

COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 22, 2008
10:05 a.m.

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN JACK KELLY
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILL 080548 - An ordinance amending Section 2
of Bill No. 050510, approved November 17,
2005...

BILL 080632 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Thompson
Street, Juniata Street...

BILL 080649 - An ordinance amending Section
14-1621 of The Philadelphia Code, entitled
"Passyunk Avenue Special District Controls"...

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2 COUNCIL PRESIDENT Verna: Good
3 morning. This is a public hearing of the
4 Committee on Rules.

5 I would ask Mr. McPherson to
6 please read the title of the first bill,
7 Bill No. 080548.

8 MR. MCPHERSON: An ordinance
9 amending Section 2 of Bill No. 050510,
10 approved November 17, 2005, entitled "An
11 ordinance to amend the Philadelphia
12 Zoning Maps by changing the zoning
13 designations of certain areas of land
14 located within an area bounded by
15 Allegheny Avenue, Collins Street,
16 Westmoreland Street and Tulip Street," by
17 extending the period of compliance.

18 (Witness approached witness
19 table.)

20 COUNCIL PRESIDENT Verna: Good
21 morning. Kindly identify yourself for
22 the record.

23 MR. KRAMER: Good morning,
24 Council President Verna and members of
25 the Rules Committee. I am William

1 10/22/08 - RULES - BILL 080548, etc.
2 Kramer, Division Director for the
3 Development Planning Division of the
4 Philadelphia City Planning Commission. I
5 am here today to testify on Bill No.
6 080548, which was introduced into City
7 Council June 5th of 2008.

8 This bill will amend Section 2
9 of Bill No. 050510, which was approved
10 November 17, 2005. Bill No. 050510
11 rezoned 10.6 acres of land bounded by
12 Allegheny Avenue, Collins Street,
13 Westmoreland Street and Tulip Street from
14 a zoning designation of C-1 Commercial to
15 a zoning designation of C-3 Commercial.
16 The purpose of the change was to
17 facilitate the use of this property as a
18 surface parking lot for Northeastern
19 Hospital, which is located adjacent to
20 this land across Tulip Street. The
21 zoning change will also make future
22 expansion of the hospital possible. Even
23 though Bill 050510 was approved, the
24 party-at-interest did not meet the
25 conditions of the bill, which required a

1 10/22/08 - RULES - BILL 080548, etc.
2 fee to be paid to the City Treasury
3 within 60 days of the passage of the
4 bill.

5 Bill No. 080548 amends this
6 section of the prior bill by extending
7 the time frame for this fee to be paid
8 until December 31, 2008.

9 The Philadelphia City Planning
10 Commission at its meeting of June 17,
11 2008 considered Bill No. 080548 and
12 recommended that it be approved.

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

16 COUNCIL PRESIDENT VERNA: Thank
17 you very much, Mr. Kramer.

18 Is it your testimony that the
19 ordinance will only allow the extension
20 of an existing use?

21 MR. KRAMER: No, ma'am. It
22 changes the zoning designation to C-3
23 Commercial. The plans, as I understand
24 it from representatives of Northeastern
25 Hospital, is that they want to put a

1 10/22/08 - RULES - BILL 080548, etc.
2 medical office building on this property,
3 and to do so, they need this C-3
4 Commercial. But from a technical point
5 of view, if you change the zoning to C-3,
6 any of the uses under C-3 Commercial
7 would be permitted on the property.

8 COUNCIL PRESIDENT VERNA: Thank
9 you.

10 Are there any questions from
11 members of the Committee?

12 (No response.)

13 COUNCIL PRESIDENT VERNA:
14 Seeing none, do we have anyone to testify
15 on this?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: I
18 would ask Mr. McPherson to please read
19 the title of Bill No. 080632.

20 MR. MCPHERSON: An ordinance to
21 amend the Philadelphia Zoning Maps by
22 changing the zoning designations of
23 certain areas of land located within an
24 area bounded by Thompson Street, Juniata
25 Street, Salmons Street, Berkshire Street,

1 10/22/08 - RULES - BILL 080548, etc.
2 Richmond Street and the Betsy Ross Bridge
3 Approach.

4 COUNCIL PRESIDENT Verna:
5 Mr. Kramer.

6 MR. KRAMER: Good morning,
7 Council President Verna and members of
8 the Rules Committee. I am William
9 Kramer, Division Director of the
10 Development Division of the Philadelphia
11 City Planning Commission. I am here
12 today to testify on Bill No. 080632,
13 which was introduced into City Council
14 September 18th of this year.

15 This bill will amend the
16 Philadelphia Zoning Maps by changing the
17 zoning of the parcel bounded by Thompson
18 Street, Juniata Street, Salmons Street,
19 Berkshire Street, Richmond Street and the
20 Betsy Ross Bridge Approach. This bill
21 will, in effect, fix an error made in the
22 preparation of a previous ordinance.
23 Bill No. 050463 changed the zoning of the
24 area specified from L-4 Limited
25 Industrial to R-4 and R-10A Residential

1 10/22/08 - RULES - BILL 080548, etc.
2 in order to permit the construction of
3 new dwellings, and this bill was signed
4 into law June 16, 2005.

5 In the preparation of the bill,
6 an error was made with a dimension
7 incorrectly transposed. The result was
8 the last proposed dwelling fell partly
9 into the L-4 Limited Industrial district
10 and would require a variance in order to
11 be built.

12 This condition is at odds with
13 the original intent of Bill No. 050463,
14 and Bill No. 080632 will correct this
15 error.

16 The Philadelphia City Planning
17 Commission at its meeting of October 21,
18 2008 recommended that Bill No. 080632 be
19 approved.

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

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 Are there any questions from

1 10/22/08 - RULES - BILL 080548, etc.
2 members of the Committee?

3 (No response.)

4 COUNCIL PRESIDENT Verna:

5 Seeing none, I would ask Mr. McPherson to
6 please read the title of Bill No. 080649.

7 MR. McPHERSON: An ordinance
8 amending Section 14-1621 of The
9 Philadelphia Code, entitled "Passyunk
10 Avenue Special District Controls," by
11 adding telemarketing as a prohibited use,
12 all under certain terms and conditions.

13 COUNCIL PRESIDENT Verna:

14 Mr. Kramer.

15 MR. KRAMER: Good morning,
16 Council President Verna and members of
17 the Rules Committee. I am William
18 Kramer, Division Director of the
19 Development Division of the Philadelphia
20 City Planning Commission. I am here
21 today to testify on Bill No. 080649,
22 which was introduced into City Council
23 September 18, 2008.

24 This bill will amend the
25 Philadelphia Zoning Code, Section

1 10/22/08 - RULES - BILL 080548, etc.
2 14-1621, "The Passyunk Avenue Special
3 District Controls," by adding
4 telemarketing to the list of prohibited
5 uses.

6 This special district was added
7 to the Zoning Code to help promote and
8 guide appropriate development along
9 Passyunk Avenue while still preserving
10 the character of the residential
11 community. In order to accomplish this
12 goal, certain uses that may be considered
13 nuisance uses were prohibited. Such uses
14 include car wash establishments,
15 dispensing windows, automotive repair and
16 restaurants with a drive-thru window, for
17 example.

18 Poorly managed telemarketing
19 establishments can become nuisances to
20 the residential component of the
21 neighborhood as represented by littering,
22 loitering and loud noise during work
23 breaks.

24 While this bill will not affect
25 existing telemarketing uses, it will

1 10/22/08 - RULES - BILL 080548, etc.
2 prohibit a proliferation of such uses.

3 The Philadelphia City Planning
4 Commission at its meeting of October 21,
5 2008 recommended that Bill No. 080649 be
6 approved.

7 This is the conclusion of my
8 testimony. I'll be happy to answer any
9 questions of the Committee at this time.

10 COUNCIL PRESIDENT Verna: Thank
11 you.

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

14 (No response.)

15 COUNCIL PRESIDENT Verna:
16 Seeing none, I don't believe we have
17 anyone to testify. That will conclude
18 our public hearing.

19 Before we go into our public
20 meeting, I would like the record to
21 reflect that we certainly have a quorum.
22 To my extreme left, Councilman Kelly,
23 Councilwoman Brown, Councilman Greenlee.
24 To my extreme right, we have Councilman
25 DiCicco, Councilman Goode and Councilman

1 10/22/08 - RULES - BILL 080548, etc.
2 Kenney.

3 This concludes our public
4 hearing. We will now go into our public
5 meeting, and the Chair recognizes
6 Councilman Kenney regarding Bill No.
7 080548.

8 COUNCILMAN KENNEY: Thank you,
9 Madam Chair. I move that Bill No. 080548
10 be reported out of this committee with a
11 favorable recommendation and a request
12 made for rules suspension to allow for
13 first reading at our next Council
14 session.

15 (Duly seconded.)

16 COUNCIL PRESIDENT VERNA: It
17 has been moved and seconded that Bill No.
18 080548 be reported out of Committee with
19 a favorable recommendation; further, that
20 the rules of Council be suspended so as
21 to permit first reading at our next
22 Council session.

23 All in favor will say aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 10/22/08 - RULES - BILL 080548, etc.
2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The
5 ayes have it and the motion carries.

6 The Chair recognizes Councilman
7 Kenney regarding Bill No. 080632.

8 COUNCILMAN KENNEY: Thank you,
9 Madam Chair. I move that Bill No. 080632
10 be reported out of this committee
11 favorably and a request made for rules
12 suspension to allow first reading at our
13 next Council session.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill No.
17 080632 be reported out of Committee with
18 a favorable recommendation; further, that
19 the rules of Council be suspended so as
20 to permit first reading at our next
21 Council session.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/22/08 - RULES - BILL 080548, etc.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the motion carries.

5 Again, the Chair recognizes
6 Councilman Kenney regarding Bill No.
7 080649.

8 COUNCILMAN KENNEY: Thank you,
9 Madam Chair. I move that Bill No. 080649
10 be reported out of this committee
11 favorably and a request made for rules
12 suspension to allow for first reading at
13 our next Council session.

14 (Duly seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill No.
17 080649 be reported out of Committee with
18 a favorable recommendation; further, that
19 the rules of Council be suspended so as
20 to permit first reading at our next
21 Council session.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 10/22/08 - RULES - BILL 080548, etc.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the motion carries.
5 This concludes our public
6 meeting.

7 Thank you, Mr. Kramer.

8 (Committee on Rules adjourned
9 at 10:15 a.m.)

10 - - -

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 October 22, 2008, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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