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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, November 2, 2005
10:10 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN JACK KELLY

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BILL 050797 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Grant
Avenue, Bustleton Avenue, Bowler Street...

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BILL 050831 - An ordinance amending Title 14
of the Philadelphia Code, relating to "Zoning
and Planning," by amending Chapter 14-1100,
entitled "Institutional Development District,"
by modifying the conditions under which...

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V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
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COUNCIL PRESIDENT Verna: Good

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morning, everyone. This is a public

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hearing of the Committee on Rules, and

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before we commence with the hearing, I

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would like the record to reflect that we

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do have a quorum. To my immediate left

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is Councilman O'Neill. To my immediate

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right is Councilman Clarke. Next to

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Councilman Clarke is Councilwoman Miller,

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and we also have Councilman Kenney, and

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that gives us a quorum. Thank you.

13

I would ask Mr. McPherson at

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this time to please read the title of

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Bill No. 050797.

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MR. MCPHERSON: An ordinance to

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amend the Philadelphia Zoning Maps by

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changing the zoning designations of

19

certain areas of land located within an

20

area bounded by Grant Avenue, Bustleton

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Avenue, Bowler Street and the Roosevelt

22

Boulevard.

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COUNCIL PRESIDENT Verna: Good

24

morning. Please identify yourself for

25

the record and proceed with your

1 11/2/05 - RULES - BILLS 050797 AND 050831
2 testimony.

3 MR. KRAMER: Good morning,
4 Madam President and members of the Rules
5 Committee. My name is William Kramer. I
6 am the Senior Zoning Planner in the
7 Development Planning Division of the City
8 Planning Commission. I am here today to
9 testify on Bill 050797. Bill 050797 was
10 introduced by Councilmember O'Neill
11 September 22nd of 2005.

12 This bill is a zoning remapping
13 bill for the Bustleton area of the City.
14 It covers approximately 158 acres of land
15 bounded by Bustleton Avenue, Bowler
16 Street, the Roosevelt Boulevard and Grant
17 Avenue. The area is primarily zoned R-4
18 residential, with certain properties
19 maintaining a commercial designation
20 along the major streets in the area.

21 The commercial designations
22 will remain the same under the provisions
23 of this ordinance. This bill will rezone
24 a majority of the residential properties
25 to a designation of R-1, R-1A or R-2 in

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2 order to restrict their ability to be
3 subdivided as a matter of right.

4 At the request of the
5 community, this bill was not considered
6 at the Planning Commission's most recent
7 meeting of October 17, 2005. We have
8 agreed to meet with community
9 representatives in an attempt to address
10 any concerns they may have with this
11 legislation.

12 I would be happy to answer any
13 questions of the Committee.

14 COUNCIL PRESIDENT VERNA: Thank
15 you very much.

16 I would ask Councilman O'Neill
17 if in fact there was a community meeting
18 since our last public hearing, and what
19 was the outcome of the meeting.

20 COUNCILMAN O'NEILL: There was
21 a meeting last week, last Wednesday
22 night.

23 Was that the 26th?

24 MR. KRAMER: Yes, sir.

25 COUNCILMAN O'NEILL: I believe

1 11/2/05 - RULES - BILLS 050797 AND 050831
2 it was October 26th. And at the
3 conclusion of the meeting, it was agreed
4 that the bill would be reported out
5 today, but we would still work with the
6 community before final passage. And, in
7 fact, the November 16th meeting, I was
8 hoping Mr. Kramer could come to answer
9 any further questions people had. And
10 we'll refine it in detail until we get it
11 in a satisfactory position.

12 But it was a full community
13 meeting. And Ms. Greene is here from
14 Bustleton, and she may be here to
15 testify. I'm certainly willing to hear
16 from her.

17 Thank you, Mr. Kramer.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Are there any questions from
21 members of the Committee of Mr. Kramer?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: Do we
24 have anyone else to testify on this bill?

25 MS. GREENE: Yes.

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2 COUNCIL PRESIDENT VERNA: Good
3 morning. Welcome. Please identify
4 yourself for the record.

5 MS. GREENE: My name is Maureen
6 Greene. I am the corresponding Secretary
7 for the Greater Bustleton Civic League,
8 and I am a resident of the affected
9 remapped area.

10 I would like to thank Madam
11 President and City Councilmembers for
12 letting us express our concerns today,
13 have them on a matter of record, and I
14 would also like to thank Councilman
15 O'Neill for delaying two weeks ago, which
16 was what our original request was, that
17 this bill be delayed.

18 So we are happy that he has
19 delayed it, and while we are not
20 completely happy that -- it was not quite
21 a full meeting of the Civic League.
22 Unfortunately, we had a problem with our
23 mailing, and most of the people in the
24 affected area got their letters on
25 Monday. So they weren't all necessarily

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2 out, but I have heard from many of them.

3 We really do trust that this
4 bill will go no further than today until
5 the community has had a chance to go over
6 in exquisite detail the many
7 ramifications of the bill.

8 I want to go on the record as
9 being extremely upset at the fact that
10 the community was shut out of the
11 planning process for this and that both
12 City Councilman Brian O'Neill and City
13 Planner Bill Kramer sat in our September
14 meeting of the Greater Bustleton Civic
15 League and failed to even mention it.

16 The Councilman at the October
17 meeting reiterated that this was his plan
18 and that the only reason he was there was
19 because he heard that Kramer would be
20 there and he didn't want the beans to be
21 spilled.

22 Ironically, it wasn't even
23 Kramer who had asked to come to our
24 meeting, but new Area Planner Michael
25 Thompson. This was emblematic of the

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2 covert nature of the activity, and this
3 is what produced the rifle upset among
4 the neighbors that all of you City
5 Councilmen sitting here heard from over
6 the last month.

7 In particular, that I should be
8 vilified for letting tax-paying citizens
9 of Philadelphia know about a bill before
10 their City Council is absurd. I was, on
11 my own time, doing the work that should
12 have been done by people paid by our tax
13 dollars; that the volunteer Civic League
14 Board should be castigated for not
15 showing up at the last hearing, a meeting
16 which they had little notice of and, in
17 fact, were rather specifically not
18 invited to if the plan of not notifying
19 people had worked, when they had work
20 commitments and two were actually being
21 treated for life-threatening diseases, is
22 a measure of the disconnect between City
23 Hall and my specific neighborhood. And
24 it is disingenuous at best.

25 Lastly, the notion that I spent

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2 my Columbus Day holiday weekend
3 researching, writing, compiling, copying
4 and distributing on foot the only notice
5 that these neighbors ever got because I
6 was looking for personal gain because I
7 live on a 100-foot-wide lot is beneath
8 contempt. Had I wanted to excessively
9 profit from my home, I could have more
10 productively spent my time getting my
11 realtor on the phone and my subdivision
12 application in.

13 In the 17 years that I have
14 worked for the community, there has never
15 been the slightest hint that I would
16 personally profit from my activities
17 beyond the personal benefits that a solid
18 residential neighborhood provides.

19 Mr. O'Neill has made much of a
20 previous 1994 remapping in which I
21 participated and which he called in
22 public an utter failure. First, his
23 office was surely involved in that
24 remapping. Second, we did not do it in
25 secret. Third, it did precisely what it

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2 was supposed to do.

3 The problem in that
4 neighborhood was one of encroaching
5 commercial activity and side yards that
6 were being sold off for massive twins.
7 Since that remapping, neither has
8 occurred and the area was not subject to
9 massive non-conformance.

10 My issues with this bill are
11 the normalization of non-conformance, the
12 appearance of spot zoning where three
13 different classifications grace the same
14 small block and where within one block
15 identically situated lots of identical
16 size can be zoned R-1 or R-4.

17 I researched over 200 addresses
18 so far and have massive numbers of
19 identical lots with up to five different
20 classifications. This is a recipe for
21 confusion and acrimony and will result in
22 problems throughout the oncoming years.

23 I am also very concerned with
24 the one-size-fits-all nature of the
25 remapping solution to any of our

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2 problems; in this case, tear-downs
3 resulting in matter-of-right
4 construction.

5 This neighborhood is far more
6 divergent than other Bustleton
7 neighborhoods to our west or selected
8 Somerton neighborhoods or Normandy
9 neighborhoods. The commercial concern is
10 far more potent in these blocks. There
11 is far more owner-built housing stock
12 dating back to the late '40s and far more
13 houses sliding past shabby chic.

14 I am intensely fearful of the
15 unintended consequences of this upgrade,
16 which may well include far more
17 disreputable housing lingering for far
18 longer as it becomes economically
19 unfeasible to replace it.

20 Further, I believe that this
21 puts us at additional risk of commercial
22 incursion as the properties become
23 hardships.

24 We cannot trust to presumably
25 good intentions, but must have law that

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2 can be plainly read by future Councilmen,
3 Planners and Zoning Boards of Adjustment,
4 to say nothing of the actual owners.
5 These are issues we should have had the
6 opportunity to discuss as a community.
7 We didn't.

8 At the meeting, and it was a
9 fairly short meeting with a lot of
10 details, the Councilman agreed that this
11 bill will not be put before the full
12 Council until the community's issues are
13 resolved, and I do want that agreement on
14 the record, and I thank the Councilman
15 for saying it earlier.

16 We are already gathering a
17 committee and will be scheduling a
18 meeting with Mr. Chapman, the acting head
19 of the Planning Commission.

20 I am perhaps an idealist, but I
21 think that a few squeaky wheels should
22 not dictate the property rights of
23 homeowners on 35 square blocks. While
24 I'm not thrilled at some of the new homes
25 myself, there is not a universal disdain

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2 for these that a few callers might
3 indicate. There is a widespread fear of
4 hasty action. Homeowners have lived in
5 these houses, paid taxes on these houses
6 and had plans for these houses. To
7 plunge virtually all into non-conformance
8 with little gain, because, frankly, most
9 of these houses could never have been
10 built with the larger houses anyway, is
11 really not a reasonable solution. We
12 look forward to a better solution than
13 the current mapping.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: Thank
16 you very much. We appreciate your coming
17 in to testify, and I assure you that
18 Councilman O'Neill is very eager to work
19 very closely with the community.

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

22 (No response.)

23 COUNCIL PRESIDENT VERNA:
24 Seeing none, I would ask Mr. McPherson to
25 kindly read the title of Bill No. 050831.

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2 MR. MCPHERSON: An ordinance
3 amending Title 14 of the Philadelphia
4 Code, relating to "Zoning and Planning,"
5 by amending Chapter 14-1100, entitled
6 "Institutional Development District," by
7 modifying the conditions under which
8 amendments to an Industrial Development
9 District are approved by City Council,
10 under certain terms and conditions.

11 COUNCIL PRESIDENT VERNA:
12 Mr. Kramer.

13 MR. KRAMER: Good morning,
14 Madam President and members of the Rules
15 Committee. My name is William Kramer. I
16 am the Senior Zoning Planner in the
17 Development Planning Division of the City
18 Planning Commission. I am here to
19 testify on Bill 050831. This bill was
20 introduced by Councilmember O'Neill
21 September 29th of 2005.

22 This bill modifies the process
23 of approving an amendment to a Master
24 Plan of an Institutional Development
25 District by removing the presumption of

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2 approval by City Council. Under current
3 provisions of the Zoning Code, if Council
4 does not reply in writing to the
5 notification of the Commission approval
6 after 45 days, Council approval is
7 assumed. This bill would require any
8 amendment to have approval by "Council,
9 by ordinance."

10 This bill was considered at the
11 Planning Commission meeting of October
12 17, 2005. The Commission approved the
13 bill, with the recommendation that the
14 word "ordinance" be changed to the word
15 "resolution."

16 I would be happy to answer any
17 questions of the Committee. And I took
18 the liberty of drafting such an amendment
19 to the bill.

20 COUNCIL PRESIDENT Verna: Thank
21 you, Mr. Kramer.

22 At this time, the Chair
23 recognizes Councilman O'Neill.

24 COUNCILMAN O'NEILL: Thank you,
25 Madam President, and I'd like to thank

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2 the Planning Commission for being in
3 agreement with me on about 90 percent of
4 this bill anyway.

5 Where the disagreement occurs
6 is whether Council would approve a change
7 by resolution or by ordinance. This is a
8 change to the Institutional Development
9 District. And let me start out by saying
10 that any change, which could change the
11 entire plan -- every piece of that plan
12 could change, there's no limitation on
13 modest changes to total changes -- would
14 have to go to the Zoning Board if there
15 was an Institutional District. In fact,
16 it's still an option, although it's not
17 one that I think any institution ever
18 wants to take if they don't have to to do
19 that.

20 But the plan is set up with
21 Planning Commission recommendation first,
22 and this is a plan as if a college or a
23 hospital primarily would want to
24 establish an Institutional Development
25 District. It requires a City Council

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2 ordinance, and prior to that, it requires
3 Planning Commission approval and,
4 therefore, it's inherent in that there
5 would be contact with the community,
6 there would be meetings, there would be a
7 buy-in by the community.

8 What this bill does, it makes
9 the change require the exact same
10 procedure, and I don't think it's too
11 much of a burden to go out, advertise,
12 have a community meeting, as opposed to a
13 Thursday morning change with a resolution
14 that doesn't require any advertising.

15 And this is something that I
16 have found that -- I've been resistant to
17 doing IDD's in my district. I would not
18 be resistant with the ordinance for
19 amendment applying, and that's what this
20 is.

21 I understand where the Planning
22 Commission is. But the reason being, I
23 got some e-mail from the Mayor's office
24 that basically said they agreed with the
25 Planning Commission's approach to a

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2 resolution, because otherwise it would
3 slow down the development. I don't
4 understand how it slows down anything.
5 People know well in advance when they're
6 going to make a change. They have plenty
7 of time to let the Planning Commission,
8 the community and the Council office
9 know. And this is the process that saves
10 them from going to the Zoning Board.

11 That's a huge benefit that an
12 IDD ordinance gives to a large
13 institution, and I think the trade-off to
14 have the same provisions in place for a
15 change as there was for the original
16 district is not asking too much, and I
17 don't think it will slow down anything.
18 I think what it does, it requires more,
19 but I don't think it's something that
20 does anything but protect the community.

21 We're all sitting here and we
22 say, Well, we're not going to introduce a
23 resolution unless the community has a
24 buy-in, but people are going to be here
25 after us that may feel differently.

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2 An ordinance gives the
3 community absolute protection that they
4 need, and it requires, more than any
5 other thing we have in our toolkit, the
6 institution working with the community,
7 preferably through City Council office,
8 to make sure that that change is
9 something that everybody agrees on.

10 So I would ask for the Planning
11 Commission's support to be accepted, but
12 their idea of resolution versus ordinance
13 be our choice, and I believe that the
14 choice is clear, that ordinance gives
15 everyone the most protection in this
16 regard.

17 Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 Are there any questions or
21 comments from members of the Committee?

22 The Chair recognizes Councilman
23 Clarke.

24 COUNCILMAN CLARKE: Thank you,
25 Madam President.

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2 I'm not sure who I can ask this
3 question of. What is the issue with
4 respect to the Planning Commission's
5 concern resolution versus ordinance? The
6 current process essentially sets up a
7 timeline of 45 days, putting the onus on
8 the Councilmember to write its
9 disapproval of that IDD, correct?

10 MR. KRAMER: Correct.

11 COUNCILMAN CLARKE: Is there a
12 reason why the 45-day process was put in
13 place? Has it been shown that in terms
14 of the ability of the institution to do
15 some procedural development?

16 MR. KRAMER: Well, let me
17 address that by saying that as part of
18 the Commission's approval of these IDD
19 Master Plan amendments, and I have been
20 doing the presentations for those to the
21 Commission for the last 15 years, every
22 time that I've made any presentation of
23 the Commission, at a minimum, the
24 Commission is asking for community input
25 or has the community been informed, what

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2 is the community's position on any of
3 them.

4 I would also add that many of
5 the times that we're dealing with an IDD
6 amendment, it is just that, an amendment.
7 It has to do with more structures than it
8 has to do with the uses within the
9 structures. It's locating where the
10 buildings are going to be, how much of an
11 addition or not, or a new building going
12 up and an old one coming down, that kind
13 of a thing.

14 COUNCILMAN CLARKE: Right.

15 MR. KRAMER: So we do make
16 sure -- and as a matter of fact, this
17 past couple of months, Drexel University
18 has gone through probably less than its
19 best times, as it were, dealing with our
20 office to have a dormitory approved for
21 their campus, and it's been three months
22 and aggravation or meetings dealing with
23 contentious matters within the community,
24 and we have made certain that the
25 community certainly was known and three

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2 months of meetings with them to resolve
3 the issues.

4 As of right now, that issue has
5 not been like I's dotted and T's crossed,
6 but the Commission did approve the Master
7 Plan amendment. It currently is residing
8 here in Council, and the 45-day clock is
9 running on that amendment approval.

10 COUNCILMAN CLARKE: So I'm
11 trying to get a sense of the 45-day time
12 period, because I guess best case
13 scenario in City Council, if we were
14 interested in moving legislation, we can
15 do it within three weeks.

16 MR. KRAMER: Yes, sir, you
17 could.

18 COUNCILMAN CLARKE: Obviously
19 falling short of the 45-day time frame.
20 So if we were to get the ordinance
21 immediately after the action taken by the
22 Planning Commission, we would have more
23 than enough time to move it through
24 Council. So I'm trying to understand,
25 why is there an issue with respect to

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2 time, ordinance versus resolution?

3 MR. KRAMER: I don't have an
4 adequate answer to that, and the reason
5 that I don't is, most of the time --
6 actually, I've researched back on this,
7 and in all the amendments that we have
8 approved, fully half of the amendments to
9 any institutional Master Plan have been
10 approved using the 45-day clock.

11 There are instances --
12 primarily our policy, it's not written
13 anywhere, but the policy of the Planning
14 Commission is that when Council is out of
15 session, whether it be the holiday
16 session in December-January or whether
17 it's over the summer, we do not run that
18 45-day clock while Council is not in
19 session. So it's not like you could come
20 in and get an approval by the Commission
21 in June and then, without Council having
22 an opportunity, it would be approved by
23 September before Council came back. We
24 do not do that.

25 COUNCILMAN CLARKE: Right.

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2 MR. KRAMER: We run the 45-day
3 clock. So subsequently a lot of things
4 had come in my office in May or get
5 approved in May. The individual
6 institutions are contacting their
7 District Councilperson to get an approval
8 through City Council before Council goes
9 out of session so they can build in the
10 summer.

11 COUNCILMAN CLARKE: So that
12 kind of supports my issue. I mean, in
13 terms of the timing, it's not going to be
14 a situation where we're up against the
15 clock in Council, it's June 12th,
16 whatever, and we don't have the ability
17 to have a hearing over the summer,
18 because that's not the traditional
19 process as we speak.

20 And you said you can't answer
21 the question. I understand. If we got a
22 45-day timeline in the current process,
23 then we can obviously pass an ordinance
24 within 45 days.

25 MR. KRAMER: I would think.

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2 COUNCILMAN CLARKE: I don't
3 understand why --

4 MR. KRAMER: The other aspect
5 of it is, currently the method of
6 approval by Council has been resolution.
7 The ones that have had Council action for
8 approval, it has been by resolution.

9 COUNCILMAN CLARKE: So it's
10 really not a timing issue?

11 MR. KRAMER: It could be; it
12 could not be. What it does is, it puts
13 Council in a position where it has to
14 take a position on every one of these,
15 and sometimes these additions can be
16 something as minor as a thousand square
17 foot addition on the side of a building,
18 and it's sort of like beneath notice, in
19 a way, but it does require Council
20 approval before we can actually -- so in
21 a sense, we don't have the authority to
22 simply do it on our own, and that's okay,
23 but that was sort of the basis, I
24 understand, of the amendments to the IDD.

25 Many of these are institutions

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2 that the initial institution of these
3 Master Plans is actually done by
4 ordinance, because in order to have that
5 happen, it requires a zoning change, and
6 a zoning change requires a bill of
7 Council and an ordinance.

8 So subsequently initial Master
9 Plans are all approved by Council as part
10 of an ordinance process. Subsequent
11 amendments, which is what this is
12 addressing, have been done either way,
13 either with a 45-day clock or currently
14 with a resolution. This would change
15 that to make it an ordinance.

16 I'm not professing to be an
17 expert on the way Council does its
18 business in terms of the ordinance.
19 Obviously we would have to be drafting
20 those ordinances, and there's questions I
21 have as to the mechanics of that, but we
22 can certainly address those. That's
23 not --

24 COUNCILMAN CLARKE: So it's
25 more work, not an issue with respect to

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2 time?

3 MR. KRAMER: Is it going to be
4 an ordinance that requires it to be also
5 a Map A to Map B, because these are many
6 times instances where it's a small
7 addition, or is it something that we can
8 verbally do it via written ordinance or
9 not. I mean, it also becomes formatting
10 issues. But those are minor concerns
11 that we'll have to deal with based on
12 whether or not procedurally we want to go
13 one or the other.

14 I also don't know what your
15 advertising requirements are and what
16 timing you need for you to schedule a
17 hearing or not. That's something you
18 would know better than I.

19 COUNCILMAN CLARKE: Three
20 weeks.

21 MR. KRAMER: Okay.

22 COUNCILMAN CLARKE: Okay.

23 Thank you.

24 COUNCIL PRESIDENT VERNA: Thank
25 you, Councilman.

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2 The Chair recognizes Councilman
3 Kenney.

4 COUNCILMAN KENNEY: Thank you,
5 Madam President.

6 Despite the fact that all of
7 our institutions that are under this
8 requirement are good institutions, they
9 contribute greatly to the City, and 95
10 percent of the time everything is okay,
11 but isn't it good from time to time to
12 have them come in and engage us again
13 based on their activity and operation of
14 the community and have to come in here
15 through an ordinance just to have kind of
16 contact with us so that we can, with our
17 constituents' input, get back to them
18 some feedback on what may be a little
19 rough around the edges in that
20 institution or what could be improved or
21 what we could do together?

22 I think the contact may seem
23 burdensome. I don't think the
24 institutions in the City who have to
25 abide by it will think it's all that

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2 burdensome as opposed to a resolution.

3 But isn't it just kind of practically a
4 good thing to have them come in every now
5 and then?

6 And the other issue is is that
7 we have to approve by ordinance when a
8 hospital wants to borrow money to build
9 an addition. I mean, we're not even on
10 the hook for the money and we make them
11 come in here or a Rules Committee hearing
12 and tell us what they're borrowing the
13 money for. And even though we have no
14 requirement to back up that bond issue,
15 they're borrowing the money privately,
16 but we require them to come in here and
17 have a conversation with us.

18 So even though there may be
19 some paperwork issues, maybe some
20 appearance of delay, I don't think it's
21 that burdensome, and I also think it has
22 a good outcome, because it requires
23 interface with the government, the
24 legislative body and the community with
25 the institutions that are looking to

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2 expand or do something differently.

3 So I think an ordinance is not
4 inappropriate and not that much of a
5 burden.

6 Thank you, Madam President.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes
10 Councilwoman Miller.

11 COUNCILWOMAN MILLER: Thank
12 you, Madam President.

13 Mr. Kramer, is it a written
14 rule that City Planning wants to know the
15 opinion whether of support or not support
16 from the community, or is this just --

17 MR. KRAMER: It is not written
18 in the Code. It is not required under
19 the Code for us to require community
20 opinion, but in the 15 years that I've
21 been doing this, I've not seen one that
22 has just gone through without a minimum
23 of a contact with the community to make
24 sure that they're okay with what's being
25 proposed.

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2 COUNCILWOMAN MILLER: So under
3 these IDD's then, in the past if an
4 institution was making a change, then
5 they do have a requirement to reach out
6 to the community to let them know?

7 MR. KRAMER: Yes, ma'am. And
8 many of the institutions that I've dealt
9 with have ongoing relationships with the
10 different communities in which they
11 reside or in which they're located, both
12 in terms of ongoing community meetings
13 and they're all part of the community.

14 I know that for a fact with
15 Frankford Hospital. I know that they've
16 met with their surrounding neighbors on a
17 number of occasions. I've been in a few
18 of those meetings, but to a different
19 degree. They all do different things,
20 and there are certain times where the
21 institutions, based on the way the Code
22 is written, certainly do have to take
23 certain applications to the Zoning Board
24 of Adjustment, in particular signage.
25 The signage requirements under the Code

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2 only allow you a ten-square-foot sign
3 within an Institutional Development
4 District. Any time that the institutions
5 want to put up major signage within the
6 district, they always wind up in front of
7 the Zoning Board. No matter what process
8 the Planning Commission would approve or
9 not, signage is something that always
10 sends them to the ZBA.

11 COUNCILWOMAN MILLER: Okay.
12 Thank you.

13 Thank you, Madam President.

14 COUNCIL PRESIDENT VERNA:
15 You're welcome.

16 Councilwoman Brown has joined
17 the Committee and does have a question of
18 Mr. Kramer.

19 COUNCILWOMAN BROWN: Thank you,
20 Madam President.

21 As a follow-up to Councilwoman
22 Donna Reed Miller's question, is it fair
23 to say that it's actually optional for
24 institutions around the City to come to
25 the City Planning Commission on matters,

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2 with the exception of zoning?

3 MR. KRAMER: I'm not sure I
4 understand.

5 COUNCILWOMAN BROWN: The
6 ordinance will essentially add another,
7 some might say, layer, but then it will
8 require institutions to do the check-off,
9 if you will, with Council and with the
10 City Planning Commission.

11 MR. KRAMER: They already are
12 required to come through the Planning
13 Commission for approval for any kind of
14 addition. Any kind of amendment to the
15 Master Plans already have to come through
16 my office.

17 COUNCILWOMAN BROWN: Okay.
18 Restate for me, then, the extra work
19 product, the extra tasks that are placed
20 on the Planning Commission by adopting an
21 ordinance.

22 MR. KRAMER: I don't know so
23 much that it's a concern about the extra
24 tasks. It's more a question of exactly
25 what format they need to be taken. The

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2 question that I would have as the guy
3 that's probably going to do most of the
4 work is what format the ordinance itself
5 needs to be placed in, whether the
6 Council wants to see it as a new map or
7 whether they want to see it as a written
8 ordinance in terms of language or just --
9 but that's just a question of mechanics,
10 not a concern about what will happen or
11 what won't happen.

12 In terms of procedure, what we
13 do now, they would come in. Whether it's
14 an addition to a building, whether it's a
15 whole new building, the same procedure
16 follows. We see them. We review the
17 plans. We ask what questions that we
18 have to ask. We make sure that they've
19 touched base with the community with
20 regard to it.

21 COUNCILWOMAN BROWN: How do you
22 do that? What assurances do you have
23 that that step is indeed covered?

24 MR. KRAMER: I make sure. I'll
25 ask them. And then we have a Community

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2 Planning Division in my agency, and I'll
3 touch base with the Community Planner so
4 that we ask both the institution to
5 provide us if there's a letter or an
6 indication or a newspaper article or
7 whatever that they were -- for example,
8 Holy Family went to an East Torresdale
9 Civic Association meeting. The applicant
10 gave me a copy of a Northeast Times
11 article indicating that they were there
12 and that they presented this plan at that
13 Civic Association meeting.

14 In other instances, I've been
15 in touch with the Area Planner for the
16 area, who then contacts directly the
17 Civic Association to be certain that
18 there is or there has been contact with
19 the area.

20 COUNCILWOMAN BROWN: And does
21 that happen by conversation, discussion
22 or is there a follow-up letter or some
23 type of documentation that is an
24 insurance that the connection has taken
25 place?

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2 MR. KRAMER: Currently it's
3 usually done via e-mail. The Area
4 Planner has a contact within the
5 community group, and they'll contact them
6 via e-mail and usually get a response
7 back.

8 COUNCILWOMAN BROWN: And for my
9 own understanding, how many Community
10 Planners do you have? Are they by
11 Councilmanic District? What's the
12 structure?

13 MR. KRAMER: We have them by
14 planning area section, and so there may
15 be -- the number keeps changing. There's
16 usually about eight to ten Area Planners.

17 COUNCILWOMAN BROWN: I see.

18 MR. KRAMER: And they all have
19 different areas of expertise or different
20 areas of concern. There's one gentleman
21 in the Northeast. There's another one
22 that deals -- a couple deal with Center
23 City issues. And they've been working
24 lately in terms of teams, so that there's
25 a number of different faces and bodies

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2 that cover the entire City. And I will
3 go to the team players or the Division
4 Director, if I am not certain who is the
5 one to contact.

6 COUNCILWOMAN BROWN: Okay. My
7 reservation rests with experiences in
8 circumstances where mixed messages are
9 sent by institutions, and typically
10 what's said at one point, when you get to
11 the end point, it's a totally different
12 outcome, and that then causes angst for
13 District Councilpersons, I would presume,
14 and certainly for the community where
15 that institution sits.

16 So that's why I raised the
17 question on how you document that what is
18 indeed stated at one juncture is indeed
19 the reality at a separate juncture or at
20 the end of that process.

21 MR. KRAMER: Usually if it's at
22 all possible, our Area Planner will be
23 attending the particular meeting in
24 question, and if the community -- I've
25 had many meetings with community groups

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2 wherein the plan that was submitted to
3 me, I've gone over and reviewed with the
4 individuals from the community and showed
5 them exactly what's going on. That
6 normally doesn't happen with minor, small
7 things, but certainly the major items.

8 If somebody is putting up a new
9 building or tearing down a substantial
10 amount of stuff to replace with new or
11 modern structures, we will show them
12 whatever we have. It's a public record.
13 And we invite the community in and let
14 them look at it and show them, and I'll
15 answer whatever questions they have, to
16 the best of my ability, and what I don't
17 know, I will refer to the individual
18 institution.

19 COUNCILWOMAN BROWN: Okay.
20 Thank you for your testimony.

21 MR. KRAMER: You're welcome.

22 COUNCIL PRESIDENT Verna:
23 Mr. Kramer, I want the record to be
24 crystal clear. When you spoke about the
25 45 days Council would have, I understood

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2 you to say that the 45 days would be
3 excluded from the summer months when
4 Council would not be in session or during
5 a holiday season. Am I correct?

6 MR. KRAMER: Yes, ma'am. By
7 policy, we do that.

8 COUNCIL PRESIDENT VERNA: Okay.
9 I just wanted to make sure the record
10 clearly reflected that. Thank you.

11 Any other questions?

12 Councilman Clarke.

13 COUNCILMAN CLARKE: Madam
14 President, your reference to that 45-day
15 timeline leads me to ask the question
16 about if we proceed with this bill and we
17 change the process, will we keep a
18 similar approach as it relates to an
19 ordinance introduced during the course of
20 or just prior to a holiday or prior to a
21 recess from Council? Meaning that are
22 you saying that currently there would not
23 be any referrals from Planning Commission
24 to Council in the event that we change
25 this process to an ordinance? It would

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2 keep that same timeline, there would not
3 be anything coming over to us in the
4 month of May, late May, understanding
5 that we would not be able to pass an
6 ordinance until September?

7 MR. KRAMER: If Council were
8 to -- if this bill were to pass the way
9 this is, if an individual institution
10 were to come to my office in May or even
11 June and be approved for an amendment to
12 an Institutional Development District,
13 before that could be approved, the
14 ordinance would have to be submitted to
15 City Council for its approval, which
16 means essentially that in the course of
17 the summer recess, the Council could not
18 introduce that bill until it came back in
19 session until September. So there would
20 not be final approval of any IDD
21 amendments until after that ordinance was
22 approved. There would be no 45 days to
23 be considered one way or the other.

24 COUNCILMAN CLARKE: The
25 question was, would the Planning

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2 Commission similarly, as is the current
3 process, tell them that we cannot act
4 upon a request for an IDD at the Planning
5 Commission's level prior to it being
6 referred to Council?

7 MR. KRAMER: Procedurally when
8 we get an IDD amendment, we don't have an
9 option to say, We're not going to
10 consider it until Council has received it
11 or been approved of it, with the
12 exception that when we did not take --
13 for example, Drexel University this past
14 summer wanted us to approve an amendment
15 to amend the Master Plan to have an
16 11-story dormitory placed on the campus
17 Master Plan. We did not take that to our
18 July meeting, and the sole reason that we
19 did not take it to that meeting was the
20 fact that they had not had an opportunity
21 to meet with the Powelton Village Civic
22 Association.

23 We didn't consider it a major
24 problem because we knew that subsequently
25 it could not be approved because the

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2 45-day clock wouldn't have started
3 whether it started in -- whether we
4 approved it in July or August made no
5 difference because of the 45-day clock
6 not starting until Council came back into
7 session.

8 So that was not any kind of a
9 problem, other than the fact that the
10 institution did want us to take it in
11 July and we did not. We did take it in
12 August, and at the community's
13 insistence, they did not approve it, but
14 requested they continue to meet with the
15 institution and the community, which did
16 happen, and subsequently it was approved
17 at our September meeting in front of
18 the -- with the community, with the
19 understanding that the 45-day clock would
20 run, and if in fact there was no final
21 agreement between the parties,
22 Councilwoman Blackwell would be bringing
23 the matter before this Committee for a
24 recommendation that the matter not be
25 approved or be tabled, which would then

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2 notify us, at which time the approval
3 process would stop until Council told us
4 to otherwise.

5 COUNCILMAN CLARKE: Okay. I
6 don't think you understand my question,
7 but I'm not going to belabor it. I'll
8 talk to you after the hearing.

9 MR. KRAMER: Okay.

10 COUNCIL PRESIDENT VERNA: Are
11 there any other questions of members of
12 the Committee?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: I
15 would also like the record to reflect
16 that Councilman Kelly has joined us.

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

19 (No response.)

20 COUNCIL PRESIDENT VERNA:
21 Seeing no one, this will conclude the
22 public hearing. We will now go into our
23 public meeting, and the Chair recognizes
24 Councilman Clarke regarding Bill No.
25 050797.

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2 COUNCILMAN CLARKE: Thank you,
3 Madam President. I move that Bill 050797
4 be reported out of Committee with a
5 favorable recommendation.

6 (Duly seconded.)

7 COUNCIL PRESIDENT VERNA: It
8 has been moved and seconded that Bill No.
9 050797 be reported out of Committee with
10 a favorable recommendation.

11 All in favor will please
12 indicate by saying aye.

13 (Aye.)

14 COUNCIL PRESIDENT VERNA: Those
15 opposed?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: The
18 ayes have it and the motion carries.

19 The Chair recognizes Councilman
20 Clarke regarding Bill No. 050831.

21 COUNCILMAN CLARKE: Madam
22 President, I move that Bill 050831 be
23 reported out of Committee with a
24 favorable recommendation.

25 (Duly seconded.)

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2 COUNCIL PRESIDENT VERNA: It
3 has been moved and seconded that Bill No.
4 050831 be reported out of Committee with
5 a favorable recommendation.

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 bill is reported out
13 of Committee with a favorable
14 recommendation.

15 I thank you all for your
16 patience, and this concludes our public
17 meeting. Thank you again.

18 (Committee on Rules adjourned
19 at 10:50 a.m.)

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on November 2, 2005, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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