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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON RULES

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6

Room 400, City Hall

Philadelphia, Pennsylvania

7

Wednesday, September 22, 2004

10:00 a.m.

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9 BILL 040611 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
10 zoning designations of certain areas of land
bounded by Lawrence Street, Green Street,
11 4th Street, Fairmount Avenue, Galloway
Street, Green Street, Bodine Street,
12 Fairmount Avenue, American Street, Brown
Street, Hancock Street, Fairmount Avenue,
13 Front Street and Spring Garden Street.

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PRESENT:

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COUNCIL PRESIDENT ANNA VERNA, Chair

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COUNCILMAN DARREL CLARKE, Vice Chair

COUNCILMAN JAMES KENNEY

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COUNCILWOMAN JANNIE BLACKWELL

COUNCILMAN DAVID COHEN

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COUNCILWOMAN DONNA REED MILLER

COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK DICICCO

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I N D E X

BILL 040611	PAGE
THOMAS CHAPMAN, Planning Commission..	3
DEBRA KING, Northern Liberties Neighbors Association	20

1 9/22/04 - RULES - BILL 040611

2 COUNCIL PRESIDENT Verna: Good
3 morning, everyone. We would like to start the
4 hearing. This is the public hearing of the
5 Committee on Rules regarding Bill No. 040611.

6 I would ask Mr. McPherson to please
7 read the title of the bill.

8 MR. MCPHERSON: An ordinance to
9 amend the Philadelphia Zoning Maps by changing
10 the zoning designations of certain areas of
11 land bounded by Lawrence Street, Green Street,
12 4th Street, Fairmount Avenue, Galloway Street,
13 Green Street, Bodine Street, Fairmount Avenue,
14 American Street, Brown Street, Hancock Street,
15 Fairmount Avenue, Front Street and Spring
16 Garden Street.

17 COUNCIL PRESIDENT Verna: Thank you.

18 The record will reflect we do have a
19 quorum. To my extreme left is Councilman
20 Kenney, Councilwoman Brown. To my extreme
21 right is Councilwoman Miller, Councilman
22 Clarke.

23 Mr. Chapman, please identify
24 yourself for the record and proceed with your
25 testimony.

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2 MR. CHAPMAN: Good morning, Madam
3 President and Members of the Rules Committee.
4 My name is Thomas Chapman.

5 COUNCIL PRESIDENT Verna: Excuse me.
6 Does everyone have a copy of Mr.
7 Chapman's testimony?

8 Was it circulated, Mr. Chapman?

9 MR. CHAPMAN: I can't say that it
10 was, Madam President. This bill was only
11 considered by the Planning Commission
12 yesterday afternoon so there may not have been
13 time for the testimony to have been
14 circulated.

15 COUNCIL PRESIDENT Verna: Well, in
16 the future, we would like to have a copy of
17 the testimony 48 hours prior to the hearing.

18 Please proceed.

19 MR. CHAPMAN: I am the Director of
20 the Development Planning Division for the City
21 Planning Commission, and I'm here today to
22 testify on Bill No. 040611. Councilmember
23 DiCicco introduced this bill on May 27, 2004.

24 Bill No. 040611 would rezone a
25 number of parcels in the area generally

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2 bounded by Spring Garden Street, Front Street,
3 Brown Street, and Lawrence Street. Currently
4 these properties are zoned C-3 Commercial.
5 This bill would change the zoning of those
6 properties to C-2 Commercial.

7 The primary reason for this change
8 in zoning is that while the uses permitted
9 under the C-3 and C-2 zoning classifications
10 are similar, the permitted building height and
11 density of development permitted under of the
12 two classifications is significantly
13 different. C-3 has no specific building
14 height limitation. Height is controlled only
15 by a floor area ratio requirement. On the
16 other hand, C-2 has a height limitation of 35
17 feet which is much more consistent with the
18 existing pattern of residential business
19 development in the surrounding community.

20 In 1979 in conjunction with the
21 Northern Liberties Neighborhood Association
22 and the District Council representative, the
23 Planning Commission prepared a zoning
24 re-mapping proposal for the Northern Liberties
25 neighborhood. About 90 percent of the zoning

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2 in this area prior to that re-mapping was G-2
3 General Industrial. Various residential,
4 commercial, and industrial zoning
5 classifications were mapped in this
6 neighborhood as a result of that effort. At
7 the time of the re-mapping, there was a
8 thriving wholesale business district in the
9 immediate vicinity of Second Street and
10 Fairmount Avenue. Since C-3 Commercial
11 permits wholesale sales, that classification
12 was used in this area to recognize that fact
13 even though most of the buildings met the
14 requirements of C-2 in terms of density and
15 height, using C-2 would have made all of the
16 wholesale businesses non-conforming uses.
17 Over the years, the wholesale businesses have
18 left this area and have been replaced by
19 retail commercial mixed use and residential
20 uses.

21 The Planning Commission considered
22 this bill at its meeting yesterday afternoon
23 and requested that the bill be held. Members
24 of the commission thought that while C-2 is
25 certainly appropriate for some parcels, there

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2 may be instances where C-3 is still
3 appropriate. And also the commission thought
4 that -- the commission recommended that this
5 area be considered as part of a zoning
6 re-mapping study for the entire Northern
7 Liberties community.

8 That concludes my testimony. I'd be
9 happy to answer any questions of the
10 Committee.

11 COUNCIL PRESIDENT VERNA: Well, I
12 think before Committee members start to ask
13 any questions, Councilman DiCicco is the
14 sponsor of the bill and I'd like to know what
15 his position is.

16 COUNCILMAN DICICCO: Thank you,
17 Madam Chair, and good morning.

18 This bill was introduced to Northern
19 Liberties Neighborhood Association. It came
20 as a result of concern that they were having
21 about the development that's going on Northern
22 Liberties. We are happy that there is
23 development is occurring, but one of the
24 problems we're having is because much of the
25 land within the Northern Liberties boundaries

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2 is zoned C-3, as Mr. Chapman's testimony spoke
3 to, a developer can build a building with no
4 height limitation as a matter of right. And
5 we were concerned and the community is
6 concerned that because of the configuration of
7 many of the streets within Northern Liberties,
8 which are very narrow small streets, that
9 high-rise buildings would be offensive to the
10 rest of the community and would not really fit
11 into the streetscape that we're accustomed to
12 in Northern Liberties.

13 My concern with the request of the
14 Planning Commission to table this bill today
15 is -- I have a concern because if we don't do
16 this bill and report it out of Committee
17 today, there's a potential that developers
18 could rush -- there would be a rush, if you
19 will, to take out building permits that will
20 allow for additional high-rise buildings to be
21 built within the Northern Liberties community
22 in addition to the three that have already
23 been permitted by use of a use permit or
24 building permit. In fact, I think as of
25 yesterday, the developer for the three sites

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2 that raised this concern in the community --
3 and I only heard this this morning so I don't
4 know if it's accurate -- renewed the building
5 permits yesterday because he understood that
6 this bill was coming out, hopefully out of
7 Committee today. So in essence what we have
8 is a 12-story, a 9-story and 7-story building
9 that are legal to be built within Northern
10 Liberties today and we want to keep that from
11 occurring going forwarding.

12 We're not suggesting that at some
13 point in time or in some particular location
14 within Northern Liberties that the community
15 would not support a building above three
16 stories. What we want is for the community to
17 be part of that process. We don't want it to
18 be as a matter of right. We want for
19 developers have to come back to the community
20 to show the community their plans. And if
21 it's above three stories and it fits within
22 the streetscape of what Northern Liberties
23 accepts, then fine. There may be support for
24 that. But just as a matter of right, we think
25 will be detrimental to the configuration, the

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2 appearance of Northern Liberties and what
3 Northern Liberties has become. It's one of
4 the hottest neighborhoods in the City of
5 Philadelphia, and we're happy for that. As I
6 said earlier, we're happy that development
7 occurring, but we want to have a say in the
8 process as to the size and scope of future
9 projects.

10 And for the record, I just want to
11 point out, when I introduced this bill or
12 asked the Planning Commission to look at the
13 Northern Liberties community to draft the
14 legislation, they were unaware that what I
15 formerly represented in Northern Liberties I
16 no longer represent in total. Councilmember
17 Clarke has a portion of Northern Liberties.
18 If you look at the existing map, you'll see
19 that little block that runs from Fourth Street
20 to Lawrence along Spring Garden, that
21 technically is within the boundaries of
22 Councilman Clarke's district. So I wanted
23 that for the record. Councilmember Clarke and
24 I had a little discussion earlier and he is
25 okay with that. But the Planning Commission

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2 didn't realize after the last reapportionment
3 that I no longer went up to Fifth Street. My
4 district at one time went up to Fifth Street
5 but now only goes up to Fourth.

6 If anybody has any questions for me,
7 I'll be glad to answer them.

8 COUNCIL PRESIDENT VERNA: The Chair
9 recognizes Councilman Clarke.

10 COUNCILMAN CLARKE: Thank you, Madam
11 President. As Councilman DiCicco indicated
12 earlier, there is a small portion in this
13 particular proposal that is in my Councilmanic
14 District and I fully support it. In fact,
15 there's a likelihood that we may look at
16 expanding it into other parts of the district
17 that I represent and I'll be looking forward
18 to meeting with the representation of Northern
19 Liberties to discuss that, some form of change
20 in the zoning venue.

21 Councilman, I don't know if I should
22 ask Mr. Chapman or you. With respect to
23 pending legislation, when does that come into
24 play that prohibits pulling of zoning permits
25 or that affects the ability to pull a permit?

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2 MR. CHAPMAN: If this bill is
3 reported out of this Committee this morning,
4 then L&I considers this bill as being law.
5 Once it's reported out favorably by the Rules
6 Committee, it's as if it was the law.

7 COUNCILMAN CLARKE: Thank you.

8 COUNCIL PRESIDENT VERNA: Thank you.

9 The Chair recognizes Councilman
10 Kenney.

11 COUNCILMAN KENNEY: Has anyone
12 notified or will notify L&I that that is in
13 fact the case? One of the concerns I would
14 have is that while policy would indicate that
15 they consider this law, if the developer runs
16 in there this afternoon and gets across the
17 desk something as of right as we speak now,
18 it's going to be a difficult thing to get that
19 back and we'll at least have some litigation
20 that we have to go through, I'm sure, to get
21 it back.

22 Who is the developer or proposed
23 developer?

24 COUNCILMAN DICICCO: Phil McFillin.

25 COUNCILMAN KENNEY: And those three

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2 buildings are all the same developer?

3 COUNCILMAN DICICCO: Yes.

4 COUNCILMAN KENNEY: I would just
5 urge that someone on staff on Councilman
6 DiCicco or Councilman Clarke's staff get ahold
7 of L&I immediately as soon as we vote on this
8 so somebody doesn't run in there cutesy and
9 grab those papers.

10 MR. CHAPMAN: I can do that,
11 Councilman.

12 COUNCILMAN DICICCO: I think my
13 legislative assistant told me that he already
14 talked to Dave Perry about it. But you're
15 absolutely right. I remember in 1989 I came
16 before this council when I was president of
17 the civic association I formed. We were
18 trying to stop a church from being demolished
19 across from Pat's Steaks. And the developers
20 literally ran across the street to pull a
21 permit. And we had some litigation, but in
22 the end we prevailed because it is as Mr.
23 Chapman said, when it's reported out of
24 Committee L&I perceives it to be the law even
25 though we had not taken a final vote by the

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2 whole council. Because if you didn't do it,
3 dozens of people could be rushing in today
4 pulling permits out.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 The Chair recognizes Councilman
7 Cohen.

8 COUNCILMAN COHEN: Has the City had
9 any prior experience with this developer?

10 COUNCILMAN DICICCO: No, Councilman.
11 This is not a problem or concern for the
12 developer. It's a concern for the development
13 of high-rise buildings within Northern
14 Liberties. It has nothing to do with the
15 developer.

16 I know the developer. He's done a
17 number of projects in my district. This is at
18 the request of a neighborhood association.
19 They don't think it's appropriate or feel it's
20 appropriate for a 10, 12, 18, 20 story
21 buildings to be built within Northern
22 Liberties. It just doesn't fit in with the
23 landscape. It's not aesthetically -- it may
24 really set off balance what is there.

25 But the main purpose, as I said

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2 earlier, is by doing this, there may come a
3 time where a particular project may exceed the
4 height limitation that's in this legislation,
5 but the community will at least be part of the
6 process and they could go to the Zoning Board
7 and maybe support a project that may exceed
8 three stories. But if we don't do this
9 legislation, by a matter of right developers
10 will be able to come in and build buildings as
11 high as they want without any input from the
12 community.

13 COUNCILMAN COHEN: The question I
14 was raising was relevant just to this
15 particular developer. Has the City had any
16 experience with this developer at all?

17 I didn't quite follow your answer to
18 that question. That's the only question I'm
19 raising.

20 COUNCILMAN DICICCO: Has the City
21 had any experience with this developer?

22 COUNCILMAN COHEN: Has the developer
23 had developments? Has he paid his taxes? Is
24 he in good standing? That kind of thing.

25 COUNCILMAN DICICCO: My experience

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2 with this developer is that he will buy land,
3 come up with a project design and then
4 eventually sell that to another developer. He
5 kind of basically goes in, gets the land, does
6 a development scheme, a plan for it, and the
7 term is they flip it. He would flip it out to
8 someone who will actually come along and build
9 it. I don't know him and he may have but in
10 my experience I don't know of him actually
11 doing the actual project, but for designing
12 and putting the deal together, if you will,
13 and then flipping it.

14 COUNCILMAN COHEN: Whatever dealings
15 he's had with the City, what is his record of
16 performance?

17 COUNCILMAN DICICCO: I don't know of
18 any problems. As far as I know his record is
19 fine, to the best of my knowledge.

20 COUNCILMAN COHEN: Is there any way
21 of finding out beyond your knowledge? Is
22 there anyway of checking with the City?

23 COUNCILMAN DICICCO: If anybody, I
24 guess L&I would be the department probably.
25 But again, he's done a few projects in my

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2 district where he flipped those projects out.
3 And there's one at Second and Christian. The
4 houses are selling for about \$850,000 now and
5 the community is very happy with that project.
6 But he didn't do the actual construction. He
7 bought the land, came up with the design, got
8 all the pieces together under zoning and
9 everything else and then sold the development
10 plan to a builder.

11 COUNCILMAN COHEN: Nothing I said
12 indicates anything that I have that is harmful
13 to the developer. All I'm trying to do is to
14 save the City Council and the developer some
15 embarrassment. If there is a problem in taxes
16 or anything else with the City, it ought to be
17 cleared up. If there is no problem, that's
18 fine and everything you report about them
19 otherwise is excellent. All I'm suggesting is
20 that Council ought to have a procedure in
21 which it goes beyond the testimony of the
22 developer or the knowledge of a Councilmember
23 but we ought to just make sure that the person
24 is not a tax delinquent or has other problems
25 that's not compliant with the laws of the

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2 City. I have no reason to believe that this
3 developer doesn't meet that test. I'm saying
4 that I think that's a good process for the
5 Council to follow.

6 COUNCILMAN DICICCO: I agree.

7 COUNCILMAN COHEN: Thank you, Madam
8 President.

9 COUNCIL PRESIDENT Verna: The Chair
10 recognizes Councilwoman Brown.

11 COUNCILWOMAN BROWN: Thank you.

12 Councilman DiCicco, you answered my
13 questions I had regarding awareness of the
14 neighborhood association. Shall we assume
15 then they have seen, reviewed and approved the
16 new proposed zoning map?

17 COUNCILMAN DICICCO: Yes. To the
18 best of my knowledge, I believe they met with
19 the Planning Commission.

20 Mr. Chapman, I don't know if you
21 were out there, but someone from the Planning
22 Commission.

23 MR. CHAPMAN: Yes. Councilwoman,
24 I've discussed this re-mapping or rezoning
25 request with a number of members of the

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2 community association. In fact, there is a
3 community representative here with us today.

4 COUNCILMAN DICICCO: And there is a
5 member of the Northern Liberties Neighborhood
6 Association who is here, and she wishes to
7 testify.

8 COUNCILWOMAN BROWN: Thank you.

9 COUNCIL PRESIDENT VERNA: Are there
10 any other questions of Mr. Chapman?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Thank you,
13 Mr. Chapman.

14 The record reflect that Councilman
15 O'Neill is also present. I believe we have
16 another witness.

17 I'm sorry I don't know your name.
18 Would you like to come up to testify, please.

19 Good morning. Welcome. Please
20 identify yourself for the record.

21 MS. KING: My name Debra King,
22 K-I-N-G. I'm the board member of the Northern
23 Liberties Neighbors Association and recording
24 secretary of the Zoning Committee for the
25 neighborhood. Our President, Matt Reuben

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2 could not be here, but he did write a letter
3 fully supporting this. And Larry Friedman,
4 the head of the Zoning Committee would have
5 loved to have been here to support this. I
6 can assure you that this has the full support
7 of the neighborhood association. And I plead
8 with you, please, to approve this. And I'm
9 delighted that Mr. Chapman said he hopes that
10 this will continue and that there will be a
11 full reevaluation of the zoning situation in
12 Northern Liberties because we desperately need
13 it. I just hope that you support us in that
14 future effort as well because what's happening
15 in our fragile neighborhood which has a lot of
16 young families and people who are really
17 trying to make it a better community, there
18 has been so much development. It's been
19 incredibly disruptive and we need to have just
20 a little control to keep it incorporated into
21 the neighborhood in a reasonable way. We
22 welcome development, but responsible
23 development. And some of the these proposals
24 have been just overwhelming and daunting. So
25 please, my hope is I'll be able to testify in

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2 the future for future rezoning efforts.

3 COUNCIL PRESIDENT VERNA: Thank you
4 very much for your interest in your community
5 and certainly for coming in to testify. And
6 if would give the letter to the
7 Sergeant-at-Arms, we will give it to the
8 stenographer to make it part of the record.

9 Are there any questions of this
10 witness?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: Thank you
13 again for coming in.

14 Do we have anyone else to testify on
15 this bill?

16 (No response.)

17 COUNCIL PRESIDENT VERNA: Seeing
18 none, this will conclude our public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA

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PUBLIC MEETING

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COMMITTEE ON RULES

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Wednesday, September 22, 2004

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Public meeting conducted by the
Committee on Rules, held in Room 400, City
Hall, Philadelphia, Pennsylvania, on the above
date, to consider action on the following:

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BILL 040611.

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PRESENT:

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COUNCIL PRESIDENT ANNA VERNA, Chair
COUNCILMAN DARREL CLARKE, Vice Chair
COUNCILMAN JAMES KENNEY
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK DICICCO

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1 9/22/04 - RULES - PUBLIC MEETING

2 COUNCIL PRESIDENT Verna: We will
3 now go into our public meeting.

4 And the Chair recognizes Councilman
5 Clarke.

6 COUNCILMAN CLARKE: Thank you, Madam
7 Chair. Madam Chair, I move that Bill No.
8 040611 be reported out of Committee with
9 favorable recommendation, and request for
10 suspension of the Rules as to allow reading at
11 the next section.

12 (Duly seconded.)

13 COUNCIL PRESIDENT Verna: It has
14 been moved and properly seconded that Bill No.
15 040611 be reported out of Committee with a
16 favorable recommendation, also a
17 recommendation that the Rules of Council be
18 suspended so as to permit first reading at our
19 next Council session.

20 All in favor will indicate by saying
21 aye.

22 (Aye.)

23 COUNCIL PRESIDENT Verna: Those
24 oppose?

25 (No response.)

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

4 That concludes our public hearing
5 and meeting. Thank you all very much.

6 (Council adjourned at 10:30.)

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RE: COMMITTEE ON RULES

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Lisa C. Bradley, RPR

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