,
23 such as the Forrest Theatre, the former
24 Benjamin Franklin Hotel, the main floor
25 in Corinthian Room of Strawbridge &

1 6/11/08 - RULES - BILL 080080, etc.
2 Clothiers and on South Broad Street,
3 Wachovia Bank's grand hall, Fidelity.

4 Buildings do not only have
5 pretty faces they present to the public.
6 Some buildings also have extremely
7 impressive and important interiors that
8 are open to the public, and those too
9 should be legally protected.

10 Please pass the legislation
11 proposed by Councilman Green so
12 Philadelphia's most wonderful historic
13 interiors can be protected for future
14 generations.

15 Thank you for your time.

16 COUNCIL PRESIDENT VERNA: Thank
17 you very much.

18 We thank you all for your
19 patience. Thank you for waiting.

20 Do we have anyone else to
21 testify on this bill?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:
24 Seeing no one, this will conclude our
25 public hearing. We will now go into our

1 6/11/08 - RULES - BILL 080080, etc.
2 public meeting.

3 The Chair recognizes Councilman
4 DiCicco regarding Bill No. 080080.

5 COUNCILMAN DiCICCO: Thank you,
6 Madam President. I'm offering an
7 amendment that has been circulated to the
8 members of this Committee. So I move for
9 the adoption of the amendment to Bill No.
10 080080.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that the
14 amendment as submitted earlier be
15 adopted.

16 All in favor will say aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

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

23 Again, the Chair recognizes
24 Councilman DiCicco.

25 COUNCILMAN DiCICCO: Thank you,

1 6/11/08 - RULES - BILL 080080, etc.
2 Madam President. I move that Bill No.
3 080080, as amended, be reported out of
4 this Committee with a favorable
5 recommendation and a further
6 recommendation that the rules of Council
7 be suspended.

8 (Duly seconded.)

9 COUNCIL PRESIDENT VERNA: It
10 has been moved and seconded that Bill No.
11 080080 be reported out of Committee with
12 a favorable recommendation, as amended;
13 further, that the rules of Council be
14 suspended so as to permit first reading
15 at our next session of Council.

16 All in favor will indicate by
17 saying aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The
23 ayes have it. The motion carries.

24 The Chair recognizes Councilman
25 Jones regarding Bill No. 080249.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN JONES: I move for
3 the adoption of 080249, adoption of the
4 amendment to 080249.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that the
8 amendment be adopted.

9 All in favor will say aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 ayes have it. The motion carries.

16 Councilman Jones, we're on Bill
17 No. 080249.

18 COUNCILMAN JONES: I move for
19 the adoption, as amended, of Bill 080249,
20 as amended. I want a suspension of the
21 rules.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that Bill No.
25 080249 be reported out of Committee with

1 6/11/08 - RULES - BILL 080080, etc.
2 a favorable recommendation, as amended;
3 further, that the rules of Council be
4 suspended so as to permit first reading
5 at our next session of Council.

6 All in favor will say aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it. The motion carries.

13 Again, the Chair recognizes
14 Councilman Jones.

15 COUNCILMAN JONES: I move for
16 the adoption of the amendment to --

17 COUNCIL PRESIDENT VERNA:

18 There's no amendment.

19 COUNCILMAN JONES: I move for
20 the adoption of Bill 080250 and a
21 suspension of the rules.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that Bill No.
25 080250 be reported out of Committee with

1 6/11/08 - RULES - BILL 080080, etc.
2 a favorable recommendation; further, that
3 the rules of Council be suspended so as
4 to permit first reading at our next
5 session of Council.

6 All in favor will say aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the motion carries.

13 The Chair recognizes Councilman
14 Goode regarding Bill No. 080251.

15 COUNCILMAN GOODE: Thank you,
16 Madam Chair. I move that Bill No. 080251
17 be reported out of Committee with a
18 favorable recommendation, that the rules
19 of Council be suspended so as to permit
20 first reading at our next Council
21 session.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that Bill No.
25 080251 be reported out of Committee with

1 6/11/08 - RULES - BILL 080080, etc.
2 a favorable recommendation; further, that
3 the rules of Council be suspended so as
4 to permit first reading at our next
5 session of Council.

6 COUNCILMAN DiCICCO: Madam
7 President, this is the one that has to
8 lay for 45 days, so we can't suspend the
9 rules.

10 COUNCIL PRESIDENT VERNA: Well,
11 we're on 51.

12 COUNCILMAN DiCICCO: This is
13 the business improvement district that
14 has to lay for 45, so you can't suspend
15 the rules.

16 Just move for the approval
17 without suspension.

18 COUNCILMAN GOODE: Thank you,
19 Madam Chair. I move that Bill No. 080251
20 be reported out of Committee with a
21 favorable recommendation.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that Bill No.
25 080251 be reported out of Committee with

1 6/11/08 - RULES - BILL 080080, etc.

2 a favorable recommendation.

3 All in favor will say aye.

4 (Aye.)

5 COUNCIL PRESIDENT VERNA: Those
6 opposed?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: The
9 ayes have it. The motion carries.

10 The Chair recognizes Councilman
11 DiCicco --

12 COUNCILMAN DiCICCO: Thank you,
13 Madam President.

14 COUNCIL PRESIDENT VERNA: --
15 regarding Bill No. 080376.

16 COUNCILMAN DiCICCO: Thank you,
17 Madam Chair. On behalf of the sponsor,
18 Councilwoman Tasco, I offer the following
19 technical amendments to Bill No. 080376:
20 Further, these amendments eliminate
21 residential property No. 7208 North Broad
22 Street from this business improvement
23 district, and subsequent budget changes
24 reflect the elimination of this property.

25 (Duly seconded.)

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: It
3 has been moved and seconded that the
4 amendment be adopted.

5 All in favor will say aye.

6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it. The amendment is adopted,
12 and this bill will be held until
13 September 23rd at 10:00 a.m.

14 The Chair recognizes Councilman
15 Clarke regarding Bill No. 080381. And we
16 do not need a suspension of the rules on
17 that, but there is an amendment.

18 COUNCILMAN CLARKE: Is the
19 amendment going to be offered?

20 COUNCIL PRESIDENT VERNA: It
21 was offered, I believe.

22 COUNCILMAN DiCICCO: On 381?
23 No, it wasn't. We haven't done that yet.

24 COUNCIL PRESIDENT VERNA: Oh,
25 okay. Do you want to offer the

1 6/11/08 - RULES - BILL 080080, etc.
2 amendment.

3 COUNCILMAN DiCICCO: I would
4 offer, Madam President, the amendment
5 that has been circulated to this
6 Committee on Bill No. 080381 be approved.

7 (Duly seconded.)

8 COUNCIL PRESIDENT VERNA: It
9 has been moved and seconded that the
10 amendment be adopted.

11 All in favor will say aye.

12 (Aye.)

13 COUNCIL PRESIDENT VERNA: Those
14 opposed?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: The
17 ayes have it and the amendment is
18 adopted.

19 COUNCILMAN DiCICCO: Thank you,
20 Madam President. I move that Bill No.
21 080381, as amended, be reported out of
22 this Committee with a favorable
23 recommendation, that the rules of Council
24 be suspended -- no suspension?

25 COUNCIL PRESIDENT VERNA: No.

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCILMAN DiCICCO: No

3 suspension.

4 (Duly seconded.)

5 COUNCIL PRESIDENT VERNA: It
6 has been moved and seconded that Bill No.
7 080381 be reported out of Committee with
8 a favorable recommendation, as amended.

9 All in favor will say aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 ayes have it. The motion carries.

16 The Chair recognizes Councilman
17 Clarke regarding Bill No. 080437.

18 COUNCILMAN CLARKE: Thank you,
19 Madam President. I move that Bill 080437
20 be reported out of Committee with a
21 favorable recommendation and request for
22 rules suspension as to allow reading at
23 the next session of Council.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 6/11/08 - RULES - BILL 080080, etc.
2 has been moved and seconded that Bill No.
3 080437 be reported out of Committee with
4 a favorable recommendation; further, that
5 the rules of Council be suspended so as
6 to permit first reading at our next
7 session of Council.

8 All in favor will say aye.

9 (Aye.)

10 COUNCIL PRESIDENT VERNA: Those
11 opposed?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: The
14 ayes have it. The motion carries.

15 The Chair recognizes
16 Councilwoman Brown regarding Bill No.
17 080469.

18 COUNCILWOMAN BROWN: Thank you,
19 Madam President. I move that Bill No.
20 080469 be reported out of Committee with
21 a favorable recommendation and further
22 move that the rules of Council be
23 suspended so as to permit first reading.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 6/11/08 - RULES - BILL 080080, etc.
2 has been moved and seconded that Bill No.
3 080469 be reported out of Committee with
4 a favorable recommendation; further, that
5 the rules of Council be suspended so as
6 to permit first reading at our next
7 session of Council.

8 All in favor will say aye.

9 (Aye.)

10 COUNCIL PRESIDENT VERNA: Those
11 opposed?

12 (No response.)

13 COUNCIL PRESIDENT VERNA: The
14 ayes have it. The motion carries.

15 The Chair now recognizes
16 Councilman Kelly regarding Bill No.
17 080491.

18 COUNCILMAN KELLY: Madam Chair,
19 I move that Bill No. 080491 be reported
20 out of this Committee with a favorable
21 recommendation and further move for the
22 suspension of rules in order that this
23 bill may be heard at the next session of
24 Council.

25 (Duly seconded.)

1 6/11/08 - RULES - BILL 080080, etc.

2 COUNCIL PRESIDENT VERNA: It
3 has been moved and properly seconded that
4 Bill No. 080491 be reported out of
5 Committee with a favorable
6 recommendation; further, that the rules
7 of Council be suspended so as to permit
8 first reading at our next session of
9 Council.

10 All in favor will say aye.

11 (Aye.)

12 COUNCIL PRESIDENT VERNA: Those
13 opposed?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: The
16 ayes have it. The motion carries.

17 The Chair recognizes Councilman
18 Greenlee regarding Bill No. 080527.

19 COUNCILMAN GREENLEE: Thank
20 you, Madam President. I move that Bill
21 080527 be reported out of this Committee
22 with a favorable recommendation.

23 COUNCILMAN GREEN: Excuse me,
24 Councilman. There's an amendment.

25 COUNCILMAN GREENLEE: I'm

1 6/11/08 - RULES - BILL 080080, etc.

2 sorry. Yeah.

3 Madam President, I move the
4 adoption of the amendment to Bill 080527.

5 (Duly seconded.)

6 COUNCIL PRESIDENT VERNA: It
7 has been moved and seconded that the
8 amendment be approved.

9 All in favor will say aye.

10 (Aye.)

11 COUNCIL PRESIDENT VERNA: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: The
15 ayes have it and the amendment is
16 adopted.

17 The Chair again recognizes
18 Councilman Greenlee.

19 COUNCILMAN GREENLEE: Madam
20 President, I move that Bill 080527, as
21 amended, be reported out of this
22 Committee with a favorable
23 recommendation.

24 (Duly seconded.)

25 COUNCIL PRESIDENT VERNA: It

1 6/11/08 - RULES - BILL 080080, etc.
2 has been moved and seconded that Bill No.
3 080527 be reported out of Committee with
4 a favorable recommendation, as amended.

5 All in favor will say aye.
6 (Aye.)

7 COUNCIL PRESIDENT VERNA: Those
8 opposed?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: The
11 ayes have it. The motion carries.

12 Amen. This concludes the
13 public meeting. Thank you.

14 (Committee on Rules adjourned
15 at 2:45 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 June 11, 2008, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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