

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, November 17, 2010
10:20 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JAMES KENNEY

BILL 090588 - An ordinance amending Chapter
14-1800 of The Philadelphia Code, entitled
"Zoning Board of Adjustment," by amending
Section 14-1805, entitled "Hearings," by
revising the number of members of the Zoning
Board of Adjustment that shall constitute a
quorum, under certain terms and conditions.

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2 COUNCILMAN GREENLEE: Good
3 morning, everyone. This is the Committee
4 on Law and Government. For the record,
5 we have a quorum with myself, Councilman
6 Kenney, who is Vice-Chair of the
7 Committee, Councilman Goode and
8 Councilman DiCicco.

9 Ms. Marconi, will you please
10 read the title of the bill before us
11 today.

12 THE CLERK: 090588, an
13 ordinance amending Chapter 14-1800 of The
14 Philadelphia Code, entitled "Zoning Board
15 of Adjustment," by amending Section
16 14-1805, entitled "Hearings," by revising
17 the number of members of the Zoning Board
18 of Adjustment that shall constitute a
19 quorum, under certain terms and
20 conditions.

21 COUNCILMAN GREENLEE: Thank
22 you.

23 We have an extensive witness
24 list. It begins and ends with
25 Mr. Kramer.

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2 (Witness approached witness
3 table.)

4 COUNCILMAN GREENLEE: So,
5 Mr. Kramer, will you please identify
6 yourself for the record and proceed,
7 please.

8 MR. KRAMER: Good morning,
9 Chairman Greenlee and members of the
10 Committee. I am William Kramer, Division
11 Director of the Development Division of
12 the Philadelphia City Planning
13 Commission. I am here today to testify
14 on Bill No. 090588, which was introduced
15 into City Council September 17th, 2009.

16 Bill No. 090588 amends the
17 Philadelphia Zoning Code by reducing the
18 number of members of the Zoning Board of
19 Adjustment required for a quorum from
20 four members to three. This action is
21 intended to encourage a more efficient,
22 effective and transparent development
23 process, as well as allowing the Zoning
24 Board of Adjustment to hear more cases
25 and decrease the need for continuances.

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2 This bill is consistent with
3 the approved amendment to the
4 Philadelphia Home Rule Charter, which was
5 proposed by Resolution 090626, and
6 altered the composition of the Zoning
7 Board of Adjustment by reducing its
8 membership from six members to five.

9 The Philadelphia City Planning
10 Commission at its meeting of October
11 20th, 2009 considered Bill No. 090588 and
12 recommended its approval.

13 This is the conclusion of my
14 testimony. I'd be happy to answer any
15 questions you may have.

16 COUNCILMAN GREENLEE:
17 Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you
19 very much.

20 Mr. Kramer, I am not a District
21 Councilperson, so I don't probably have
22 the interaction with the Zoning Board
23 that District Councilpeople do, but just
24 out of curiosity and for the record's
25 sake, how often do they meet?

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2 MR. KRAMER: The Zoning Board
3 meets two days a week, but has a session
4 Tuesday morning at 9:30, has Wednesdays,
5 they have a session that starts at 2:00,
6 3:30 and then a third one at 5:00.

7 COUNCILMAN KENNEY: So it's two
8 days a week, but a couple times during
9 the day?

10 MR. KRAMER: Yes, sir.

11 COUNCILMAN KENNEY: What's the
12 difficulty in getting a quorum? I mean,
13 how often does it happen?

14 MR. KRAMER: Lately it has not
15 happened very often at all. However,
16 there was a period of time where one or
17 two members of the Board were suffering
18 illnesses.

19 COUNCILMAN KENNEY: Is this
20 last Administration or this
21 Administration?

22 COUNCILMAN GREENLEE: I think
23 the beginning of this Administration.

24 MR. KRAMER: It was the
25 beginning of this Administration where it

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2 happened, and it's happened a number of
3 times over time. I personally sat at the
4 Board for probably about 10, 15 years
5 I've sat over there. It's not an often
6 occurrence, but occasionally it would
7 happen. If someone was out of town on
8 business and someone took ill, then they
9 had a quorum issue.

10 COUNCILMAN KENNEY: Okay.

11 Thank you.

12 COUNCILMAN GREENLEE: And I
13 think just to add to that, I think the
14 problem was that oftentimes the people
15 who came over didn't know there wasn't
16 going to be a quorum until they got
17 there, and then the hearings got pushed
18 back sometimes months.

19 Right, Mr. Kramer?

20 MR. KRAMER: At the time they
21 were happening, yes, sir, that would
22 happen. If you had less than a quorum,
23 the Board would not feel comfortable
24 hearing the matter, especially if it was
25 protested. If it was protested, they

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2 simply would not hear it, because that's
3 a legal challenge that they weren't
4 willing to take.

5 COUNCILMAN GREENLEE: Sure.

6 Any other questions?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing
9 none, thank you, Mr. Kramer.

10 Are there any other witnesses
11 on this bill?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, just for the record -- and it will
15 be moved at the meeting -- there will be
16 an amendment, but it's basically a
17 technical amendment changing the
18 effective date of the ordinance.

19 Being no other business before
20 the Committee, the hearing on Law and
21 Government is adjourned. We will now go
22 into our public meeting, and the Chair
23 recognizes Councilman Kenney on the
24 amendment to the bill.

25 COUNCILMAN KENNEY: Thank you,

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2 Mr. Chair. I move that the amendment to
3 Bill No. 090588 as read into the record
4 be approved.

5 (Duly seconded.)

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor say aye.

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?

11 (No response.)

12 COUNCILMAN GREENLEE: Hearing
13 none, the amendment is approved.

14 Once again, Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you,
16 Mr. Chairman. I move that Bill No.
17 090588, as amended, be reported out of
18 this Committee with a favorable
19 recommendation and a request made for a
20 rules suspension to allow first reading
21 at our next Council session.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been
24 moved and seconded.

25 All in favor say aye.

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2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: Hearing

6 none, Bill No. 090588, as amended, is
7 reported out of this Committee with a
8 favorable recommendation and the rules of
9 Council suspended to allow first reading
10 at our next session of Council.

11 Thank you all very much. The
12 meeting is adjourned.

13 (Committee on Law and
14 Government concluded at 10:25 a.m.)

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2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on November 17, 2010, and
8 that this is a true and correct transcript of
9 same.

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15 MICHELE L. MURPHY
16 RPR-Notary Public
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21 transcript does not apply to any reproduction
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