

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday November 15, 2017
10:15 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

BILL 170902 - An ordinance amending Section 14-503 of the Philadelphia Zoning Code, entitled "/NCA, Neighborhood Commercial Area Overlay District," by creating the East Mount Airy /NCA Overlay District...

BILL 170924 - An ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Cheltenham Avenue, Ditman Street, Cottman Avenue...

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2 COUNCILMAN GREENLEE: Good
3 morning, everyone. This is the Rules
4 Committee. We have attained a quorum
5 consisting of Councilman Squilla, Vice
6 Chair of the Committee; Councilwoman
7 Sanchez; Councilman Jones; and
8 Councilwoman Parker has been appointed to
9 the Committee for today; myself, Bill
10 Greenlee.

11 Ms. Marconi, will you please
12 read the title of the first bill before
13 us today.

14 THE CLERK: Bill No. 170924, an
15 ordinance to amend the Philadelphia
16 Zoning Maps by changing the zoning
17 designations of certain areas of land
18 located within an area bounded by
19 Cheltenham Avenue, Ditman Street, Cottman
20 Avenue, Ditman Street, Bleigh Avenue,
21 Edmund Street, Cottman Avenue, Vandike
22 Street, Robbins Street, Torresdale
23 Avenue, Devereaux Avenue, and Hegerman
24 Street.

25 COUNCILMAN GREENLEE: Good

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2 morning, Mr. Gregorski.

3 MR. GREGORSKI: Good morning,
4 Councilman Greenlee, members of the Rules
5 Committee. I'm Marty Gregorski, Division
6 Director with the Development Division of
7 the Philadelphia City Planning
8 Commission. I'm here to testify on Bill
9 No. 170924, which was introduced into
10 City Council on October 26th of this year
11 by Councilmember Henon.

12 Bill No. 170924 rezones
13 portions of the Tacony neighborhood to
14 correctly reflect the current land use
15 and parcels along Torresdale Avenue to
16 allow for a more pedestrian-oriented
17 commercial corridor.

18 This area was included in the
19 North Delaware District Plan, which was
20 adopted by the Planning Commission in
21 March of 2016, and included a public
22 vetting of all the proposed changes.
23 Additional meetings were held to review
24 the proposal with both Tacony Civic
25 Association and local community

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2 development corporations as well as other
3 community groups.

4 The Philadelphia City Planning
5 Commission will consider Bill No. 170924
6 at its meeting of November 21st of this
7 year, where the staff will recommend
8 approval.

9 And I'd be happy to answer any
10 questions.

11 COUNCILMAN GREENLEE: Thank
12 you, sir.

13 Any questions for Mr. Gregorski
14 on this one?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none, thank you.

18 Ms. Marconi, I think we have
19 one other person to testify.

20 THE CLERK: Alex Balloon.
21 (Witness approached witness
22 table.)

23 COUNCILMAN GREENLEE: Good
24 morning, sir. Please identify yourself
25 and proceed.

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2 MR. BALLOON: Good morning to
3 the Rules Committee. My name is Alex
4 Balloon and I am the Executive Director
5 of the Tacony Community Development
6 Corporation. It is my pleasure to
7 testify in favor of Ordinance 170924.

8 The Tacony Community
9 Development Corporation is a
10 community-driven neighborhood
11 revitalization organization that is
12 working to improve the Tacony
13 neighborhood of Philadelphia. We work
14 closely with the Philadelphia Commerce
15 Department in addition to other partners
16 to implement our Main Street Approach to
17 commercial corridor revitalization.

18 We are pleased to support this
19 legislation, which updates the zoning
20 concentrated in and around Torresdale
21 Avenue in multiple neighborhoods located
22 in Council District 6, including Tacony.
23 These changes will continue to promote
24 pedestrian-oriented retail revitalization
25 along our commercial corridor.

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The Tacony CDC would like to
thank Councilman Henon and his staff for
their leadership in this effort. The
Tacony CDC would also like to thank
Larissa Klevan and the Planning
Commission for their hard work as well.

Thank you very much.

COUNCILMAN GREENLEE: Thank
you.

Any questions or comments?

(No response.)

COUNCILMAN GREENLEE: Seeing
none, thanks, and thank you for the work
you do up there.

Anybody else to testify on Bill
No. 170924?

(No response.)

COUNCILMAN GREENLEE: Seeing
none, Ms. Marconi, our other bill for
today, please.

THE CLERK: Bill No. 170902, an
ordinance amending Section 14-503 of the
Philadelphia Zoning Code, entitled "/NCA,
Neighborhood Commercial Area Overlay

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2 District," by creating the East Mount
3 Airy /NCA Overlay District and making
4 related changes, all under certain terms
5 and conditions; and amending the
6 Philadelphia Zoning Maps by changing the
7 zoning designations of certain areas of
8 land located within an area bounded by
9 Fayette Street, East Vernon Road,
10 Michener Avenue, and Greenwood Street.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Mr. Gregorski.

14 MR. GREGORSKI: Good morning,
15 Councilman Greenlee, members of the Rules
16 Economy. I'm Marty Gregorski with the
17 Philadelphia City Planning Commission.
18 I'm here to testify on Bill No. 170902,
19 which was introduced into City Council on
20 October 19th of this year by
21 Councilmember Parker.

22 Bill No. 170902 amends the
23 Philadelphia Zoning Code by creating the
24 East Mount Airy Neighborhood Commercial
25 Area Overlay District, or NCA, and

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2 changes the zoning designations in an
3 area bounded by Fayette Street, East
4 Vernon Road, Michener Avenue, and
5 Greenwood Street.

6 The Zoning Map amendment would
7 change a portion of an "RSA-5"
8 Residential Single-Family district to a
9 "CMX-1" Commercial Mixed-Use district on
10 a neighborhood retail corridor on Vernon
11 Road. The proposed zoning is reflective
12 of the use and scale that exists in this
13 location.

14 The overlay district would
15 exclude two defined uses from the
16 proposed CMX-1 district: Medical,
17 dental, and health practitioner; and
18 sundries, pharmaceutical, and convenience
19 sales.

20 The staff agrees that these
21 properties built for commercial uses
22 should exist within the commercial
23 district. However, the staff believes
24 that "CMX-2" Commercial Mixed-Use would
25 be a more appropriate zoning district.

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2 Similar commercial corridors are mapped
3 CMX-2.

4 That stated, the staff strongly
5 recommends that the proposed NCA overlay
6 not be adopted for three reasons.

7 First, the overlay would
8 needlessly handicap the commercial
9 viability of the Vernon Road retail
10 corridor by excluding common and
11 generally unobjectionable businesses,
12 including doctors offices and pharmacies.

13 Second, the amendment may add
14 confusion to property owners, as
15 different uses are permitted in different
16 geographical areas, and the owner would
17 need to be able to navigate numerous
18 sections of the Zoning Code in order to
19 find what is allowable for their
20 property.

21 Finally, the overlay would
22 impose an arbitrary restriction on a
23 handful on property owners despite having
24 no clearly defined public purpose.

25 Thus, the Philadelphia City

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2 Planning Commission will consider Bill
3 No. 170902 at its meeting of November
4 21st of this year and the staff will
5 recommend disapproval.

6 And I'd be happy to answer any
7 questions at this time.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 First, please let the record
11 reflect Councilman Taubenberger, a member
12 of the Committee, is present.

13 I know we have one other
14 witness, unless there's a direct question
15 right now for Mr. Gregorski.

16 Why don't you stay there,
17 because there may be questions.

18 Ms. Marconi, you want to call
19 the name of the other witness, please.

20 Please, sir, come on up.
21 (Witness approached witness
22 table.)

23 COUNCILMAN GREENLEE:
24 Mr. Wilson, right?

25 MR. WILSON: Yes.

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2 COUNCILMAN GREENLEE: Please
3 identify yourself and proceed.

4 MR. WILSON: Good morning,
5 Chairman Greenlee and members of the
6 Rules Committee. My name is Salim
7 Wilson. I'm the Project Manager for
8 Medina CDC and I'm here to testify in
9 favor of Bill No. 170902.

10 The purpose of the bill is
11 twofold. First, the legislation
12 implements much-needed corrective zoning
13 for several properties on East Vernon
14 Road and Greenwood Street. These
15 buildings have been in commercial use for
16 decades, but they remain zoned for
17 residential use. This legislation will
18 correct their zoning from residential to
19 commercial to match their current use.

20 Time is of the essence in
21 regards to this legislation, because
22 Councilwoman Cherelle Parker has been
23 spearheading an important revitalization
24 project on the Vernon Road commercial
25 corridor. As part of this project, many

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of the properties will receive a facade improvement, which includes new signage. Unfortunately, this portion of the project cannot move forward until the zoning is corrected and the building permits have subsequently been obtained. As the CDC partnering with this project, we eagerly await the properties receiving their corrective zoning so we can move forward with construction as soon as possible.

The second purpose of this legislation is to create the East Mount Airy Overlay District. The overlay district was created with the future in mind. As the Vernon Road commercial corridor becomes more revitalized, the community feels strongly about guiding the type of development it does and does not want to see in the area. The community's goal for Vernon Road is to become a thriving and aesthetically pleasing corridor that meets the needs of the surrounding homeowners.

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2 To this end, the project also
3 includes significant streetscape
4 improvements such as street lights,
5 lighting upgrades, trash cans, and
6 banners. The community wants Vernon Road
7 to be a model corridor which area
8 residents can have access to shopping and
9 services in a pleasant environment and a
10 convenient location.

11 In summary, we want Vernon Road
12 to be what it once was and what it can be
13 again, a vital commercial backbone to a
14 close-knit residential neighborhood in
15 East Mount Airy.

16 I thank you for listening to me
17 today, and I'm happy to answer any
18 questions you may have.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Wilson.

21 Before anyone else,
22 Councilwoman Parker, did you want to say
23 something?

24 COUNCILWOMAN PARKER: Thank
25 you, Chairman Greenlee.

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2 To Vice Chairman Squilla and
3 members Sanchez, Taubenberger, and Jones,
4 good morning, and thank you for the
5 opportunity. I want to also thank Marty
6 and the Planning Commission, along with
7 Salim from Medina, for your comments
8 today.

9 I will submit, Mr. Chairman,
10 for the record some comments that the
11 stenographer can add. However, I do want
12 to note for the record in response to the
13 Planning Commission's testimony, they
14 noted that the overlay would needlessly
15 handicap the commercial viability of the
16 Vernon Road retail corridor by excluding
17 common and generally unobjectionable
18 businesses, including doctors offices and
19 pharmacies, and for all of the
20 Councilmembers here, I want you to know
21 for the record that we have had problems,
22 not just this corridor but on nearby
23 corridors, the Wadsworth Avenue and
24 Stenton Avenue corridor, particularly
25 with the challenge that the community

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2 refers to as pill mills negatively
3 impacting the quality of life in our
4 community, and because the Zoning Code
5 groups all medical uses under one
6 category, the only way to prevent the
7 proliferation of these establishments is
8 to prohibit the use in a particular area.

9 This is a densely residential
10 area, so the issues with people waiting
11 on the sidewalk for a business to open,
12 the littering and loitering, and
13 Councilwoman Sanchez, I know the
14 challenges you've had with the opioid
15 crisis in your district, so you know
16 exactly what we are referencing here.

17 In addition to that, I want to
18 note for the record that there are 14
19 business parcels on the Vernon Road
20 corridor and we only have two vacancies,
21 and in one we have a viable tenant for.
22 Many of the owners and tenants on this
23 strip, they have been there for years, if
24 not decades, and the commercial viability
25 of this corridor is not an issue.

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2 So while, Marty, you know of
3 course I thank the Planning Commission
4 for its perspective. You have to put it
5 on the record, but it's been years,
6 Mr. Chairman and members of the
7 Committee, that we have held public
8 hearings at Enon Tabernacle Baptist
9 Church. We've worked door to door to
10 conduct surveys, and we have taken the
11 advice and guidance from the people who
12 live in this area about what they want to
13 see in their neighborhood, and this
14 legislation is a direct response to that.
15 And, again, we will give you some notes
16 that we want to enter into the record.

17 Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you, Councilwoman.

20 And on that note,
21 Mr. Gregorski, and I know you're just
22 relaying the Commission's feelings here,
23 but I know you mentioned that the overlay
24 would impose arbitrary restrictions and
25 having no clearly defined public purpose,

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2 but as Mr. Wilson said and as the
3 Councilwoman said, they're trying to fill
4 certain community needs here and both
5 exclude some things that have been a
6 problem. Are those kind of things
7 considered like in specific areas like
8 this? Maybe in the general sense you
9 don't want to exclude these things, but
10 here, as was explained by the community
11 and by the District Councilwoman, are
12 those things considered by the Planning
13 Commission?

14 MR. GREGORSKI: We do consider
15 those things. We recognize that we're --
16 part of our charge is to protect the
17 Zoning Code. There are issues with pill
18 mills. I mean, let's be honest, and it's
19 all over the City.

20 COUNCILMAN GREENLEE: Right.

21 MR. GREGORSKI: Zoning we don't
22 believe is the right way to get at them.
23 It's kind of throwing the baby out with
24 the bath water. There are probably other
25 Health Department regulations or people

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2 checking up on them, but we understand
3 why this is something you can use,
4 because it's easier to get at. We just
5 don't like to see a proliferation of
6 overlays.

7 COUNCILMAN GREENLEE: I got
8 you. I got you, but I guess the easier
9 thing is that's what we're trying to do
10 here. We're trying to make it as easy
11 for the community as we can.

12 I'm not trying to debate. I
13 think we need to get on record that
14 that's the case here. Not every
15 neighborhood, it's not cookie cutter.
16 Everything is somewhat different.

17 Councilman Taubenberger.

18 COUNCILMAN TAUBENBERGER: Yeah.
19 Mr. Chairman, thank you very much.

20 And, Councilwoman Parker, thank
21 you for your leadership on this issue.
22 And I would just have to say every
23 neighborhood is unique and you see
24 situations, but the one thing I think the
25 Zoning or the Planning Board fails to

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see, this problem is also visible. I mean, when you have people waiting in line, that's visible, and it's not a good thing for a neighborhood to have people waiting in line in too many places for too long. Some may say, hey, it's great for business, but not this kind of business. And it's visible. So if the line goes away, some of the problem is starting to go away, not completely. And I think people want to see action, and that's why they come to political leaders and elected officials like ourselves.

Thank you very much.

COUNCILMAN GREENLEE: Thank you, Councilman.

Any other questions or comments?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you both. Thank you both.

And is there anyone else here that wishes to testify on Bill No. 170902?

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2 (No response.)

3 COUNCILMAN GREENLEE: That
4 being the case, that completes our Rules
5 Committee hearing for the day. We will
6 go into our public meeting in about 30
7 seconds.

8 (Pause.)

9 COUNCILMAN GREENLEE: This is
10 the meeting of the Rules Committee, and
11 the Chair recognizes Vice Chairman
12 Squilla.

13 COUNCILMAN SQUILLA: Thank you,
14 Mr. Chairman. I'd like to move Bill No.
15 170902 and 170924 with a suspension of
16 the rules to be read at the next Council
17 session.

18 (Duly seconded.)

19 COUNCILMAN GREENLEE: It's been
20 moved and seconded.

21 Before we take the vote, the
22 record will reflect Councilwoman Reynolds
23 Brown, a member of the Committee, is
24 present.

25 It's been moved and seconded.

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2 All in favor of the motion

3 please say aye.

4 (Aye.)

5 COUNCILMAN GREENLEE: Opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Hearing

8 none, Bill Nos. 170924 and 170902 are

9 reported out of this Committee with

10 favorable recommendations with a rules

11 suspension to allow for first reading at

12 our next session of Council.

13 Thank you all very much for
14 your participation.

15 (Committee on Rules concluded
16 at 10:30 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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