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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING AND PUBLIC MEETING

4

BEFORE COUNCIL COMMITTEE ON RULES

5

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 29, 1999
2:40 p.m.
- - -

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10 BILL 980848 - An ordinance to amend the
11 Philadelphia Zoning Maps, by changing the zoning
12 designations of certain areas of land located in
13 the 35th Ward within an area bounded by Oxford
14 Avenue, Roosevelt Boulevard, Whitaker Avenue,
15 Godfrey Street, Tabor Road, and Martin Mills Road.

16 BILL 990036 - Continued to the call of the Chair.

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19 PRESENT: COUNCIL PRESIDENT ANNA C. VERNA, Chair
20 COUNCILWOMAN AUGUSTA CLARK
21 COUNCILMAN DAVID COHEN
22 COUNCILMAN JAMES KENNEY
23 COUNCILMAN MICHAEL A. NUTTER
24 COUNCILMAN FRANK DICICCO

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1 4/29/99 RULES COMMITTEE

2 I N D E X

3 Page

4 Richard Lombardo, City Planner 3

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6 William T. Kramer, City Planner. 17

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2 P R O C E E D I N G S

3 COUNCIL PRESIDENT Verna: Good

4 afternoon. This is the public hearing of the
5 Committee on Rules.

6 Our first bill to be considered is Bill
7 No. 980848. I would ask Mr. DeMarco to please
8 read the title of the bill.

9 THE CLERK: An ordinance to amend the
10 Philadelphia Zoning Maps, by changing the zoning
11 designations of certain areas of land located in
12 the 35th Ward within an area bounded by Oxford
13 Avenue, Roosevelt Boulevard, Whitaker Avenue,
14 Godfrey Street, Tabor Road, and Martin Mills Road.

15 COUNCIL PRESIDENT Verna: Good
16 afternoon.

17 MR. LOMBARDO: Good afternoon, Madam
18 Chair and members of the Committee. Richard
19 Lombardo, from the City Planning Commission.

20 I'm here today to speak on behalf of
21 980848. This bill is another community-based
22 zoning remapping bill. It comprises -- it was 367
23 acres of ground in the Oxford Circle section of
24 the City. This bill was prepared in conjunction
25 with the local community group in Councilman

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2 Mariano's office.

3 As it was stated in the short title --
4 I'll ask Mr. Kramer to point it out -- this area
5 is bounded by Oxford Avenue and North Roosevelt
6 Boulevard on the east and south; Whitaker Avenue,
7 Godfrey Street, Tabor Road, and Martin Mills back
8 to Oxford Avenue.

9 Though it's a large area, the changes
10 are rather basic changes, similar to most of the
11 remappings that we see before the City Council
12 Rules Committee. The area on the map in purple
13 and red -- red being the former Sears site, and
14 the larger purple to rear -- that area, as you can
15 see, is remaining pretty much unchanged. That's
16 the naval supply and the former Sears site where
17 the Home Depot and Old Navy and other retail uses
18 are.

19 The basic changes taking place in that
20 area. R-2 is a portion of the naval -- that's
21 going off to the very corner. That's zoned
22 residential, but in fact, part of their complex is
23 being rezoned to G-2 Industrial. But the existing
24 housing that fronts on Oxford Avenue is being
25 rezoned to R-9A Residential, which is a

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2 single-family designation and reflects that that's
3 housing.

4 Coming down, the Oxford Village housing
5 is being rezoned -- that's going the other way.
6 That's being rezoned from industrial to R-12
7 Residential to reflect the fact that it is housing
8 and not industrial.

9 The Independence Brewery, which is a
10 limited industrial use, is being rezoned from
11 General Industrial to Limited Industrial. For the
12 most part, the residential community in that area
13 is being rezoned to single family classification
14 to reflect -- from R-9 to R-9A to reflect the fact
15 that it is, in fact, single-family homes and not
16 multifamily homes.

17 The Gladdings Memorial Church, which is
18 the little red area at the corner of the map that
19 we pointed out, is being rezoned from C to
20 Commercial to R-9A Residential to reflect the fact
21 that it's a church and not a commercial use.

22 And the Houseman Recreation Center,
23 which Mr. Kramer is pointing out, a City
24 recreation facility, it's being rezoned to Class
25 Recreational, again, to indicate that this is a

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2 recreational use and not a residential use.

3 This bill was prepared in conjunction
4 with the community association and Councilman
5 Mariano. For the record, at its meeting of April
6 15, 1999, the Planning Commission approved the
7 bill and recommended its approval to City Council.

8 COUNCIL PRESIDENT Verna: And there is
9 overwhelming support from the area residents?

10 MR. Lombardo: Yeah. There was a
11 community meeting held -- there is someone here
12 from the community, but there was a community
13 meeting held. And it was our policy before we
14 would even send the bill over for introduction
15 that a community meeting be held in the community
16 to inform them of what this is all about.

17 COUNCIL PRESIDENT Verna: Thank you.

18 Are there any questions from members of
19 the committee?

20 (No questions.)

21 COUNCIL PRESIDENT Verna: Is there
22 anyone from the community that would like to
23 testify?

24 (Woman in audience raises hand.)

25 COUNCIL PRESIDENT Verna: Please

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2 approach the table.

3 Thank you for coming in, and if you
4 will identify yourself for the record.

5 MS. STROBLE: Yes. My name is Pat
6 Stroble. I'm President of the Oxford Circle Civic
7 Association, and we did this work.

8 It was in May of 1998 that we presented
9 to the community that it was an urgent need to
10 remap and rezone this area. I asked for
11 Councilman Mariano's support and Mr. Kramer, and
12 they did give us that. And we presented our work
13 in September. We worked the entire summer, we
14 walked the entire district -- well, not the entire
15 district. Mr. Kramer rode around some of it, but
16 we did most of the work.

17 The reason for this is, first of all,
18 it was never done. And secondly, I've been
19 getting many complaints from residents that homes
20 were being sold and turned into duplexes and
21 triplexes. Now, if you're not familiar with this
22 area, our streets are very tiny, they're narrow,
23 and there's 60 to 70 houses on some blocks. You
24 put triplexes and duplexes in there, and we have a
25 lot of trouble. Plus we feel it's advantageous to

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2 the neighborhood to have homeowners as opposed to
3 renters.

4 In any event, this has been done. This
5 is the first time we ever completed this. This
6 has been tried several times, and this time, we
7 did finish it. And we urge you to grant this
8 proposal.

9 COUNCIL PRESIDENT Verna: Thank you.

10 Are there any questions from the
11 committee?

12 (No questions.)

13 COUNCIL PRESIDENT Verna: I certainly
14 want to thank you for taking the time to come in
15 to testify and for all the work that you've done
16 on this.

17 MS. Stroble: You're welcome.

18 COUNCIL PRESIDENT Verna: Thank you
19 very much.

20 MS. Stroble: Thank you.

21 COUNCIL PRESIDENT Verna: Are there any
22 questions or comments from members of the
23 committee?

24 (No questions.)

25 COUNCIL PRESIDENT Verna: Is there

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2 anyone else to testify on this bill?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: Seeing none,
5 the next --

6 (Man in audience raises hand.)

7 COUNCIL PRESIDENT VERNA: Oh, I'm so
8 sorry.

9 Good afternoon. Please identify
10 yourself for the record and proceed with your
11 testimony.

12 MR. MAURER: My name is Fred Maurer.
13 I'm a resident in the area. And my testimony is
14 kind of comments on this procedure.

15 I was informed about this zoning change
16 by one of our resident members who works for a
17 group with me that there was a change in the
18 zoning. And the zoning notice was posted. The
19 date that we found out about it was April the
20 19th. That's about ten days ago.

21 Now, we found this notice for a meeting
22 was inadequately posted. I did a survey today of
23 all the postings in the area. We found one posted
24 notice on Oxford Avenue. That sign was folded
25 over by one string. You could not read it. And

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2 it did not have a date of posting. So I don't
3 know when it was posted. In a three-mile travel
4 around that area, there was only one posted sign.

5 Many of our members, our neighbors do
6 not know that this bill is up for consideration.
7 If it is not visible, I don't know how the
8 community can say that they're even aware to be
9 here. The people that I work with are interested
10 in this thing being reconsidered by City Council
11 that it not be accepted.

12 Now, I found out that very little
13 public information was given out to the
14 community. Whether it was done with one
15 particular group does not satisfy all the groups
16 that are in this area. There's a requirement for
17 public notices such as putting it in the
18 newspapers. I read the newspapers. There are
19 flyers that are required. There are door to door.
20 These things are required by the Zoning Board, and
21 I had not seen an adequate notice in all of the
22 stages which this has occurred.

23 Now, I think that the Zoning Board did
24 not allow the community to participate adequately
25 in their decision. This requires more than just a

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2 mapping exercise. The mapping exercise that we
3 found was simply the one that is contained in your
4 bill for the ordinance as being adopted under this
5 bill. Before the Zoning Board approves things,
6 they're required to put out full-scale maps and
7 make them available to the public. If they don't
8 make them out to the public, I don't see how the
9 public can be acquainted with what is happening in
10 the community.

11 Now, I went to the City Council and got
12 the mandatory note ordinance, but when I read it,
13 I cannot understand it. It is so small that I
14 cannot understand whether it's a R or a T or a 1.
15 I could only understand one number in the whole
16 thing. And this says to me that it is not
17 adequately presented to the public in a public
18 forum. If the requirement is to put public things
19 out, we have to make it in a forum where people
20 can read them. This is only a six-inch piece of
21 paper in the ordinance.

22 There's a three-foot plan when you sit
23 up there. I did not see this map before, so
24 that's a brand-new experience.

25 I think that they have failed to

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2 present adequate information to the public even
3 for me or for the committee members to decide.

4 The Zoning Board also is required to do
5 property searches. Now, I don't know of any
6 records that were searched to find the inventory.
7 I only hear what I've heard today, and that's the
8 first information that I have received; I'm
9 receiving it the same time as you are.

10 There are requirements in there that
11 they do a full inventory with the uses that are
12 there, and I had liked to read that thing before I
13 testify in City Council. Now, to get prepared for
14 my testimony, I went to the Zoning Board this week
15 and I asked them for the information file. There
16 is no case file.

17 COUNCIL PRESIDENT Verna: Excuse me,
18 sir. I think you may be just a little confused in
19 that you probably went to the Zoning Board. This
20 really does not pertain to a zoning change as
21 such. It's a remapping of the district.

22 Do you belong to the civic
23 association? And do you live in that community?

24 MR. MAURER: I live in the community,
25 yes.

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2 COUNCIL PRESIDENT VERNA: And you do
3 not belong to any --

4 MR. MAURER: Not to their civic
5 association. I belong to other civic associations.

6 COUNCIL PRESIDENT VERNA: In the
7 community?

8 MR. MAURER: Yes.

9 COUNCIL PRESIDENT VERNA: And were any
10 of the other civic associations, did they have
11 meetings, to your knowledge?

12 MR. MAURER: No. I talked to one of
13 the officers of the Lawncrest Association, and he
14 was not acquainted with it at the time I talked to
15 him. That was last week when --

16 COUNCIL PRESIDENT VERNA: Well, looking
17 at the remapping, is there anything specifically
18 that you're objecting to or that you would like
19 someone to explain to you what is being done?

20 MR. MAURER: I think at this stage,
21 we're up for -- I'm not here for information for
22 them. I could see what's presented to you at the
23 same time.

24 What I see is that this is an increase
25 of industry in a single zone. This represents --

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2 50 percent of the land is being used for industry,
3 not for housing. What I see there is they're
4 going to increase industry in this area and reduce
5 housing.

6 COUNCIL PRESIDENT VERNA: Mr. Lombardo.

7 MR. MAURER: I see the spaces that are
8 there.

9 COUNCIL PRESIDENT VERNA: Excuse me,
10 excuse me, sir, I don't mean to interrupt you. I
11 would like Mr. Lombardo to explain to you for the
12 record exactly what is being done. It's not
13 increasing at all.

14 MR. LOMBARDO: Yeah. What a remapping
15 like this does is, it brings the zoning into
16 conformance with the way the land is being used.
17 We're not increasing the amount of land that's
18 used industrially. There may be some fine tuning
19 on the edges of where a property that's being used
20 industrially is zoned residential, and conversely,
21 where property being used residential is zoned
22 industrial.

23 Basically, the whole purpose of the
24 remapping is to bring the zoning maps into
25 conformance with how the properties are being

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2 used. And the biggest change here is to bring the
3 zoning for single-family row house into conformity
4 with the way the houses are being used because
5 right now, all those houses are zoned for
6 multifamily; whereas, as the previous witness
7 testified, someone could go into L&I and by filing
8 an application, without having to go to the Zoning
9 Board, could convert one of those house to a two-
10 or three-family dwelling. That is the principal
11 reason why embarked on this with the community and
12 with Councilman Mariano's office.

13 As a matter of fact, the old shopping
14 center at Sears and most of the industrial was
15 already zoned commercial and industrial before we
16 started. The only reason we included it was just
17 to fine-tune, as I mentioned, the edges. The
18 basic change takes place to the east of -- I'm
19 sorry, I can't read the map here -- where the
20 residential area begins. Mr. Kramer can point it
21 out. That's where basically all the changes --
22 the bulk of the changes are taking place.

23 In terms of the issues of public
24 notice, public notice is required by advertising,
25 which is done through the clerk's office, which

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2 you know better than I do, is done through the
3 clerk's office.

4 We also, in community rezonings, post
5 the neighborhood. Notwithstanding his testimony,
6 we put 40 posters up in that neighborhood. And
7 when do it, and I can make it available for you,
8 we map every place we put a poster within a
9 neighborhood. We try to put one at almost every
10 major intersection, at least one; and in a lot of
11 instances, two, three or four at that
12 intersection.

13 And, as a matter of fact, the person
14 that posted is standing right there. Mr. Kramer
15 is the person that actually physically posted it.
16 And we understand also that, I think, someone from
17 Councilman Mariano's office went back and
18 re-posted in instance where posters had been torn
19 down.

20 And the very fact that there's someone
21 here indicated that somehow, they got notice of
22 this hearing. But this was, you know this was
23 done with the --

24 COUNCIL PRESIDENT VERNA: Did we
25 understand you to say that 40 posters were posted

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2 in the community?

3 MR. LOMBARDO: Yes, throughout that
4 neighborhood.

5 COUNCIL PRESIDENT VERNA: Throughout
6 the neighborhoods. Pardon me?

7 MR. KRAMER: 4-0.

8 MR. LOMBARDO: Yes, 40, 4-0.

9 MR. MAURER: I want to respond to him
10 directly on that.

11 My member told me ten days ago that
12 there was one notice posted, and she surveyed the
13 community where she lives. She lives on Godfrey
14 Avenue, and that was the only poster she found on
15 Oxford Avenue. When I went out and visited, I
16 still only found one notice on Oxford Avenue. I
17 went throughout the entire perimeter. If they
18 posted 40 notices, I don't see any evidence that
19 there had been a sign like a sign board or a
20 string around a pole. I don't see the signs that
21 I normally see in zoning where they stick 'em in
22 the ground and they put in different colored
23 paper.

24 This one sign --

25 COUNCIL PRESIDENT VERNA: I think

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2 you're confused saying the zoning notices that
3 have to be posted 12 days prior to a zoning
4 hearing.

5 MR. MAURER: Yes.

6 COUNCIL PRESIDENT VERNA: That doesn't
7 happen in this case, sir?

8 MR. MAURER: But it's adequate
9 notice. If this was posted 10 days ahead and
10 there were 40 of them --

11 COUNCIL PRESIDENT VERNA: When were the
12 40 posters put up.

13 MR. KRAMER: We went out on the 17th of
14 May.

15 COUNCIL PRESIDENT VERNA: Not May.

16 MR. KRAMER: I'm sorry. April, the
17 17th of this month.

18 MR. LOMBARDO: Again, not to get in an
19 argument, we started off by posting 1, 2, 3, 4, 5,
20 6, 7, 8 posters along Martins Mills and Oxford
21 Avenue. Basically for the area between Tabor Road
22 and the Boulevard, we put -- on that front, we put
23 eight posters, which is about one every block.

24 MR. MAURER: Well, I was there today
25 and I didn't see any on Martins Mill.

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2 COUNCIL PRESIDENT Verna: The Chair
3 recognizes Councilman Cohen.

4 COUNCILMAN COHEN: Just one question.
5 Does anybody check later to see whether the
6 posters remain? What happens if the posters are
7 put on and youngsters or anybody else just tears
8 them down? Is there any system that the Planning
9 Commission uses?

10 MR. LOMBARDO: Councilman, I think, in
11 this case, the District Council office in this
12 case did re-post. Normally, this is just like a
13 belt and suspenders. We were putting the posters
14 up to give additional notice other than the
15 newspaper, but we don't go back outside and put
16 'em up again; we put 'em up one time and don't go
17 back outside.

18 COUNCIL PRESIDENT Verna: Is there a
19 legal requirement about the posting?

20 MR. LOMBARDO: The only requirement of
21 the bill is that it be advertised. It has been
22 more of a traditional thing of the Rules --

23 COUNCIL PRESIDENT Verna: And it was
24 advertised.

25 MR. LOMBARDO: Yeah, I believe it was.

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2 As any other bill, I mean, that's handled by the
3 clerk's office.

4 It's been sort of a tradition with the
5 Rules Committee that these community rezonings
6 also get physically posted, but it's not a law;
7 it's just something that's been done as a matter
8 of form for a number of years.

9 MR. MAURER: It's a matter of style. I
10 mean, you have style and style says you also put
11 it in the newspaper and you call multi community
12 meetings, not a single community meetings, you
13 have multi community meetings. And I don't know
14 that all the communities were consulted in this.
15 It's a large community, relatively-speaking.

16 Well, I'll address the other things.
17 The posting that I recognized is a supplemental
18 thing, but they do have a thing. If I read
19 the Northeast Breeze, and that's a local community
20 newspaper there, and I don't see a notice in
21 there, then I have to assume that's the only
22 notice that I see from the poster.

23 What I see there in their presentation
24 Martin's Mill Road particularly, and I had an
25 office on that road so I know that area a little

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2 more familiar. They're removing houses up there.
3 The size that's shown here indicates that it will
4 be reduced to one line of houses. There's more
5 than one line of houses up there. So I question
6 whether or not they're removing houses from this
7 plan. Whether there are houses up there is
8 variance and nonconforming things, I don't know.
9 Without inventory available before I talk to you,
10 I don't know that they were conforming.

11 All I can see from the maps, and I
12 tried to read them, if I had those things
13 available from the Zoning Office, from anybody who
14 had known many variances are up there, then I
15 could intelligently respond. What I do see, and
16 you should be able to observe that here, is that
17 there's a little corner up there on Oxford Avenue
18 with a line around it. That line -- I'm not so
19 sure if that's the one that they're referring to.
20 They're changing it to residential.

21 What I do observe right along Oxford
22 Avenue, there is a housing project -- two housing
23 projects. The only open space right across from
24 that intersection, where this sign was posted, is
25 another building available sign to make another

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2 construction in that area.

3 So from what I see, Oxford Avenue is
4 going to be -- from what I observe today, not from
5 his map. What I observe today is that they're
6 adding -- impacting on this community by excessive
7 overdevelopment. I think some of these
8 developments should be channelled into other
9 areas. We have Empowerment Zones. We have areas
10 that are here that are already designed for some
11 of these things.

12 I think it would be smarter if we took
13 our residential stock and enhanced them rather
14 than enhancing the businesses that want to locate
15 in our residential areas. That's our quality of
16 life, and I see it being lost up here.

17 I think I've pretty well explained it.
18 I think my opinion could be echoed by more if they
19 have would had adequate time to present in this.
20 I belong to three different community members, and
21 we had discussions last week about other
22 subjects. This was never introduced because they
23 didn't know that this was a pertinent subject for
24 that community.

25 COUNCIL PRESIDENT Verna: I really want

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2 to thank you for coming in to testify, and I am
3 certain that if you have any further concerns and
4 so do your neighbors, I'm certain that if you
5 called your District Councilman, he would be more
6 than happy to meet with you and further go into
7 what the changes are that are being made, and I am
8 certain that he would be asking someone from the
9 City Planning Commission to attend the meeting
10 with him.

11 So I believe it will be the consensus
12 of the committee to report this out today. You
13 will have two weeks. It could be held on the
14 calendar before we take a final vote on it. My
15 suggestion to you is that you call your District
16 Councilman so that a meeting could be scheduled if
17 that is what you so desire.

18 MR. MAURER: Thank you.

19 COUNCIL PRESIDENT VERNA: You're
20 welcome.

21 Is there anyone else to testify?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: Seeing none,
24 I would like to announce that Bill No. 990036 will
25 be continued until the call of the chair.

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2 This concludes our public hearing.

3 - - -

4 COUNCIL PRESIDENT Verna: We will now
5 go into our public meeting.

6 The Chair recognizes Councilman Kenney.

7 COUNCILMAN KENNEY: Madam Chair, I move
8 that Bill No. 980848 be reported out of this
9 committee with a favorable recommendation.

10 (Duly seconded.)

11 COUNCIL PRESIDENT Verna: It has been
12 moved and properly seconded that Bill No. 980848
13 be reported out of committee with a favorable
14 recommendation.

15 All in favor will signify by saying
16 aye.

17 Those opposed?

18 The ayes have it, the motion is
19 carried.

20 This concludes our public meeting.

21 Thank you all very much.

22 (Adjourned at 3:02 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, April 29, 1999, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON RULES
BILL NO. 980848

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter