

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

4

- - -

5

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, March 5, 2007, 10:25 a.m.

6

7

- - -

8

9

Bill 070051 - Amending Section 14-1611 of the
Philadelphia Code entitled "Benjamin Franklin
Parkway controls," by amending certain
provisions of the special height control
district for the Benjamin Franklin Parkway
and by making certain technical changes, all
under certain terms and conditions.

13

14

COUNCILMEMBERS PRESENT:

15

Anna C. Verna, Chair
Blondell Reynolds-Brown
Darrell L. Clarke
William K. Greenlee
Donna Reed-Miller

18

19

20

21

22

- - -

23

V A R A L L O Incorporated
Litigation Support Specialists
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

24

25

25

1 3/5/07 - RULES - BILL 070051

2

3 COUNCIL PRESIDENT VERNA: Good
4 morning, everyone. Sorry for the
5 delay.

6 This is the public hearing on
7 the Committee on Rules. I would ask
8 Mr. McPherson to please read the title
9 of Bill No. Bill No. 070051.

10 MR. MCPHERSON: An ordinance
11 amending Section 14-1611 of the
12 Philadelphia Code, entitled "Benjamin
13 Franklin Parkway Controls," by amending
14 certain provisions of the special
15 height control district for the
16 Benjamin Franklin Parkway and by making
17 certain technical changes, all under
18 certain terms and conditions.

19 COUNCIL PRESIDENT VERNA: At
20 this time, the Chair recognizes
21 Councilman Clarke.

22 COUNCILMAN CLARKE: Thank you,
23 Madam President.

24 Madam President and members of
25 the committee, before you today, we

1 3/5/07 - RULES - BILL 070051

2 have a bill. This is essentially an
3 amendment to an earlier version of the
4 Parkway height control bills that we
5 introduced last year.

6 During the course of the
7 analysis, working with the Planning
8 Commission, we realized that there was
9 a small on the southern perimeter of
10 the Parkway height controls bill that
11 was left out inadvertently. This
12 particular bill will essentially square
13 off that targeted area.

14 As a result of that, it will
15 give us an opportunity to continue the
16 discussion with the City Planning
17 Commission and any potential developers
18 in developing an area that's done in
19 the appropriate way to be consistent
20 with the needs and the benefits of that
21 particular community.

22 There are currently several
23 parcels in this area that have
24 unrestricted height controls, and the
25 concern is that there may be some

1 3/5/07 - RULES - BILL 070051

2 inappropriate use for those locations.

3 So we're essentially amending
4 the existing height controls bill to
5 incorporate the 125 height limit to
6 make sure that if anything moves
7 forward in that targeted area, there's
8 adequate input from that community and
9 the residents in the sounding area.

10 Thank you.

11 COUNCIL PRESIDENT VERNA:

12 Thank you.

13 Good morning. Please identify
14 yourself for the record and proceed
15 with your testimony.

16 MR. KRAMER: Good morning,
17 Madam President and members of the
18 Rules Committee. My name is William
19 Kramer. I am the senior zoning planner
20 in the Development Planning Division of
21 the Philadelphia City Planning
22 Commission.

23 I am here today to testify on
24 Bill No. 070051, which was introduced
25 by Councilmember Clarke on February 1st

1 3/5/07 - RULES - BILL 070051

2 of 2007.

3 This bill amends

4 Section-14-1611 of the Zoning Code by

5 amending the boundaries of the Benjamin

6 Franklin Parkway Controls District to

7 include the area bounded by the

8 Schuylkill River, John F. Kennedy

9 Boulevard, North 23rd Street, Arch

10 Street, North 22nd Street, Walden

11 Street, North 21st Street, Cuthbert

12 Street, north 18th Street, Vine Street,

13 Franklin Town Boulevard, North 17th

14 Street, Brandywine Street, North 21st

15 Street, Fairmount Avenue, North 22nd

16 Street, and Aspen Street following a

17 line extending from the center line of

18 Aspen Street west to the Schuylkill

19 River. In this area, a height limit of

20 125 feet for all newly-erected

21 buildings has been created.

22 While this bill has not been

23 formally presented to the City Planning

24 for consideration, the Commission staff

25 believes that this is a minor amendment

1 3/5/07 - RULES - BILL 070051

2 to an existing control. We further
3 believe that the control needs to
4 remain in place while a more permanent
5 means of addressing the issues raised
6 can be finalized.

7 To that end, the City Planning
8 staff will continue to work with the
9 District Councilperson's office.

10 I would be happy to answer any
11 questions of the committee.

12 Thank you.

13 COUNCIL PRESIDENT Verna:

14 Thank you very much.

15 Are there any questions from
16 members of the committee?

17 The Chair recognizes
18 Councilman Clarke.

19 COUNCILMAN CLARKE: Thank you,
20 Madam President.

21 I'd just like to thank
22 Mr. Kramer and members of the Planning
23 Commission for working with us to get a
24 permanent solution. As he indicated in
25 his testimony, this is an interim

1 3/5/07 - RULES - BILL 070051

2 strategy.

3 We hope very shortly on the
4 northern end to present a remapping
5 ordinance for the northern side, which
6 we think would be appropriate based on
7 the input that we've gotten from the
8 residents and the community
9 organizations on the upper end.

10 It's my understanding that the
11 Planning Commission will also be work
12 with the Logan Square community to
13 develop a long-term planning
14 initiative, so we look forward to
15 continuing to participate in that.

16 And I just want to thank you
17 all for the work that you've done to
18 date.

19 MR. KRAMER: Thank you, sir.

20 COUNCIL PRESIDENT VERNA:

21 Thank you very much.

22 Are there any other questions
23 or comments from members of the
24 committee?

25 (No further questions or

1 3/5/07 - RULES - BILL 070051

2 comments.)

3 COUNCIL PRESIDENT VERNA: I
4 would like the record to reflect to my
5 immediate left is Councilman Greenlee;
6 to my extreme right is Councilwoman
7 Reynolds-Brown, Councilwoman Miller,
8 and Councilman Clarke.

9 Do we have anyone that would
10 like to testify?

11 Please approach the witness
12 table, sir. Please approach the
13 witness table.

14 (Witnessed come forward.)

15 COUNCIL PRESIDENT VERNA: Good
16 morning and welcome. Please identify
17 yourself for the record.

18 MR. SILVERMAN: Good morning,
19 Madam President and honorable
20 Councilmembers. My name is Mort
21 Silverman. I am president of the Board
22 of Directors of Kennedy House, which is
23 located at 1901 JFK Boulevard.

24 Thank you for allowing me to
25 testify this morning on behalf of

1 3/5/07 - RULES - BILL 070051

2 Kennedy House.

3 Bill 060292-A was introduced
4 by Councilman Clarke and passed by City
5 Council on December 14, 2006, to
6 provide the residents of the
7 neighborhoods surrounding the Benjamin
8 Franklin Parkway -- namely Logan
9 Square, Spring Garden, and Fairmount --
10 with a say in any large development
11 that might be proposed through the
12 zoning process. This fix was paramount
13 in light of what had recently been
14 experienced in the way of
15 irresponsible, aggressive high-rise
16 development without regard to community
17 input.

18 Unfortunately, the area north
19 of Kennedy House was not included in
20 that plan. When we discussed this, we
21 collected over 500 signatures on
22 petitions, petitions which called for
23 the amendment of 060292-A to include
24 the area north of Kennedy House, copies
25 of which have been presented to you

1 3/5/07 - RULES - BILL 070051

2 this morning.

3 Councilman Clarke was also
4 kind enough to attend a community
5 meeting at the Kennedy House at which
6 time we pleaded our case to him. As a
7 result, Councilman Clarke, on February
8 1st, introduced Bill 070051 in order to
9 revise the Benjamin Franklin Parkway
10 special height control district to
11 complete the circle of protection.

12 The Logan Square Neighborhood
13 Association has passed a resolution in
14 support of amending 060292-A to include
15 the area north of Kennedy House, and
16 Beyers Charter School has submitted a
17 letter dated February 20, 2007, in
18 support of this bill, copies of which
19 have been sent to the members of the
20 Rules Committee.

21 We urge you to support the
22 passage of this bill. Without it,
23 there would be a negative impact on the
24 quality of our lives and a grand
25 esplanade on the Parkway.

1 3/5/07 - RULES - BILL 070051

2 The north side of Kennedy
3 House is situated on Cuthbert Street,
4 which is a very narrow street; it is
5 only 15 feet wide.

6 The footprint of any
7 development on that site, which is
8 higher than what this bill would allow,
9 would put one side of Kennedy House
10 into total darkness. There would be
11 absolutely no sunlight or air for the
12 residents living on the north side.

13 Many of our residents are
14 elderly, disabled, and on a fixed
15 income. Looking out of their window is
16 sometimes the only light of day that
17 they see. Any development on that site
18 just north of Kennedy House, which is
19 higher than what this bill would allow,
20 will also have an adverse effect on
21 Logan Square, one of the most beautiful
22 and charming places in our city. That
23 development would literally cast its
24 shadow over Swan Fountain.

25 Until the City has a coherent

1 3/5/07 - RULES - BILL 070051
2 long-range plan for development and an
3 updated zoning code that accommodates
4 all of its citizens, our residents, as
5 well as the Parkway and Logan Square,
6 need the protection of a height
7 restriction ordinance north of Kennedy
8 House and the Sterling House to the
9 east.

10 Our residents are only asking
11 for the same protection that was
12 afforded the rest of our neighborhood,
13 and we respectfully request your
14 support of Bill 070051.

15 Thank you.

16 COUNCIL PRESIDENT VERNA:

17 Thank you very much.

18 Are you going to testify, sir?

19 MR. STUART: Well, only for
20 the record, Council President Verna.

21 I'm Rob Stuart. I'm the
22 president of Logan Square Neighborhood
23 Association, and I'm just here to
24 support the Councilman in this endeavor
25 and the Kennedy House residents that

1 3/5/07 - RULES - BILL 070051

2 are here.

3 We feel that this is. While
4 not the ideal way to go about putting
5 -- doing sustainable zoning and
6 planning for our community, at this
7 point, it's the approach that gets us
8 what we need; and that is, into
9 dialogue with developers.

10 'Cause I think, as we saw in
11 the most recent case, once developers
12 and neighbors sit down, we can -- we
13 work out better development. When we
14 don't have a seat at the table, when
15 development is just thrust upon us, I
16 think everybody loses.

17 So we believe in this bill and
18 urge its passage.

19 COUNCIL PRESIDENT VERNA:

20 Thank you very much.

21 Are there any questions from
22 members of the committee?

23 The Chair recognizes
24 Councilman Clarke.

25 COUNCILMAN CLARKE: Thank you,

1 3/5/07 - RULES - BILL 070051

2 Madam President.

3 Madam President, I'd just like
4 to thank both of these gentlemen, the
5 leaders Mr. Silverman and Mr. Stuart,
6 for their leadership.

7 And I want to thank all of the
8 residents. We had a very, very
9 fruitful meeting at the Kennedy House.
10 It was quite interesting.

11 When I walked in the room, it
12 was a little rough early on in the
13 process, but at the end of the meeting,
14 we actually had some fun. I was
15 actually given an opportunity to view a
16 couple of the residents' apartments,
17 and they were homes that were really
18 wonderful.

19 So I just want to thank you
20 all for your support and your
21 participation in this process. And
22 hopefully, we'll be able to get this
23 done in short order for you.

24 Thank you.

25 COUNCIL PRESIDENT VERNA:

1 3/5/07 - RULES - BILL 070051

2 Thank you.

3 Any other questions or
4 comments from members of the committee?

5 (No further questions or
6 comments.)

7 COUNCIL PRESIDENT VERNA: I
8 would like the record to reflect that
9 there are approximately 50 residents
10 that are present at the hearing, and I
11 certainly want to thank you all for
12 coming in; we appreciate that.

13 Are you trying to indicate,
14 Mr. Toy, that you want to speak?

15 MR. TOY: Yeah. I have some
16 testimony. I'm sorry I'm late. Can I
17 speak?

18 COUNCIL PRESIDENT VERNA:
19 Please approach the witness table.

20 (Witness comes forward.)

21 COUNCIL PRESIDENT VERNA: Good
22 morning.

23 MR. TOY: Good morning. If
24 you would like (handing in testimony).

25 Good morning, Madam President

1 3/5/07 - RULES - BILL 070051

2 and Councilmen and women. I am Andrew
3 Toy, a resident of Logan Square and a
4 board member of the Logan Square
5 Neighborhood Association as well as
6 being the president of the Chinatown
7 CDC.

8 I am here in support of the
9 proposed ordinance that will complete
10 the 125-foot height limitation that was
11 passed a few months ago. This
12 ordinance will help to protect the
13 community from unwanted out-of-scale
14 projects and developers who do not
15 respect the community and the need for
16 us to all work together. This is an
17 important step in ensuring community
18 input and participation in important
19 decisions affecting our community.

20 We have recently been witness
21 to what happens when communities are
22 not part of the process in the
23 Chinatown stadium struggle, in which I
24 was one of the leaders, and now in the
25 casino proposals. This is

1 3/5/07 - RULES - BILL 070051

2 unacceptable.

3 With the City's assistance, we
4 are finally moving towards a
5 comprehensive neighborhood plan for the
6 Logan Square neighborhood, which will
7 serve as a road map for future
8 development.

9 As a member of our long-range
10 planing committee that is leading this
11 effort, I realize it may not be
12 completed until later this year.
13 Therefore, it is imperative that we
14 have this height restriction in place
15 now so that another River City project
16 is not just thrust upon us.

17 Thank you. That's my only
18 comments.

19 COUNCIL PRESIDENT VERNA:

20 Thank you very much, sir.

21 MR. TOY: Thank you,
22 Councilwoman.

23 COUNCIL PRESIDENT VERNA: Any
24 comments or questions for Mr. Toy?

25 (No response.)

1 3/5/07 - RULES - BILL 070051

2 COUNCIL PRESIDENT VERNA:

3 Thank you very much for coming in to
4 testify.

5 Is there anyone else like to
6 testify?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: No
9 one else would like to testify?

10 That would conclude our public
11 hearing.

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 3/5/07 RULES PUBLIC MEETING - BILL 070051

2 COUNCIL PRESIDENT VERNA: We
3 will now go into our public meeting,
4 and the Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you,
7 Madam President.

8 Madam President, I move that
9 Bill No. 070051 be reported out of
10 committee with a favorable
11 recommendation and a request for a
12 rules suspension as to allow reading at
13 the next session of Council.

14 (Motion seconded.)

15 COUNCIL PRESIDENT VERNA: It
16 has been moved and seconded that Bill
17 No. 070051 be reported out of committee
18 with a favorable recommendation and
19 further that the rules of Council be
20 suspended so as to permit first reading
21 at our next session of Council.

22 All in favor, will please say
23 aye.

24 Those opposed?

25 The ayes have it, and the

1 3/5/07 RULES PUBLIC MEETING - BILL 070051

2 motion carries.

3 Thank you all very much. And,
4 again, I think you all for coming in.

5 (Applause.)

6 (Proceedings end at
7 10:50 a.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

C E R T I F I C A T E

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I HEREBY CERTIFY that the

proceedings of the City of Philadelphia

Council Committee on Rules are contained

fully and accurately in the stenographic

notes taken by me on Monday, March 5, 2007,

and that this is a true and correct statement

of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification

of this transcript does not apply to any

reproduction of the same by any means, unless

under the direct control and/or supervision

of the certifying reporter.)