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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, December 13, 2006
10:00 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN JACK KELLY

14

COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN DONNA REED MILLER

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COUNCILMAN BRIAN J. O'NEILL

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN DANIEL SAVAGE

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BILL 060442 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by 5th Street,
Jefferson Street, Orkney Street and Master
Street.

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BILL 060697 - An ordinance amending Title 14
of The Philadelphia Code, relating to "Zoning
and Planning," by amending Chapter 14-1700,
entitled "Administration and Enforcement"...

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCIL PRESIDENT VERNA: Good

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morning, everyone. Please excuse the

4

delay. This is the public hearing of the

5

Committee on Rules, and I would ask

6

Ms. Murray to please read the title of

7

Bill No. 060442.

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MS. MURRAY: Bill No. 060442,

9

an ordinance to amend the Philadelphia

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Zoning Maps by changing the zoning

11

designations of certain areas of land

12

located within an area bounded by 5th

13

Street, Jefferson Street, Orkney Street

14

and Master Street.

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COUNCIL PRESIDENT VERNA: Good

16

morning, Mr. Kramer. Please identify

17

yourself for the record and proceed with

18

your testimony.

19

MR. KRAMER: Good morning,

20

Madam President and members of the Rules

21

Committee. My name is William Kramer. I

22

am the Senior Zoning Planner in the

23

Development Planning Division of the

24

Philadelphia City Planning Commission. I

25

am here today to testify on Bill No.

1 12/13/06 - RULES - BILL 060442, ETC.
2 060442, which was introduced by
3 Councilmember Ramos for Councilmember
4 DiCicco on April 18, 2006.

5 Bill No. 060442 rezones a
6 parcel of land bounded by 5th Street,
7 Jefferson Street, Orkney Street and
8 Master Street from a zoning designation
9 of G-2 General Industrial to a zoning
10 designation of C-5 Commercial.

11 The purpose of the zoning
12 change is to allow for a mixed-use
13 development on the site. This proposal
14 calls for a development of approximately
15 141 single-family residential units on
16 the upper floors of the eight-story
17 structure, with commercial uses occupying
18 the first floor.

19 Using the C-5 Commercial
20 classification outside of the Center City
21 Business core area creates a condition
22 where, due to the lack of a confluence of
23 available public transportation, the
24 allowable density of this classification
25 would create large negative impacts on

1 12/13/06 - RULES - BILL 060442, ETC.
2 the surrounding community. While the
3 Planning Commission believes that the
4 proposed reuse of this former industrial
5 site is appropriate, the zoning
6 designation goes with the land, not with
7 the project, and in this case, we believe
8 the proper classification should be C-3
9 Commercial.

10 Accordingly, the Planning
11 Commission at its meeting of July 18,
12 2006 recommended that Bill No. 060442 be
13 amended to indicate that the zoning
14 designation of the property would be
15 changed to a zoning designation of C-3
16 commercial and then be approved. To that
17 end, I have copies of the amendment ready
18 for your approval.

19 I would be happy to answer any
20 questions of the Committee. Thank you.

21 COUNCIL PRESIDENT VERNA:
22 Mr. Kramer, your testimony is that this
23 property should be rezoned C-3 rather
24 than C-5 due, in part, to the
25 availability of public transportation.

1 12/13/06 - RULES - BILL 060442, ETC.

2 What are some of the other concerns that
3 a C-5 designation might create?

4 MR. KRAMER: The density level
5 of a C-5 Commercial classification, you
6 could take the eight-story structure
7 that's there today, demolish that
8 building and replace it with one that is
9 significantly higher. At a minimum, you
10 could have a 12-story structure that
11 would go up in its place.

12 Additionally, it would then
13 allow many more units to go in, which
14 then leads to additional parking
15 requirements and additional traffic and
16 public safety concerns for the community.
17 And if you design it correctly, it could
18 be significantly higher than even a
19 12-story structure under the C-5
20 Commercial classification.

21 COUNCIL PRESIDENT VERNA: Can
22 you specify what the distinctions are for
23 a C-3 zoning designation as opposed to a
24 C-5 designation?

25 MR. KRAMER: Essentially, the

1 12/13/06 - RULES - BILL 060442, ETC.
2 difference is in floor area ratio. A C-3
3 classification allows a floor area ratio
4 of four and a half, or 4.5, and a base
5 classification under C-5 allows for a 12.
6 So there's a significant difference in
7 the floor area ratio.

8 Under the terms of this
9 particular proposed development, they're
10 taking an existing structure, they're
11 taking an eight-story structure. The
12 developers have no intention of
13 demolishing that at this time. However,
14 in the future, that's the other concern,
15 if you let it be C-5, the next developer
16 or the next owners could in fact come in
17 and take this whole thing down and build
18 bigger.

19 The proposal that is being
20 proposed today, which is for the reuse of
21 an existing structure, the use is
22 permitted under C-3 just as it is
23 permitted under C-5. The C-5 would allow
24 for additional development on the site if
25 it were to be demolished and be replaced,

1 12/13/06 - RULES - BILL 060442, ETC.

2 and that's why we recommended that it be
3 amended to C-3. The C-3 would allow
4 development more in keeping with what is
5 existing on the site, as well as would
6 allow the proposed use -- or the proposed
7 reuse of the existing structure, and
8 that's why we made the recommendation to
9 change it to C-3.

10 COUNCIL PRESIDENT Verna: Do
11 you know whether there is a developer
12 with a specific proposal for this
13 property, and if it is rezoned C-3, can
14 you tell us what is the cost of the
15 development and what are the sources of
16 funding?

17 MR. KRAMER: I would have to
18 defer that to Mr. Patterson, who is their
19 legal representative.

20 COUNCIL PRESIDENT Verna:
21 Mr. Patterson, please identify yourself.

22 MR. PATTERSON: Good morning.
23 My name is Ronald Patterson. I'm a
24 lawyer at Klehr Harrison. I represent
25 the owner of the property, Liberty

1 12/13/06 - RULES - BILL 060442, ETC.

2 Property. If I may, I just want to put
3 this exhibit up.

4 This property is locally known
5 as the Umbrella Factory building. It was
6 built in the early 1900's and it
7 manufactured umbrellas. It laid vacant
8 and dormant for 20 years in disrepair,
9 but it is a beautiful building.

10 The owners purchased the
11 property and have been sustaining it to
12 be safe. We're proposing to convert the
13 building through private funds in an
14 amount of approximately a \$25 million
15 investment, which would refinish the
16 facade and convert the building into 141
17 single-family dwelling units on floors
18 two through ten and also create three
19 commercial/retail spaces on the first
20 floor.

21 The units would range between
22 740 square feet to 2,000 square feet,
23 ranging from lofts to two bedrooms plus a
24 loft. The sale price is ranging from
25 \$179,000 to about \$425,000 for the larger

1 12/13/06 - RULES - BILL 060442, ETC.

2 units. We believe that this conversion
3 will be a catalyst to spark redevelopment
4 here in the area.

5 The property is located in the
6 G-2 General Industrial zoning district,
7 which is designated on my exhibit, which
8 is the purple color, which does not
9 permit residential or commercial. So
10 rather than seek a variance and then have
11 residential remain in industrial, we
12 thought the rezoning would be better.
13 And we're fine with the C-3 proposal,
14 because that allows us to convert the
15 building into the residential and
16 commercial, and we have no intentions on
17 increasing any floors and going higher at
18 this time.

19 We've also submitted a
20 developer's application to the
21 Redevelopment Authority to purchase the
22 adjoining lot so that we can construct a
23 four-level three-story parking garage
24 that would be designed to look like
25 rowhomes that would accommodate the

1 12/13/06 - RULES - BILL 060442, ETC.

2 residents in the adjoining building.

3 We have met with Councilman
4 Ramos, Councilman Savage and met with
5 Kensington South, and we have their
6 support for the project.

7 COUNCIL PRESIDENT VERNA: Thank
8 you very much.

9 I believe there are two
10 Councilmembers that would like to be
11 recognized.

12 Councilman Greenlee.

13 COUNCILMAN GREENLEE:

14 Mr. Patterson, if I understood what you
15 just said, you said you do not have a
16 problem with the City Planning Commission
17 recommendation?

18 MR. PATTERSON: We do not.
19 We're okay with the C-3 zoning. It
20 allows us to do the conversion.

21 COUNCILMAN GREENLEE: Okay.

22 COUNCIL PRESIDENT VERNA: The
23 Chair recognizes Councilman Clarke.

24 COUNCILMAN CLARKE: Thank you,
25 Madam President.

1 12/13/06 - RULES - BILL 060442, ETC.

2 I actually had a barrage of
3 questions, but your latest statement
4 probably eliminates the need, to a large
5 degree, but I just wanted to say for the
6 record, I'm somewhat familiar with this
7 location. Actually on the other side of
8 the street is the district that I
9 represent. This is in actually
10 Councilman Savage's district. I spoke to
11 him last night. He indicated that he was
12 in full support.

13 I know there were a number of
14 community meetings. This project has
15 been up in the air for quite some time,
16 and I understand -- and I know we do have
17 one of the representatives here from the
18 local community -- that after a
19 substantial amount of discussion that
20 everybody is on board with this.

21 This particular neighborhood is
22 in fact in somewhat blighted condition,
23 particularly in this particular area
24 across from Cruz Recreation Center.
25 Although south of Girard Avenue as a

1 12/13/06 - RULES - BILL 060442, ETC.

2 result of Northern Liberties, there's
3 been a substantial amount of investment,
4 but north of Girard Avenue it's still in
5 the pioneering stage, so to speak. So I
6 think this would be a good addition to
7 that neighborhood and hopefully stimulate
8 some additional development on the
9 northern end. So I'm glad to hear that
10 the C-3 recommendation is not something
11 that would be problematic for the
12 developer.

13 MR. PATTERSON: No, it is not.

14 COUNCIL PRESIDENT VERNA: Do we
15 have any other questions or comments from
16 members of the Committee?

17 The Chair recognizes Councilman
18 Kenney.

19 COUNCILMAN KENNEY: Thank you.
20 I concur with Councilman Clarke's
21 comments relative to the spurring of
22 activity in this area. I'd also like to
23 compliment you and thank you for saving
24 the building. It's a tremendous adaptive
25 reuse. It's a beautiful building, and to

1 12/13/06 - RULES - BILL 060442, ETC.
2 see it torn down and replaced with
3 something less important I think would be
4 a crime. So you're doing the best of
5 both worlds by reinvigorating the
6 neighborhood, providing residential
7 opportunities and saving what is a
8 substantial building.

9 MR. PATTERSON: Thank you. We
10 thought it was a beautiful building, and,
11 frankly, it could be designated historic
12 in the right setting, but we wanted to
13 preserve and rehab it so that it comes
14 back to life.

15 COUNCILMAN KENNEY: That's
16 terrific. Thanks.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 Any other questions or comments
20 by members of the Committee?

21 (No response.)

22 COUNCIL PRESIDENT VERNA:
23 Mr. Kramer, you said you have an
24 amendment. Has it been circulated?

25 MR. KRAMER: I previously

1 12/13/06 - RULES - BILL 060442, ETC.
2 submitted it to the Clerk.

3 MR. PATTERSON: If I may,
4 because we've been delayed by turnovers
5 at the Council office, if it would be
6 appropriate to ask for a rules
7 suspension, I would.

8 COUNCIL PRESIDENT VERNA: We
9 will certainly consider that. Thank you.

10 MR. PATTERSON: Thank you. And
11 we do have a representative from the
12 community group, if you'd like to --

13 COUNCIL PRESIDENT VERNA: That
14 would be fine. If he would approach the
15 witness table, we'd like to hear from
16 him. Oh, she. I'm sorry.

17 Good morning. Please identify
18 yourself for the record.

19 MS. DiDomenico: Good morning.
20 I'm Lois DiDomenico and I'm a volunteer
21 Chairperson of the Zoning Design Review
22 Committee for Kensington South NAC.

23 Yes, we did review the project,
24 I would say, maybe four, five months ago,
25 and as has been stated already today,

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2 it's a fabulous building. We want to
3 preserve older structures. This is a use
4 that most of the neighbors around there
5 are going to enjoy, and it's going to
6 bring safety to the neighborhood because
7 there's going to be residential use.
8 It's going to have some commercial
9 components.

10 We particularly liked the
11 design of the parking garage, which
12 unlike many of the ugly structures a
13 garage is labeled when you look at it,
14 this one seeks to blend into the
15 surrounding areas, so visually it's going
16 to be a huge plus.

17 And so I'm basically here
18 representing the Review Committee, and so
19 I think that it deserves support and I
20 have written so in our letter. So I
21 don't know if you have a copy, but I have
22 a copy here today.

23 COUNCIL PRESIDENT VERNA: Thank
24 you very much.

25 Are there questions or comments

1 12/13/06 - RULES - BILL 060442, ETC.

2 from members of the Committee?

3 The Chair recognizes Councilman
4 Kelly.

5 COUNCILMAN KELLY: Yes. In
6 regard to the parking building, how many
7 vehicles are going to be --

8 MR. PATTERSON: We're proposing
9 150 parking spaces. It would be four
10 floors, one underground and three above
11 ground.

12 COUNCILMAN KELLY: Mr. Kramer,
13 that would be adequate for that size
14 building?

15 MR. KRAMER: Yes, sir, it
16 would.

17 COUNCILMAN KELLY: Thank you.

18 COUNCIL PRESIDENT VERNA: Any
19 other questions or comments from members
20 of the Committee?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: Thank
23 you very much.

24 MR. PATTERSON: Thank you very
25 much.

1 12/13/06 - RULES - BILL 060442, ETC.

2 MS. DIDOMENICO: Thank you,
3 Council President.

4 COUNCIL PRESIDENT VERNA: Do we
5 have anyone else that would like to
6 testify on this bill?

7 (No response.)

8 COUNCIL PRESIDENT VERNA:
9 Seeing no one, I would ask Ms. Murray to
10 please read the title of the next bill,
11 Bill No. 060697.

12 MS. MURRAY: Bill No. 060697,
13 an ordinance amending Title 14 of The
14 Philadelphia Code, relating to "Zoning
15 and Planning," by amending Chapter
16 14-1700, entitled "Administration and
17 Enforcement," by amending Section
18 14-1708, entitled "Procedures for
19 Enactment of Ordinances," under certain
20 terms and conditions.

21 COUNCIL PRESIDENT VERNA: Good
22 morning again.

23 MR. KRAMER: Good morning,
24 Madam President, members of the Rules
25 Committee. My name is William Kramer.

1 12/13/06 - RULES - BILL 060442, ETC.

2 I'm the Senior Zoning Planner in the
3 Development Planning Division of the City
4 Planning Commission. I am here today to
5 testify on Bill 060697, which was
6 introduced by Councilmembers DiCicco and
7 Kenney on September 21, 2006.

8 Bill No. 060697 amends Section
9 14-1708 of The Philadelphia Code by
10 changing the procedure to be followed
11 when enacting ordinances which deal with
12 zoning classifications,
13 reclassifications, conditions,
14 restrictions and any other zoning matter
15 by requiring a notice of public hearing
16 be posted by the party at interest on
17 each street frontage of the premises with
18 which the proposed zoning ordinance is
19 concerned for at least 15 days prior to
20 and including the day of the hearing
21 before the Council.

22 The Philadelphia City Planning
23 Commission at its meeting of October 17,
24 2006 considered Bill No. 060697 and
25 recommends that it be approved.

1 12/13/06 - RULES - BILL 060442, ETC.

2 I would be happy to answer any
3 questions of the Committee. Thank you.

4 COUNCIL PRESIDENT VERNA:

5 Mr. Kramer, what is the current posting
6 requirements for the rezoning of a
7 property?

8 MR. KRAMER: There is not one
9 that I'm aware of. When you read the
10 ordinance, there's a requirement that
11 notice be given of the hearing, but
12 there's not a requirement that the
13 property be posted. The posting issue is
14 usually something that's done at the
15 Zoning Board of Adjustment, and the
16 Planning Commission historically has
17 posted neighborhoods when they are the
18 subject of a zoning remapping ordinance.
19 But in terms of the Code, there was not a
20 requirement that an individual property
21 be posted for a zoning change bill.

22 COUNCIL PRESIDENT VERNA: I
23 understand that the proposed ordinance
24 provides that the Chief Clerk of Council
25 shall provide for the forms with the

1 12/13/06 - RULES - BILL 060442, ETC.
2 requisite information stated in the bill
3 and that the ordinance will take effect
4 immediately.

5 I don't know why it suggested
6 that the Chief Clerk's office design the
7 forms subject to its own satisfaction
8 and, if necessary, issue a request for
9 proposals to print the forms and then
10 have the forms printed and available for
11 distribution as to the date the Mayor
12 signs the bill or on the date it becomes
13 law without his signature.

14 Why would we have to do that?
15 Wouldn't it be more appropriate to have,
16 I guess, the L&I or another
17 administrative body provide the
18 furnishing of these forms? I don't know
19 that it would be the Chief Clerk's
20 responsibility.

21 COUNCILMAN O'NEILL: Madam
22 President.

23 COUNCIL PRESIDENT VERNA: Yes.

24 COUNCILMAN O'NEILL: There's a
25 lot of posting that's done and has been

1 12/13/06 - RULES - BILL 060442, ETC.

2 for years on zoning bills.

3 Traditionally -- and I'm just asking. My
4 memory isn't real good on this.

5 Mr. Kramer, who in the past has
6 provided these things when they've been
7 posted? I think you've actually done
8 some postings yourself.

9 MR. KRAMER: More than I care
10 to admit to, but yes.

11 COUNCILMAN O'NEILL: So where
12 do you get those forms?

13 MR. KRAMER: The answer to your
14 question is twofold. The zoning posters
15 that come from the Zoning Board of
16 Adjustment are coming out of the
17 Department of License and Inspections as
18 part of their Zoning Unit sends out those
19 orange posters that we're all familiar
20 with. The posters that my office uses in
21 terms of posting a neighborhood for a
22 zoning remapping, they come from the City
23 Clerk's office, and they are blank form
24 that then I receive in my office and I
25 fill out all the information, the bill

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2 number, the boundaries of the location,
3 the time and date of the hearing. The
4 location of the hearing is actually on
5 the poster already. They're a white
6 poster.

7 COUNCILMAN O'NEILL: Would that
8 form be sufficient to comply with this
9 bill?

10 MR. KRAMER: I believe it would
11 be, but the party at interest would then
12 have to complete the form.

13 COUNCILMAN O'NEILL: Right, but
14 I'm just talking about Council
15 President's concern doing RFPs and things
16 like that. I think this wheel has
17 already been --

18 MR. KRAMER: The posters, I
19 believe, are already something that the
20 Clerk's office has at least blank forms
21 of, because I certainly have several of
22 those in my office and we did receive
23 them from the Clerk's office.

24 COUNCILMAN O'NEILL: When you
25 do a remapping of an area, the Planning

1 12/13/06 - RULES - BILL 060442, ETC.

2 Commission does the posting for the
3 perimeter of that area and these are the
4 forms that they use as opposed to the
5 orange forms. What color are these
6 forms?

7 MR. KRAMER: These are white.
8 The ones that we put up are white.

9 COUNCILMAN O'NEILL: So it's
10 kind of good zoning. It kind of
11 indicates we're helping. Orange, watch
12 out, caution. White meaning it's neutral
13 or fair or we're not taking sides on this
14 thing, we're just doing -- I don't know
15 what the color thing is, but I do know
16 there's forms, because they've been
17 posting them for years.

18 I've done a slew of remappings
19 over the years, and it was my
20 understanding that the Planning
21 Commission did that. I didn't know where
22 the forms came from, but I think these
23 forms already exist.

24 COUNCILMAN KELLY: The Planning
25 Commission would put the information on

1 12/13/06 - RULES - BILL 060442, ETC.

2 the forms?

3 COUNCILMAN O'NEILL: The form
4 is blank.

5 COUNCILMAN KELLY: I know, but
6 who puts the information on the forms?

7 COUNCILMAN O'NEILL: In this
8 case, it would be whoever is doing the
9 posting.

10 MR. KRAMER: The party at
11 interest should be the person filling it
12 out, with the information regarding the
13 bill number, the location, et cetera.

14 COUNCILMAN O'NEILL: Now, the
15 party of interest does -- excuse me,
16 Madam President, with your indulgence.

17 In a Zoning Board of Adjustment
18 posting, the person that is asking for
19 the variance picks up or has the forms
20 sent to them. They have to post them.
21 There's an inspection of whether it's
22 been posted. But who fills them out in
23 that case? Because this is like a hybrid
24 right now of the --

25 MR. KRAMER: The Department of

1 12/13/06 - RULES - BILL 060442, ETC.

2 License and Inspections completes the
3 zoning poster at their office. That
4 ensures that what's being put on the
5 poster is accurate and reflects the
6 application that was given to the
7 Department. It's part of a package you
8 get from the Department of License and
9 Inspections notifying you what you have
10 to bring to the hearing, the date and the
11 time of the hearing and the rules and
12 regulations with regard to how to put the
13 poster up, as well as the poster itself.

14 COUNCILMAN O'NEILL: Well, my
15 best take on this would be that this is
16 sort of a hybrid in that the poster, the
17 person doing the posting, would be the
18 party of interest on a bill that changes
19 the zoning of a property, but we wouldn't
20 want that person filling out the form.
21 We would want the Planning Commission to
22 do in the case of a proposed ordinance
23 what L&I does in the case of a proposed
24 variance. And is that something that
25 this bill would cover? Because it would

1 12/13/06 - RULES - BILL 060442, ETC.

2 seem to me that we would want to be in
3 charge, the government would want to be
4 in charge, whether it be the Planning
5 Commission in an ordinance or L&I as they
6 do in a variance be the ones that makes
7 sure the correct information goes on that
8 notice rather than trust either the
9 applicant in a zoning case, which we
10 don't do, or the party of interest in an
11 ordinance on a rezoning of their
12 property.

13 So I think it's an easy thing
14 to fix because you just have to make sure
15 it's the Planning Commission that
16 procures the --

17 MR. KRAMER: Fills out the
18 form.

19 COUNCILMAN O'NEILL: Fills out
20 the form and gets it to the person the
21 way L&I does in a zoning variance case.

22 MR. KRAMER: I don't see why we
23 could not do that, provided we had enough
24 notice on terms of the hearing and the
25 like. It's not specified in the bill

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2 that we would do that, but it's not
3 something that undoable.

4 COUNCILMAN O'NEILL: Could we
5 amend the bill to make -- is it easily
6 amended?

7 COUNCIL PRESIDENT VERNA: The
8 sponsor of the bill is here, and I don't
9 know whether he would have any objection.
10 Councilman Kenney.

11 COUNCILMAN KENNEY: I'm the
12 minor co-sponsor of the bill.

13 COUNCIL PRESIDENT VERNA: Oh,
14 I'm sorry. I didn't know that. Your
15 name is on the bill.

16 COUNCILMAN KENNEY: But I'm
17 sure the staff could draft an amendment.
18 I'd be happy to offer it.

19 COUNCILMAN O'NEILL: It's
20 actually a friendly amendment, I think,
21 just to clarify. The last thing we want
22 to do is start doing RFPs and new
23 procurements and things when we already
24 have the forms.

25 MR. KRAMER: And at this point,

1 12/13/06 - RULES - BILL 060442, ETC.

2 the question is who would be completing
3 the form that exists?

4 COUNCILMAN O'NEILL: The
5 question is should they be white, because
6 this is more -- a remapping is a neutral
7 community oriented. When it's a person's
8 property, it's more akin to a variance
9 that you're doing, and you really want to
10 alert people in a different way. And it
11 may be that those forms have some caution
12 color attached to them, and that wouldn't
13 be a big deal either, it's just the color
14 of paper they're on.

15 Is it written in the Code that
16 the zoning variance zoning notices that
17 are posted be orange?

18 MR. KRAMER: I don't believe
19 that it's indicated in terms of color.
20 It just says posters.

21 COUNCILMAN O'NEILL: Well, I
22 would maybe just suggest that this might
23 be, to contrast it with the remappings,
24 but also to compare it more with a
25 variance, because actually you want an

1 12/13/06 - RULES - BILL 060442, ETC.
2 ordinance done so you don't have to get a
3 variance usually or because it's a larger
4 property than a variance calls for. So
5 it just might be something as simple as
6 making sure they're not confused with a
7 map.

8 COUNCILMAN KENNEY: Well, the
9 most recent danger color is optic yellow
10 green.

11 COUNCILMAN O'NEILL: Anything
12 that would be like that would be good, as
13 long as it wasn't white. I don't think
14 we need to put that in the ordinance, but
15 just so the Planning Commission would
16 know that white is for remappings. Some
17 cautionary color would be --

18 MR. KRAMER: Since they're
19 coming out of the Clerk's office, the
20 Clerk can be supplying us them in
21 whatever color they want us to, and we
22 can then fill them out, if that's what
23 the Clerk's office would want, so long as
24 we have the contact information for the
25 party at interest, because it, by the

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2 bill, would still be their responsibility
3 to put the posters up.

4 COUNCIL PRESIDENT VERNA: The
5 Chair recognizes Councilman Kenney.

6 COUNCILMAN KENNEY: I believe
7 that Kathy Murray has suggested an
8 amendment and will have it copied and, I
9 guess, distributed before the hearing is
10 over.

11 COUNCIL PRESIDENT VERNA: I
12 think we ought to read it so if
13 Mr. Kramer has any question about the
14 amendment.

15 COUNCILMAN KENNEY: Please.

16 MS. MURRAY: In 14-1708,
17 Subsection 1 where the amendment starts
18 at the bottom of the pink page where it
19 says "notice of a public hearing, having
20 been completed by the City Planning
21 Commission, shall be posted by the party
22 at interest."

23 MR. KRAMER: That's fine.

24 COUNCIL PRESIDENT VERNA: Okay.
25 Councilman Clarke.

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2 COUNCILMAN CLARKE: Thank you,
3 Madam President.

4 Mr. Kramer, just from a
5 logistical standpoint, a couple quick
6 questions. When Councilmembers introduce
7 an ordinance to do a rezoning of a
8 parcel, does the Planning Commission then
9 immediately get notification of that bill
10 being introduced?

11 MR. KRAMER: Yes, sir.

12 COUNCILMAN CLARKE: And the
13 time associated with us having a hearing
14 is, am I correct, three weeks?

15 COUNCIL PRESIDENT VERNA:
16 Fifteen days.

17 COUNCILMAN CLARKE: Would the
18 15-day period required under both the
19 hearing and required under this bill,
20 would that give you adequate time to
21 receive the form from the Chief Clerk's,
22 then get it to the developer so they can
23 then post it to comply with the bill, the
24 15-day notification? I'm a little
25 concerned about the time.

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2 MR. KRAMER: I understand what
3 you're asking me is will there be enough
4 time to get the poster to the party at
5 interest so that they can meet the 15-day
6 requirement?

7 COUNCILMAN CLARKE: Correct.

8 MR. KRAMER: I don't see why
9 that there wouldn't be. We are notified
10 of the hearing date so long as Council --
11 the notice is going to be the same,
12 because you already have a requirement
13 for a 15-day notice to be published in
14 the papers for these hearings. Same deal
15 would apply. As soon as the Clerk's
16 office is aware of a hearing schedule
17 date, we are notified via e-mail that
18 that exists, and, frankly, most of -- not
19 all, but most zoning bills are drafted by
20 myself out of my office. So we are aware
21 that they're existing, and we would then
22 have the party at interest and would be
23 able to notify them.

24 As soon as we had the hearing
25 dates, we could -- in most instances,

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2 we're talking about one or two posters,
3 depending on how many street frontages
4 are with an individual property. So
5 we're not talking about an inordinate
6 amount of work to get done.

7 COUNCILMAN CLARKE: But you
8 have --

9 MR. KRAMER: We should have 15
10 days.

11 COUNCILMAN CLARKE: You have 15
12 days. Assuming that the Councilmember
13 wants an immediate hearing and that
14 Councilmember has a 15-day advertisement
15 requirement --

16 MR. KRAMER: It would require
17 at least 17 days before the hearing we'd
18 have to know about it to get the poster
19 to them.

20 COUNCILMAN CLARKE: So I'm
21 thinking you need a couple days.

22 MR. KRAMER: Just to get it
23 over to them; that's all.

24 COUNCILMAN CLARKE: All right.
25 Well, I guess we'll figure out a way to

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2 work on that, because I can see that 15
3 days, somebody says, Well, it was
4 actually only 14 days that they were
5 posted.

6 COUNCILMAN O'NEILL: Who checks
7 it? L&I goes out and takes pictures of
8 that variance.

9 COUNCILMAN CLARKE: That's what
10 I'm saying. I guess that's an
11 administrative function.

12 COUNCILMAN O'NEILL: That might
13 lead into my remaining question. I have
14 a question, but I'll wait until
15 Councilman's finished.

16 COUNCILMAN CLARKE: Councilman,
17 please segue.

18 COUNCILMAN O'NEILL: Thank you.

19 A bell just went off, and I
20 don't have too many of them going off
21 these days, but I remember like it was
22 yesterday now somebody at PIDC telling
23 me -- I won't name names -- but that it
24 was remarkable that through all the years
25 that they had been at PIDC, any time

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2 there was an ordinance or a proposed
3 ordinance in Council to change the zoning
4 of a property for a property owner, that
5 it had been posted, and I don't know
6 whether the owner posted it, the agency
7 that was dealing with it, whether it
8 would have been PIDC or Planning
9 Commission or somebody posted it. But
10 the Rendell Administration early on,
11 which was very pro development, found
12 that there was no requirement anywhere
13 for that. It had just been done by
14 tradition. And they said, Don't post it
15 anymore. Don't post it. We got a better
16 chance of getting these things through,
17 because usually it's a development bill
18 that involves some kind of development.

19 Mr. Kramer, could you shed any
20 light on that history?

21 MR. KRAMER: I don't have
22 specifics, but I do remember there were
23 bills. Mr. Greenlee apparently
24 remembers --

25 COUNCILMAN O'NEILL: He can't

1 12/13/06 - RULES - BILL 060442, ETC.

2 wait. He's been around here as long as
3 me.

4 COUNCILMAN GREENLEE: Point of
5 order, if I could.

6 I know when Councilman Cohen
7 was Chair of the Rules Committee, he made
8 every person, every applicant, post. So
9 he basically was doing this law back
10 then. And if you knew, it was easier to
11 deal with him than to fight with him,
12 so --

13 COUNCILMAN O'NEILL: So it was
14 the unwritten Cohen rule.

15 COUNCILMAN GREENLEE: It was
16 the unwritten Cohen rule, yes. And if
17 you remember, the Rendell Administration
18 coming in was the same time that
19 Councilman Cohen was no longer Chair of
20 the Rules Committee.

21 COUNCILMAN O'NEILL: It was
22 easier to take Cohen off the Rules than
23 it was to change the rules.

24 COUNCILMAN GREENLEE: So I
25 think that was the answer. I was

1 12/13/06 - RULES - BILL 060442, ETC.

2 thinking of that earlier. But I think
3 that's the answer.

4 COUNCILMAN O'NEILL: Got you.
5 So I think there was a history of doing
6 this, whether it was something that
7 Councilman Cohen continued or not. But
8 this will codify what was being done for
9 a long time up to a certain point.

10 MR. KRAMER: Yes, sir.

11 COUNCILMAN O'NEILL: And it
12 gives neighbors notice and creates a fair
13 situation, and I compliment Councilman
14 DiCicco for this.

15 COUNCIL PRESIDENT VERNA: Any
16 other questions from members of the
17 Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: Do we
20 have anyone else to testify on this bill?

21 (No response.)

22 COUNCIL PRESIDENT VERNA:
23 Anyone else to testify on this bill?

24 (No response.)

25 COUNCIL PRESIDENT VERNA:

1 12/13/06 - RULES - BILL 060442, ETC.

2 Seeing no one, this will conclude our
3 public hearing.

4 We will now go into our public
5 meeting, and the Chair recognizes
6 Councilman Clarke regarding Bill No.
7 060442.

8 COUNCILMAN CLARKE: Thank you,
9 Madam Chair. I move that Bill 060442 be
10 reported out of Committee -- I'm sorry.
11 I move that the amendment be adopted on
12 Bill No. 060442.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: It
15 has been moved and seconded that the
16 amendment as proposed by the City
17 Planning Commission regarding Bill No.
18 060442 be adopted.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT VERNA: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: The
25 ayes have it and the motion carries.

1 12/13/06 - RULES - BILL 060442, ETC.

2 The Chair again recognizes
3 Councilman Clarke.

4 COUNCILMAN CLARKE: Madam
5 President, I move that Bill No. 060442 as
6 amended be reported out of Committee with
7 a favorable recommendation and with a
8 request for a rules suspension as to
9 allow reading at the next session of
10 Council.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that Bill No.
14 060442 as amended be reported out of
15 Committee with a favorable
16 recommendation; further, that a
17 recommendation that the rules of Council
18 be suspended so as to permit first
19 reading at our next session of Council.

20 All in favor will please say
21 aye.

22 (Aye.)

23 COUNCIL PRESIDENT VERNA: Those
24 opposed?

25 (No response.)

1 12/13/06 - RULES - BILL 060442, ETC.

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

4 COUNCILMAN KENNEY: Madam
5 President, point of order.

6 COUNCIL PRESIDENT VERNA: Yes,
7 sir.

8 COUNCILMAN KENNEY: Would you
9 please for the record indicate the
10 presence of the members of the Rules
11 Committee just in case someone is
12 counting.

13 COUNCIL PRESIDENT VERNA: Well,
14 it could be a little larger than it is.

15 COUNCILMAN KENNEY: No, but I
16 imagine that certain people might be
17 counting the number of days we spend
18 here, so I want to make sure that the
19 record is clear that we're all here.

20 COUNCIL PRESIDENT VERNA: Thank
21 you for calling that to my attention.

22 To my extreme right is
23 Councilwoman Miller. Next to her,
24 Councilman Kenney, Councilman Greenlee,
25 Councilman Clarke. To my immediate left,

1 12/13/06 - RULES - BILL 060442, ETC.

2 to my extreme left is Councilman Savage,
3 Councilman Brian O'Neill, Councilman
4 Kelly and Councilwoman Brown. And pretty
5 soon we're going to have the Committee of
6 the Whole for the Committee on Rules.

7 Again, the Chair recognizes
8 Councilman Clarke regarding Bill No.
9 060697.

10 COUNCILMAN CLARKE: Thank you,
11 Madam President. Madam President, I
12 would like to offer an amendment to Bill
13 060697. I believe that amendment has
14 been circulated.

15 COUNCIL PRESIDENT VERNA: Yes,
16 it has.

17 COUNCILMAN CLARKE: I make a
18 motion that the amendment to Bill 060697
19 be adopted.

20 (Duly seconded.)

21 COUNCIL PRESIDENT VERNA: It
22 has been moved and seconded that the
23 amendment as proposed be adopted.

24 All in favor will please
25 indicate by saying aye.

1 12/13/06 - RULES - BILL 060442, ETC.

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it and the motion is adopted.

8 The Chair again recognizes
9 Councilman Clarke.

10 COUNCILMAN CLARKE: Madam
11 Chair, I move that Bill 060697 as amended
12 be reported out of Committee with a
13 favorable recommendation and a request
14 for a rules suspension as to allow
15 reading at the next session of Council.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that Bill No.
19 060697 be reported out of Committee with
20 a favorable recommendation as amended;
21 further, that the rules of Council be
22 suspended so as to permit first reading
23 at our next session of Council.

24 All in favor will please say
25 aye.

1 12/13/06 - RULES - BILL 060442, ETC.

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it, the motion carries, and
8 this concludes our public meeting.

9 Thank you very much.

10 (Committee on Rules adjourned
11 at 10:30 a.m.)

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CERTIFICATE

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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 December 13, 2006, and

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that this is a true and correct transcript of

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same.

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MICHELE L. MURPHY

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RPR-Notary Public

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