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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, April 13, 2010
9:30 a.m.

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PRESENT:

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COUNCILMAN JAMES F. KENNEY, VICE-CHAIR

11

COUNCILWOMAN JANNIE BLACKWELL

12

COUNCILMAN DARRELL L. CLARKE

13

COUNCILMAN FRANK DiCICCO

14

COUNCILMAN W. WILSON GOODE, JR.

15

COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN CURTIS JONES, JR.

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BILLS 090837, 100096, 100133, 100161, 100195,
100196 and 100197

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

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Committee on Rules is now in session. We

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have a quorum with Councilmembers

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Greenlee, Blackwell, DiCicco, Wilson

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Goode and Councilman Kenney as

8

Vice-Chair.

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We're here to take testimony on

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a number of bills. First is Bill No.

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090837, which is an ordinance to amend

12

the Philadelphia Zoning Maps by changing

13

the zoning designations of certain areas

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of land located within an area bounded by

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Wayne Avenue, Walnut Lane and Penn

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Central Railroad Right-of-Way.

17

Please identify yourself for

18

the record and proceed.

19

MR. KRAMER: Good morning,

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Chairman Kenney, members of the Rules

21

Committee. I am William Kramer, Division

22

Director of the Development Planning

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Division of the Philadelphia City

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Planning Commission. I am here to

25

testify on Bill No. 090837, which was

1 4/13/10 - RULES - BILL 090837, etc.

2 introduced by Councilmember Miller

3 November 19, 2009.

4 Bill No. 090837 amends the

5 Philadelphia Zoning Maps for an area

6 bounded by Wayne Avenue, Walnut Lane and

7 Penn Central Railroad Right-of-Way. The

8 bill changes the zoning designation of a

9 property from the existing zoning

10 designation of "R-14" Residential to a

11 designation of "C-2" Commercial.

12 Originally constructed in the 1960s as a

13 commercial building for Scott Cadillac

14 Auto Dealership with a zoning variance,

15 the building is currently used as a

16 multi-tenant commercial building, with

17 uses from dry cleaning to auto repair

18 with body and fender work. The owner

19 proposes to continue the multi-tenant

20 commercial uses and limit any new uses to

21 those permitted by the "C-2" Commercial

22 district. By changing the zoning of the

23 property, the owner will not be required

24 to obtain a variance from the Zoning

25 Board of Adjustment for every new tenant.

1 4/13/10 - RULES - BILL 090837, etc.

2 The Philadelphia City Planning
3 Commission at its meeting of December 8,
4 2009 considered Bill No. 090837 and
5 recommended approval.

6 This concludes my testimony. I
7 appreciate the opportunity to appear and
8 will answer any questions you may have.

9 COUNCILMAN KENNEY: Thank you
10 very much for your testimony.

11 Any questions for this witness?

12 (No response.)

13 COUNCILMAN KENNEY: Anyone else
14 to testify on this bill?

15 (No response.)

16 COUNCILMAN KENNEY: Seeing
17 none, I don't know whether we should move
18 to Bill No. 100096 before Councilman
19 Jones gets here or -- I think we'll skip
20 one or two down, and then if he does come
21 in, we'll take that.

22 The next Bill is 100133. It's
23 an ordinance to amend the Institutional
24 Development District Master Plan of
25 Temple University by allowing for the

1 4/13/10 - RULES - BILL 090837, etc.
2 construction of additions to Pearson and
3 McGonigle Halls which are located at 1800
4 North Broad Street.

5 Please identify yourself for
6 the record.

7 MR. KRAMER: Good morning,
8 Chairman Kenney and members of the Rules
9 Committee. I am William Kramer, Division
10 Director of the Development Division of
11 the Philadelphia City Planning
12 Commission. I am here to testify on Bill
13 No. 100133, which was introduced by
14 Councilman Clarke March 4, 2010.

15 The purpose of this bill is to
16 approve an amendment to the Institutional
17 Development District Master Plan for
18 Temple University. This same Master Plan
19 amendment was considered and approved by
20 the Philadelphia City Planning Commission
21 February 16, 2010.

22 Pearson and McGonigle Halls are
23 located on this site. The buildings were
24 constructed in 1969 and contain swimming
25 pools, gymnasiums, locker rooms, labs,

1 4/13/10 - RULES - BILL 090837, etc.
2 classrooms and offices. The proposal is
3 to construct a new grand entrance/atrium
4 with retail and cafe space on the Broad
5 Street frontage of the building and
6 construct an additional floor over the
7 existing footprint of Pearson Hall.

8 The addition of approximately
9 140,000 square feet will house basketball
10 practice courts, recreational sports
11 facilities, exercise/yoga rooms, weight
12 rooms, classrooms and office space.

13 The Philadelphia City Planning
14 Commission at its meeting of February 16,
15 2010 recommended approval of Bill No.
16 100133 as an item in accord with previous
17 policy.

18 It should be noted that there
19 will be a companion Streets ordinance
20 which will be introduced in the near
21 future -- and already has been -- that
22 will permit the building to encroach upon
23 the right-of-ways of the surrounding
24 streets. This is necessary as the
25 additions will need foundation columns

1 4/13/10 - RULES - BILL 090837, etc.

2 for structural support.

3 That is the conclusion of my
4 testimony. I'd be happy to answer any
5 questions the Committee may have.

6 COUNCILMAN KENNEY: Thank you
7 very much.

8 Any questions for this witness?

9 (No response.)

10 COUNCILMAN KENNEY: Seeing
11 none, anyone else to testify on this
12 bill?

13 (No response.)

14 COUNCILMAN KENNEY: Thank you
15 very much.

16 The next bill is Bill No.
17 100161, which is an ordinance amending
18 Title 14 of The Philadelphia Code,
19 entitled "Zoning and Planning," by
20 amending Section 14-703.2, entitled
21 "Passive Recreation District (REC-P)," by
22 revising the rules and regulations that
23 apply within passive recreation
24 districts, under certain terms and
25 conditions.

1 4/13/10 - RULES - BILL 090837, etc.

2 Please identify yourself for
3 the record.

4 MR. KRAMER: Good morning, Mr.
5 Chairman and members of the Rules
6 Committee. I am William Kramer, Division
7 Director of the Development Division of
8 the Philadelphia City Planning
9 Commission. I am here to testify on Bill
10 No. 100161, which was introduced into
11 City Council March 11, 2010.

12 Bill No. 100161 amends Section
13 14-703.2 of The Philadelphia Code,
14 entitled "REC-P" Passive Recreation
15 Districts.

16 Specifically, this bill removes
17 the requirement that any building that
18 occupies more than 600 square feet must
19 be certified as compliant with the green
20 building standards known as "LEED"
21 Leadership in Energy and Environmental
22 Design. This regulation is being
23 removed, as only buildings over 1,000
24 square feet may be considered for LEED
25 and that smaller structures such as

1 4/13/10 - RULES - BILL 090837, etc.
2 restrooms would not be eligible for LEED
3 certification.

4 Additionally, the prohibition
5 on parking and roadways is being lifted.
6 This would permit the uses in this
7 district to have parking lots and would
8 permit accessibility by automobile.

9 The Philadelphia City Planning
10 Commission will consider Bill No. 100161
11 at their meeting on April 20, 2010. The
12 bill will be presented with a staff
13 recommendation of approval.

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

17 COUNCILMAN KENNEY: Thank you
18 very much.

19 Any questions for this witness?

20 (No response.)

21 COUNCILMAN KENNEY: Anyone else
22 to testify on this bill?

23 (No response.)

24 COUNCILMAN KENNEY: Seeing no
25 one, we'll move to Bill No. 100195, which

1 4/13/10 - RULES - BILL 090837, etc.
2 is an ordinance to amend the Philadelphia
3 Zoning Maps by changing the zoning
4 designations of certain areas of land
5 located within an area bounded by Logan
6 Street, 20th Street, Rockland Street,
7 18th Street, Windrim Avenue, Germantown
8 Avenue, Roberts Avenue, Wayne Avenue,
9 Windrim Avenue, Roosevelt Boulevard,
10 Roberts Avenue, Pulaski Avenue, Apsley
11 Street, Stenton Avenue, Abbotsford Avenue
12 and Germantown Avenue.

13 Please identify yourself for
14 the record.

15 MR. KRAMER: Good morning,
16 Chairman Kenney and members of the Rules
17 Committee. I am William Kramer, Division
18 Director of the Development Planning
19 Division of the Philadelphia City
20 Planning Commission. I am here today to
21 testify on Bill No. 100195, which was
22 introduced by Councilmember Miller March
23 25th, 2010.

24 Bill No. 100195 amends the
25 Philadelphia Zoning Maps for an area

1 4/13/10 - RULES - BILL 090837, etc.
2 bounded by Logan Street, 20th Street,
3 Rockland Street, 18th Street, Windrim
4 Avenue, Germantown Avenue, Roberts
5 Avenue, Wayne Avenue, Windrim Avenue,
6 Roosevelt Boulevard, Roberts Avenue,
7 Pulaski Avenue, Apsley Street, Stenton
8 Avenue, Abbotsford Avenue and Germantown
9 Avenue located in the Germantown and
10 Nicetown communities of the City. The
11 purpose of the rezoning is to update the
12 existing zoning designations for the
13 area, including the rezoning of some
14 properties from a designation of "G-2"
15 General Industrial to an "L-4" Limited
16 Industrial classification along Stenton
17 Avenue, as well as designating some
18 properties along Wayne Avenue with the
19 "C-3" Commercial designation.

20 In January 2009, the
21 Philadelphia City Planning Commission
22 adopted the Germantown and Nicetown
23 Transit-Oriented Plan. The staff worked
24 extensively with the communities and the
25 Council office in the creation and

1 4/13/10 - RULES - BILL 090837, etc.
2 adoption of this plan, and this bill
3 represents the first step in its
4 implementation. A major recommendation
5 in the plan was to update the zoning
6 classifications in order to help spur
7 development in this area. The proposed
8 zoning changes are intended to update the
9 zoning designations of properties to
10 match their current uses or to guide
11 future development in the area. The
12 zoning change to the "C-3" Commercial
13 designation utilizes transit-oriented
14 development principles owing to the close
15 proximity to the Wayne Junction rail
16 station of several vacant industrial
17 properties.

18 As a result of the review by
19 the City's Law Department, several
20 technical amendments were required to
21 this bill. These amendments do not
22 change the substance of the bill, but are
23 meant to clarify the maps associated with
24 this legislation. I respectfully submit
25 the amendments for your consideration.

1 4/13/10 - RULES - BILL 090837, etc.

2 The Philadelphia City Planning
3 Commission is scheduled to consider Bill
4 No. 100195 at their meeting of April 20,
5 2010. It will be presented by staff with
6 a favorable recommendation and is
7 consistent with the guidelines of the
8 Germantown-Nicetown Transit-Oriented Plan
9 adopted by the Commission in January of
10 2009.

11 This concludes my testimony. I
12 appreciate the opportunity to appear
13 before you and will be happy to answer
14 any questions you may have.

15 COUNCILMAN KENNEY: Thank you
16 very much.

17 Any questions for this witness?

18 (No response.)

19 COUNCILMAN KENNEY: Seeing
20 none, anyone else to testify on this
21 bill?

22 (No response.)

23 COUNCILMAN KENNEY: The next
24 bill is 100196, which is an ordinance to
25 amend the Philadelphia Zoning Maps by

1 4/13/10 - RULES - BILL 090837, etc.
2 changing the zoning designations of
3 certain areas of land located within an
4 area bounded by Germantown Avenue,
5 Cheltenham Avenue, Kenyon Street,
6 Schoolhouse Lane, Wissahickon Avenue and
7 Rittenhouse Street.

8 Please identify yourself for
9 the record.

10 MR. KRAMER: Good morning,
11 Chairman Kenney, members of the Rules
12 Committee. I am William Kramer, Division
13 Director of the Development Planning
14 Division of the Philadelphia City
15 Planning Commission. I am here to
16 testify on Bill No. 100196, which was
17 introduced by Councilmember Miller March
18 25th of 2010.

19 Bill No. 100196 amends the
20 Philadelphia Zoning Maps for an area
21 bounded by Germantown Avenue, Cheltenham
22 Avenue, Kenyon Street, Schoolhouse Lane,
23 Wissahickon Avenue and Rittenhouse Street
24 located in the Germantown community of
25 the City. The purpose of the rezoning is

1 4/13/10 - RULES - BILL 090837, etc.
2 to upgrade the zoning designations to
3 match the existing development in some
4 instances and to encourage higher
5 development in others. In the area of
6 Cheltenham Avenue from Wayne Avenue to
7 Germantown Avenue, the zoning designation
8 was changed to a designation of "C-2"
9 Commercial from either a "C-3", "C-7"
10 Commercial or an "NSC" Neighborhood
11 Shopping Center. This action is being
12 recommended in order to recognize the
13 existing pattern of development in these
14 blocks. The block of Cheltenham Avenue
15 between Morris Street and Pulaski Avenue
16 is being recommended to be changed to a
17 zoning designation of "C-3" Commercial
18 consistent with the transit-oriented
19 principles owing to the location of the
20 rail station.

21 In January 2009, the
22 Philadelphia City Planning Commission
23 adopted the Germantown and Nicetown
24 Transit-Oriented Plan. The staff worked
25 extensively with the communities and the

1 4/13/10 - RULES - BILL 090837, etc.
2 District Council office at creating the
3 plan. A major step in implementing the
4 recommendations of the plan was to update
5 the zoning classifications in order to
6 help spur development in this area.

7 As a result of the review by
8 the City's Law Department, several
9 technical amendments were required to
10 this bill. These amendments do not
11 change the substance of the bill, but are
12 meant to clarify the maps associated with
13 this legislation. I respectfully submit
14 those amendments for your consideration.

15 The Philadelphia City Planning
16 Commission will hear Bill No. 100196 at
17 its meeting of April 20th, 2010. It will
18 be presented by staff with a favorable
19 recommendation and is consistent with the
20 guidelines of the Germantown and Nicetown
21 Transit-Oriented Plan adopted by the
22 Commission in January of 2009.

23 This concludes my testimony. I
24 appreciate the opportunity to appear and
25 will answer any questions you may have.

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN KENNEY: Thank you.

3 Are the amendments, have they been
4 generated by the sponsor of the bill or
5 by the Planning Commission?

6 MR. KRAMER: They were
7 generated by the Planning Commission. I
8 have them here for both --

9 COUNCILMAN KENNEY: Have they
10 been vetted and approved by the
11 Councilperson?

12 MR. KRAMER: They are simply
13 adding dimensions and clarifying some
14 issues on the maps themselves.

15 COUNCILMAN KENNEY: But is that
16 with the concurrence of the District
17 Councilperson?

18 MR. KRAMER: Yes. Nothing of
19 substance was changed. It was -- the Law
20 Department would say we needed an
21 additional dimension here or there or
22 clarify this line, but nothing has
23 changed substantively in terms of
24 changing a designation.

25 COUNCILMAN KENNEY: Thank you.

1 4/13/10 - RULES - BILL 090837, etc.

2 Any questions for this witness?

3 (No response.)

4 COUNCILMAN KENNEY: Anyone to
5 testify on this bill?

6 (No response.)

7 COUNCILMAN KENNEY: Seeing
8 none, Bill No. 100197 is an ordinance to
9 amend the Philadelphia Zoning Maps by
10 changing the zoning designations of
11 certain areas of land located within an
12 area bounded by Knox Street, Wyneva
13 Street, Wayne Avenue, Logan Street,
14 Pulaski Avenue and Manheim Street.

15 Please identify yourself for
16 the record.

17 MR. KRAMER: Good morning,
18 Chairman Kenney, members of the Rules
19 Committee. I am William Kramer, Division
20 Director of the Development Planning
21 Division of the Philadelphia City
22 Planning Commission. I am here to
23 testify on Bill No. 100197, which was
24 introduced by Councilmember Miller March
25 25th of 2010.

1 4/13/10 - RULES - BILL 090837, etc.

2 Bill No. 100197 amends the
3 Philadelphia Zoning Maps for an area
4 bounded by Knox Street, Wyneva Street,
5 Wayne Avenue, Logan Street, Pulaski
6 Avenue and Manheim Street located in the
7 Germantown community of the City. The
8 purpose of this bill is to reflect the
9 existing pattern of land use that exists
10 in this area. Primarily the changes
11 involved have the existing "C-2"
12 Commercial designation along portions of
13 Wayne Avenue being changed to a
14 designation of either "R-5" Residential
15 or "C-1" Commercial to reflect the
16 existing uses and structures on those
17 particular blocks.

18 In January 2009, the
19 Philadelphia City Planning Commission
20 adopted the Germantown and Nicetown
21 Transit-Oriented Plan. The staff has
22 worked extensively with the communities
23 and the District Council office in the
24 creation of the plan. Bill No. 100197
25 represents the first step in its

1 4/13/10 - RULES - BILL 090837, etc.
2 implementation. Accordingly, this
3 remapping was created to update the
4 zoning designations of the properties to
5 match their current uses.

6 As a result of the review by
7 the City's Law Department, several
8 technical amendments were required of the
9 bill. These amendments do not change the
10 substance of the bill, but are meant to
11 clarify the maps associated with the
12 legislation. I respectfully submit the
13 amendments for your consideration.

14 The Philadelphia City Planning
15 Commission will hear Bill No. 100197 at
16 its meeting of April 20th, 2010. It will
17 be presented by staff with a favorable
18 recommendation and is consistent with the
19 guidelines of the Germantown and Nicetown
20 Transit-Oriented Plan adopted by the
21 Commission in January of 2009.

22 This concludes my testimony. I
23 appreciate the opportunity to appear and
24 will be happy to answer any questions you
25 may have.

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN KENNEY: Thank you
3 very much.

4 Any questions for this witness?

5 (No response.)

6 COUNCILMAN KENNEY: Anyone else
7 to testify on this bill?

8 (No response.)

9 COUNCILMAN KENNEY: Seeing
10 none, Bill No. 100096 is an ordinance to
11 amend the Philadelphia Zoning Maps by
12 changing the zoning designations of
13 certain areas of land located within an
14 area bounded by 59th Street, Lancaster
15 Avenue, 62nd Street, Woodbine Avenue, and
16 Upland Way.

17 Please identify yourself for
18 the record.

19 MR. KRAMER: Good morning,
20 Chairman Kenney and members of the Rules
21 Committee. I am William Kramer, Division
22 Director of the Development Division of
23 the Philadelphia City Planning
24 Commission. I am here today to testify
25 on Bill No. 100096, which was introduced

1 4/13/10 - RULES - BILL 090837, etc.
2 by Councilmember Jones February 25, 2010.

3 Bill No. 100096 will rezone the
4 parcel known as 5901-09 Lancaster Avenue
5 in the area bounded by 59th Street,
6 Lancaster Avenue, 62nd Street, Woodbine
7 Avenue, and Upland Way from a zoning
8 designation of "G-2" General Industrial
9 to a new designation of "C-3" Commercial.
10 The zoning change will permit this
11 property to be developed with
12 approximately a 9,400 square feet
13 two-story retail/commercial office
14 building.

15 The staff of the Planning
16 Commission believes that the "C-3"
17 Commercial classification is unnecessary
18 given that the uses that are being
19 pursued are also permitted in a "C-2"
20 district and the plan itself calls for
21 only a two-story structure. Rezoning to
22 "C-3" would give the parcel a floor area
23 ratio of 450 percent or 550 percent of
24 the lot, which would permit a structure
25 that could be five stories or higher,

1 4/13/10 - RULES - BILL 090837, etc.
2 which would be out of character with the
3 existing building stock. The
4 Philadelphia City Planning Commission
5 also raised concerns that the proposed
6 building itself should be located on the
7 site at the street line and relocate the
8 proposed parking lot to the rear of the
9 building in order to respect the urban
10 fabric in this area.

11 Additionally, the neighboring
12 property owner along Lancaster Avenue has
13 requested that his property at 5925-43
14 Lancaster Avenue be included in the
15 provisions of Bill 100096. This would
16 rezone an additional 450 feet of property
17 along Lancaster Avenue to a zoning
18 designation of "C-3" Commercial. The
19 site is currently an existing one-story
20 structure occupied with an auto parts
21 store and accessory parking. A second
22 retail space is intended to be leased to
23 a kidney dialysis center, which would be
24 facilitated by the proposed rezoning.
25 These uses would be permitted under both

1 4/13/10 - RULES - BILL 090837, etc.
2 the "C-2" and the "C-3" Commercial zoning
3 designations. Based on these facts, we
4 are offering an amendment to the bill
5 which would rezone the property from an
6 existing designation of "G-2" General
7 Industrial to a new classification of
8 "C-2" Commercial.

9 Bill No. 100096 is a
10 reintroduction of Bill No. 100078 which,
11 based on some technical issues, required
12 reintroduction. The Philadelphia City
13 Planning Commission at its meeting of
14 February 16, 2010 considered Bill No.
15 100078 and recommended it be approved
16 with the proposed amendment. This would
17 make Bill No. 100096 a matter of previous
18 policy and, accordingly, the Philadelphia
19 City Planning Commission recommends the
20 approval of Bill No. 100096 with the
21 proposed amendment.

22 This is the conclusion of my
23 testimony. I'd be happy to answer any
24 questions that the Committee may have.

25 COUNCILMAN KENNEY: Before we

1 4/13/10 - RULES - BILL 090837, etc.
2 get into questioning on 100096, let me go
3 back to 100196 and 100197.

4 MR. KRAMER: Yes, sir.

5 COUNCILMAN KENNEY: Your
6 testimony in 100196 was there was an
7 amendment, correct, technical amendment
8 to 196?

9 MR. KRAMER: Yes, sir.

10 COUNCILMAN KENNEY: Generated
11 by the Planning Commission?

12 MR. KRAMER: Yes, sir.

13 COUNCILMAN KENNEY: Is there an
14 amendment to 100197?

15 MR. KRAMER: Yes, sir.

16 COUNCILMAN KENNEY: You didn't
17 mention that in 197.

18 MR. KRAMER: No, I actually
19 did. I said as a result of the review by
20 the City's Law Department.

21 COUNCILMAN KENNEY: I thought
22 that was 196.

23 MR. KRAMER: There were three
24 bills. They were all transit-oriented
25 related to the plan, 195, 196 and 197.

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN KENNEY: Bill 195 is
3 getting an amendment also?

4 MR. KRAMER: Yes, sir. All
5 three of them needed an amendment based
6 on technical issues with the Law
7 Department. It would have to do with the
8 zoning change bill, the maps themselves,
9 there were issues with the way that the
10 dimensions were placed on the maps and
11 some of the locations of the
12 classifications. That's the technical
13 amendments.

14 COUNCILMAN KENNEY: I don't
15 particularly care what the amendments
16 are. All I'm saying is that the only
17 amendment that was mentioned was 196.
18 You're telling me that 195 and 197 are
19 also being amended?

20 MR. KRAMER: Yes, sir.

21 COUNCILMAN KENNEY: There's no
22 amendment for 195 here, unless it was
23 done -- and none of the amendments are
24 numbered, so it's like kind of --

25 MR. KRAMER: I apologize for

1 4/13/10 - RULES - BILL 090837, etc.

2 that. That was an oversight.

3 COUNCILMAN KENNEY: Just give
4 us a second until we find the amendment
5 to 195.

6 I think we're okay. I'm not
7 sure, but all right.

8 Let's go for questions on
9 100096. Any questions for this witness
10 on 100096?

11 Councilman Greenlee.

12 COUNCILMAN GREENLEE: Just I
13 note -- good morning, Mr. Kramer. I know
14 the District Councilman is here now, so I
15 guess he can address it better, but I
16 just wanted to raise your concern about
17 from "C-2" to "C-3." Obviously the
18 Councilman believed he wants more
19 flexibility in the ability to build
20 there. What is the big problem? I mean,
21 what is the -- I know you said it's not
22 consistent, but sometimes we're not
23 consistent. We think it serves a better
24 purpose.

25 MR. KRAMER: The Commission,

1 4/13/10 - RULES - BILL 090837, etc.
2 when it reviewed the bill in question,
3 had in front of it a proposal that gave
4 us a plan of development, if you want to
5 call it that, for this proposed site.
6 The plan of development that was
7 presented to us was talking about
8 retail/commercial office space, as well
9 as a possible charter school or
10 school-type situation on the second floor
11 of a two-story building. Based on the
12 square footage of the building, the
13 location of the building on the site
14 itself, it would have been a matter of
15 right under "C-2." "C-3" would have
16 allowed a lot more of a development on
17 the site and had potential. While I'm
18 not necessarily opposed to that, nor was
19 the Commission necessarily opposed to
20 that, in changing the zoning, we were
21 changing the zoning to the classification
22 that would have permitted what was on the
23 table in front of us; in this case, a
24 "C-2" development, which is where the
25 recommendation came from.

1 4/13/10 - RULES - BILL 090837, etc.

2 Since that Commission meeting,
3 we have been contacted by the next-door
4 neighbor, who also wants to have his
5 property rezoned to be consistent with
6 what he's doing. His auto parts store is
7 not just the sales of auto parts, but it
8 also represents wholesale sales, which in
9 fact is more of a "C-3" Commercial
10 classification. I find myself in a
11 position where, yeah, that makes a whole
12 lot of sense, but the Commission had
13 already had the one plan on its table and
14 said "C-2." I'm bound by what the
15 Commission tells me to do. But the "C-3"
16 classification as presented with the
17 addition of the property next door; in
18 other words, going up an additional 450
19 feet on Lancaster Avenue, makes sense to
20 make it "C-3" Commercial on the entire
21 thing. I don't have a real problem with
22 leaving it as a "C-3" Commercial
23 classification. Just be aware that it's
24 my recommendation, not that necessarily
25 of the Commission itself, because the

1 4/13/10 - RULES - BILL 090837, etc.

2 Commission hasn't seen it.

3 COUNCILMAN GREENLEE: I
4 understand. So really we're not being
5 inconsistent, in a sense.

6 MR. KRAMER: No. But in
7 fairness, we are in the proces of doing a
8 comprehensive plan, part of which will be
9 a district plan, at which time we very
10 well may have changed this to be
11 something to recognize more potential to
12 be a "C-3" site. But without having done
13 the research to do the district plan,
14 based on what we had on the table, that's
15 where the recommendation came from.

16 COUNCILMAN KENNEY: Just one
17 aside. Who contacted you? The neighbor
18 of the property contacted who?

19 MR. KRAMER: The initial letter
20 from the next-door neighbor went to
21 Councilman Jones. Councilman Jones'
22 office contacted me, because we actually
23 draft the bills, and then I met with the
24 gentleman Friday.

25 COUNCILMAN KENNEY: Councilman

1 4/13/10 - RULES - BILL 090837, etc.

2 Jones, do you have any illumination on
3 this?

4 COUNCILMAN JONES: Always.

5 First of all, to the
6 professionals at the Planning Commission,
7 I always respect their ability to be
8 overly cautious and err on the side of
9 caution, and I respect that.

10 Having some understanding of
11 Crest Auto in a prior life, I funded them
12 at PCDC and was able to get them to move
13 into that building. Furthermore,
14 Lancaster Avenue is a commercial corridor
15 that not only did I grow up on, but I
16 helped to administer resources from the
17 City of Philadelphia over a decade's
18 period of time. I have, unbeknownst to
19 the Planning Commission, an understanding
20 of what the overall future plan for that
21 area is, which includes an expansion of
22 Overbrook High School into almost an
23 education complex.

24 I also understand that we've
25 invested \$1.7 million in capital

1 4/13/10 - RULES - BILL 090837, etc.
2 infrastructure in that area in
3 anticipation of future growth. I also
4 understand that when it comes to
5 transit-oriented development, that this
6 is a key intersection, and Old Lancaster
7 Avenue actually feeds right into the Main
8 Line, and that if we are able to, through
9 density, make those parcels more
10 attractive, that there is a future for
11 that commercial corridor.

12 The Lancaster Avenue Business
13 Association works very hard to attract
14 people there under its current zoning and
15 has been moderately successful, more in
16 the way of not losing more businesses as
17 opposed to attracting more businesses.
18 As you are keenly aware, Councilman, we
19 lost a grocery store there in Councilman
20 Clarke's district. He understands that
21 that's probably the low-hanging fruit for
22 employment and opportunities for people
23 from the neighborhood.

24 So by increasing density, what
25 we hope to do is attract a wider audience

1 4/13/10 - RULES - BILL 090837, etc.
2 of developers that would be interested in
3 that area. By doing this in advance, we
4 can start that process earlier and help
5 to create an economic opportunity.

6 Over this recession, we've had
7 one ribbon cutting that I went to, which
8 was a Domino's Pizza, and I cannot tell
9 you how happy the neighborhood was just
10 to have some kind of business there. But
11 I believe with this zoning change, that
12 we'll create a more lucrative opportunity
13 for developers and I believe that this is
14 the way to go.

15 Thank you, Mr. Chairman.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 Were there going to be any
19 amendments to this bill?

20 COUNCILMAN JONES: Say it
21 again.

22 COUNCILMAN KENNEY: Are there
23 any amendments to this bill?

24 COUNCILMAN JONES: Yes.

25 COUNCILMAN KENNEY: Okay. Any

1 4/13/10 - RULES - BILL 090837, etc.

2 other questions for this witness?

3 (No response.)

4 COUNCILMAN KENNEY: Anyone else
5 to testify?

6 And you're going to testify in
7 favor of Councilman --

8 MR. POLLOCK: In favor of the
9 amended ordinance.

10 COUNCILMAN KENNEY: I know it's
11 hard to tell a lawyer not to be long, but
12 we're all on the same page here, so
13 there's no need to --

14 MR. POLLOCK: We all agree.

15 My name is Stephen Pollock. I
16 represent Mr. Ben Yelowitz, who is the
17 owner of the property, and officially the
18 address for the property is 5911 to 45
19 Lancaster Avenue. So I want to make that
20 clear on the record, not 5923. So we do
21 go a little farther.

22 Just briefly, Mr. Yelowitz has
23 an auto sales facility. He does
24 wholesale. "C-3" would accommodate the
25 wholesale.

1 4/13/10 - RULES - BILL 090837, etc.

2 We got into this a little bit
3 late in the game after being able to
4 piggyback into this, so we weren't at the
5 City Planning Commission presentation to
6 be able to advise them of what we have in
7 plans. But also, this is about a 23,000
8 square foot facility. We have a pending
9 lease coming up with Forzenias, which is
10 going to open up a dialysis center and
11 take up about 9,500 square feet. If the
12 goal of Zoning is to try and eliminate
13 variances and that's how the Zoning Code
14 Commission is going, hopefully if we
15 could get "C-3," we would be in line for
16 being able to allow Mr. Yelowitz not to
17 be a non-conforming use anymore with his
18 business, because he doesn't do any
19 installations.

20 So that's basically --

21 COUNCILMAN KENNEY: That's it?

22 MR. POLLOCK: Yes.

23 COUNCILMAN KENNEY: Any

24 questions?

25 (No response.)

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN KENNEY: Seeing
3 none, anyone else to testify on this
4 bill?

5 (No response.)

6 COUNCILMAN KENNEY: Seeing
7 none, that will conclude --

8 MR. POLLOCK: Thank you very
9 much.

10 COUNCILMAN KENNEY: Councilman
11 Clarke. Hold on.

12 COUNCILMAN CLARKE: No, not for
13 these gentlemen. I just had a question
14 for Mr. Kramer on a bill that I
15 sponsored, basically on an amendment that
16 was...

17 Mr. Kramer, I was given an
18 amendment for 133, the Pearson Hall.

19 MR. KRAMER: It would have been
20 to place a large copy of the map on the
21 bill itself. Typically with master plan
22 amendments, when we receive them, we
23 receive them electronically. We put them
24 onto the bill itself. Then there become
25 legibility issues. The Law Department

1 4/13/10 - RULES - BILL 090837, etc.

2 has requested that when we --

3 COUNCILMAN CLARKE: So this is
4 not sufficient?

5 MR. KRAMER: According to the
6 Law Department, yes. They wanted to have
7 the master plan as a normal 24-by-36
8 sheet attached to it. When we give these
9 bills, we do not do them as
10 Administration bills, but we draft them
11 for the institution and give them to the
12 institution to give to the District
13 Councilperson. They have been told to
14 supply the large copy of that so that it
15 can remain on file with the Clerk's
16 Office so that it's legible, so that if
17 someone wants to come in and evaluate,
18 that's what -- if there is an amendment,
19 that's what it would be.

20 COUNCILMAN CLARKE: But we
21 don't have that. Okay. We'll do it once
22 it's on the Calendar.

23 MR. KRAMER: Thank you.

24 COUNCILMAN KENNEY: Anyone
25 else, any other subjects?

1 4/13/10 - RULES - BILL 090837, etc.

2 (No response.)

3 COUNCILMAN KENNEY: Thank you
4 very much. That will conclude the
5 Committee on Rules public hearing. We
6 will now convene a public meeting.

7 The Chair recognizes
8 Councilmember Greenlee for a motion on
9 Bill No. 090837.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Chairman. I move that Bill No.
12 090837 be reported out of Committee with
13 a favorable recommendation and move
14 further the rules of Council be suspended
15 to allow for first reading at our next
16 session of Council.

17 (Duly seconded.)

18 COUNCILMAN KENNEY: Moved and
19 seconded.

20 All in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: There are
23 none opposed. Bill No. 090837 is
24 reported out of this Committee with a
25 favorable recommendation and a request

1 4/13/10 - RULES - BILL 090837, etc.
2 made for rules suspension to allow first
3 reading at our next Council session.

4 The Chair recognizes
5 Councilmember Greenlee for a motion to
6 approve the amendment to Bill No. 100096.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman. I move that the
9 amendment be approved to Bill No. 100096.
10 (Duly seconded.)

11 COUNCILMAN KENNEY: Moved and
12 seconded.

13 All in favor?
14 (Aye.)

15 COUNCILMAN KENNEY: The bill
16 should be amended accordingly.

17 The Chair recognizes
18 Councilmember Greenlee for a motion on
19 the amended bill.

20 COUNCILMAN GREENLEE: Thank
21 you, Mr. Chairman. I move that Bill No.
22 100096, as amended, be reported out of
23 this Committee with a favorable
24 recommendation and the rules of Council
25 be suspended to allow for first reading

1 4/13/10 - RULES - BILL 090837, etc.

2 at our next session of Council.

3 (Duly seconded.)

4 COUNCILMAN KENNEY: So the
5 record is clear, the bill number is No.
6 100096. It's been moved and seconded.

7 All in favor?

8 (Aye.)

9 COUNCILMAN KENNEY: There are
10 none opposed. Bill No. 100096, as
11 amended, will be reported out of this
12 Committee with a favorable recommendation
13 and a request made for rules suspension
14 to allow for first reading at our next
15 Council session.

16 The Chair recognizes
17 Councilmember Clarke for a motion on Bill
18 No. 100133.

19 COUNCILMAN CLARKE: Thank you,
20 Mr. Chairman. I move that Bill 100133 be
21 moved out of Committee with a favorable
22 recommendation and a request for rules
23 suspension to allow reading at the next
24 session of Council.

25 (Duly seconded.)

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN KENNEY: Moved and
3 seconded.

4 All in favor?

5 (Aye.)

6 COUNCILMAN KENNEY: There are
7 none opposed. Bill No. 100133 will be
8 reported out of this Committee with a
9 favorable recommendation and a request
10 made for rules suspension to allow first
11 reading at our next Council session.

12 The Chair recognizes
13 Councilmember Greenlee for a motion on
14 Bill 100161.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman. I move that Bill No.
17 100161 be reported out of this Committee
18 with a favorable recommendation and the
19 rules of Council be suspended to allow
20 for first reading at our next session of
21 Council.

22 (Duly seconded.)

23 COUNCILMAN KENNEY: Moved and
24 seconded.

25 All in favor?

1 4/13/10 - RULES - BILL 090837, etc.

2 (Aye.)

3 COUNCILMAN KENNEY: There are
4 none opposed. Bill No. 100161 will be
5 reported out of this Committee with a
6 favorable recommendation and a request
7 made for rules suspension to allow first
8 reading at our next Council session.

9 The Chair recognizes
10 Councilmember Goode for a motion to
11 approve the amendment to Bill No. 100195.

12 COUNCILMAN GOODE: Thank you,
13 Mr. Chairman. I move that the amendment
14 to 100195 be approved.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: Moved and
17 seconded.

18 All in favor?

19 (Aye.)

20 COUNCILMAN KENNEY: There are
21 none opposed. Bill No. 100195 will be
22 amended accordingly.

23 The Chair recognizes
24 Councilmember Goode for a motion on the
25 bill.

1 4/13/10 - RULES - BILL 090837, etc.

2 COUNCILMAN GOODE: Thank you,
3 Mr. Chairman. I move that Bill 100195,
4 as amended, be reported out of Committee
5 with a favorable recommendation and the
6 rules of Council be suspended so as to
7 permit first reading at our next Council
8 session.

9 (Duly seconded.)

10 COUNCILMAN KENNEY: Moved and
11 seconded.

12 All in favor?

13 (Aye.)

14 COUNCILMAN KENNEY: There are
15 none opposed. Bill No. 100195, as
16 amended, will be reported out of this
17 Committee with a favorable recommendation
18 and a request made for rules suspension
19 to allow first reading at our next
20 Council session.

21 The Chair recognizes
22 Councilmember Goode for a motion on the
23 approval of the amendment on Bill 100196.

24 COUNCILMAN GOODE: I move that
25 the amendment to Bill 100196 be approved.

1 4/13/10 - RULES - BILL 090837, etc.

2 (Duly seconded.)

3 COUNCILMAN KENNEY: Moved and
4 seconded.

5 All in favor?

6 (Aye.)

7 COUNCILMAN KENNEY: There are
8 none opposed. Bill No. 100196 will be
9 amended accordingly.

10 The Chair recognizes
11 Councilmember Goode for a motion on the
12 amended bill.

13 COUNCILMAN GOODE: I move that
14 100196, as amended, be reported out of
15 Committee with a favorable recommendation
16 and the rules of Council be suspended so
17 as to permit first reading at our next
18 Council session.

19 (Duly seconded.)

20 COUNCILMAN KENNEY: Moved and
21 seconded.

22 All in favor?

23 (Aye.)

24 COUNCILMAN KENNEY: There are
25 none opposed. Bill No. 100196 is

1 4/13/10 - RULES - BILL 090837, etc.
2 reported out of this Committee, as
3 amended, with a favorable recommendation
4 and a request made for rules suspension
5 to allow first reading at our next
6 Council session.

7 The Chair recognizes
8 Councilmember DiCicco for a motion on the
9 amendment to Bill No. 100197.

10 COUNCILMAN DiCICCO: Thank you,
11 Mr. Chairman. I move that the amendment
12 to Bill 100197 be approved.

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and
15 seconded.

16 All in favor?

17 (Aye.)

18 COUNCILMAN KENNEY: There are
19 none opposed. Bill No. 100197 will be
20 amended accordingly.

21 The Chair recognizes
22 Councilmember DiCicco on the amended
23 bill.

24 COUNCILMAN DiCICCO: Thank you,
25 Mr. Chairman. I move that Bill No.

1 4/13/10 - RULES - BILL 090837, etc.
2 100197, as amended, be reported out of
3 this Committee with a favorable
4 recommendation and that the rules of
5 Council be suspended.

6 (Duly seconded.)

7 COUNCILMAN KENNEY: Moved and
8 seconded.

9 All in favor?

10 (Aye.)

11 COUNCILMAN KENNEY: There are
12 none opposed. Bill No. 100197, as
13 amended, will be reported out of this
14 Committee with a favorable recommendation
15 and a request made for rules suspension
16 to allow first reading at our next
17 Council session.

18 That concludes the business of
19 the Rules Committee public hearing.

20 (Committee on Rules concluded
21 at 10:00 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 on April 13, 2010, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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