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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, December 4, 2008
9:10 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA, CHAIR
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN JACK KELLY
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN DONNA REED MILLER

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BILL 080837 - An ordinance amending Section
14-304 of The Philadelphia Code, entitled
"'C-3' Commercial District," by amending the
floor area requirements for hotels...

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BILL 080874 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Tacony
Street...

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BILL 080877 - An ordinance to amend the
Philadelphia Zoning Maps by changing the
zoning designations of certain areas of land
located within an area bounded by Girard
Avenue...

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2 COUNCIL PRESIDENT VERNA: Good
3 morning, everyone. This is a public
4 hearing of the Rules Committee.

5 I would ask Mr. McPherson to
6 please read the title of Bill No. 080837.

7 MR. MCPHERSON: An ordinance
8 amending Section 14-304 of The
9 Philadelphia Code, entitled "'C-3'
10 Commercial District," by amending the
11 floor area requirements for hotels, all
12 under certain terms and conditions.

13 (Witness approached witness
14 table.)

15 COUNCIL PRESIDENT VERNA: Good
16 morning.

17 MR. KRAMER: Good morning,
18 Council President Verna and members of
19 the Rules Committee. I'm William Kramer,
20 Division Director of the Development
21 Division of the Philadelphia City
22 Planning Commission. I am here today to
23 testify on Bill No. 080837, which was
24 introduced into City Council October 30,
25 2008.

1 12/4/08 - RULES - BILL 080837, etc.

2 The bill will change the floor
3 area ratio, FAR, for hotels that are
4 located in the "C-3" Commercial District
5 from a permitted floor area ratio of 450
6 percent of the area of the lot to a
7 permitted floor area ratio of 550 percent
8 of the area of the lot.

9 The floor area ratio is
10 determined by dividing the gross floor
11 area of all buildings on the lot by the
12 area of the lot. The net effect is that
13 hotel developers will be able to build
14 hotels with more density than what was
15 previously permitted.

16 This bill will, in effect, make
17 hotels a commercial use in a "C-3"
18 Commercial District rather than a
19 residential use. While this idea is not
20 objectionable on its face, most of the
21 planning world does consider hotels a
22 residential type use.

23 Additionally, while this bill
24 was written with new construction in
25 mind, the passage of this bill as written

1 12/4/08 - RULES - BILL 080837, etc.
2 would permit any existing hotel to move
3 up to an FAR of 550 percent.

4 Given that this bill would
5 retroactively permit additions on any
6 existing hotel located within the "C-3"
7 Commercial District and that we have not
8 had a chance to study the impacts of such
9 a change, the staff recommends that this
10 bill be amended with the following
11 changes: It would be amended to be --
12 Section 14-304(4)(a) would be proposed to
13 read, "The gross floor area, as defined
14 in 14-102(57), of any building containing
15 three or more families, except for the
16 construction of new hotels, shall not
17 exceed 450 percent of the area of the
18 lot."

19 Section 14-304(4)(b) is
20 proposed to read, "The gross floor area,
21 as defined in 14-102(57), of any building
22 containing less than three families and
23 the construction of new hotels, shall not
24 exceed 550 percent of the area of the
25 lot."

1 12/4/08 - RULES - BILL 080837, etc.

2 The Planning Commission staff
3 has worked with Councilman DiCicco's
4 office with regard to these amendments,
5 and the City Planning Commission at its
6 meeting of November 18, 2008 recommended
7 that Bill No. 080837 be approved with the
8 proposed amendments.

9 I have previously submitted a
10 copy of that amendment to the Clerk.

11 That is the conclusion of my
12 testimony. I'd be happy to answer any
13 questions at this time.

14 COUNCIL PRESIDENT Verna: Are
15 there any questions from members of the
16 Committee?

17 The Chair recognizes Councilman
18 Clarke.

19 COUNCILMAN CLARKE: Thank you,
20 Madam President.

21 The area, this is the "C-3"
22 Commercial District?

23 MR. KRAMER: Yes, sir.

24 COUNCILMAN CLARKE: Which
25 encompasses what's on this map here? I

1 12/4/08 - RULES - BILL 080837, etc.

2 have a map here that says Proposed

3 Zoning, Map B3.

4 MR. KRAMER: That's for a

5 separate bill.

6 COUNCILMAN CLARKE: Oh, I'm

7 sorry. I'm clearly out of the loop.

8 Where is the area proposed?

9 MR. KRAMER: This is not for
10 any specific area. This is a
11 classification change within the Code
12 under "C-3." So any "C-3" anywhere in
13 the City, the way the Code is currently
14 constructed, "C-3" allows for either 450
15 percent of the area of the lot or 550
16 percent of the area of the lot to be
17 developed with different uses.

18 Essentially, if you were considered a
19 residential use, it was 450 percent of
20 the lot. If it was considered an office
21 building, you were allowed 550 percent of
22 the lot.

23 The change occurred because
24 people were considering hotels as a
25 commercial use and then they had to make

1 12/4/08 - RULES - BILL 080837, etc.
2 this language change so that it would be
3 consistent within the Code, so that a
4 hotel could have 550 percent of the lot
5 as opposed to 450.

6 COUNCILMAN CLARKE: Okay.

7 MR. KRAMER: And that's what
8 the change is proposed to do.

9 COUNCILMAN CLARKE: I got you.
10 Thank you.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 Any other questions from
14 members of the Committee?

15 (No response.)

16 COUNCIL PRESIDENT VERNA:
17 Seeing none, is there anyone else to
18 testify?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: I
21 would ask Mr. McPherson to please read
22 the title of Bill No. 080874.

23 MR. MCPHERSON: An ordinance to
24 amend the Philadelphia Zoning Maps by
25 changing the zoning designations of

1 12/4/08 - RULES - BILL 080837, etc.
2 certain areas of land located within an
3 area bounded by Tacony Street, Homestead
4 Street, Milnor Street extended and Dark
5 Run Lane.

6 COUNCIL PRESIDENT Verna:
7 Mr. Kramer.

8 MR. KRAMER: Good morning,
9 Council President Verna and members of
10 the Rules Committee. I am William
11 Kramer, Division Director of the
12 Development Division of the Philadelphia
13 City Planning Commission. I am here
14 today to testify on Bill No. 080874,
15 which was introduced into City Council
16 November 13, 2008.

17 Bill No. 080874 will amend the
18 Philadelphia Zoning Maps by changing
19 certain zoning parcels bounded by Tacony
20 Street, Homestead Street, Milnor Street
21 extended and Dark Run Lane.

22 This bill will change the
23 zoning designations of a property zoned
24 "G-2" General Industrial to "LR"
25 Unlimited Industrial at the current

1 12/4/08 - RULES - BILL 080837, etc.
2 Newman and Company location. Newman and
3 Company is requesting the zoning change
4 so that they will be able to expand their
5 paper recycling facility, which provides
6 over 60,000 tons of paperboard each year.
7 Additionally, this bill will allow the
8 property to match the other industrial
9 properties along the river by being the
10 "LR" Least Restricted Industrial
11 designation.

12 The City Planning Commission is
13 scheduled to consider Bill No. 080874 at
14 its meeting of December 16, 2008. This
15 bill will be presented with a staff
16 recommendation of approval.

17 That is the conclusion of my
18 testimony. I'd be happy to answer any
19 questions of the Committee.

20 COUNCIL PRESIDENT VERNA: Thank
21 you.

22 Mr. Kramer, how close to the
23 Delaware River is this site, and can you
24 tell us what are the uses of the adjacent
25 properties?

1 12/4/08 - RULES - BILL 080837, etc.

2 MR. KRAMER: This is right
3 about 500 or so feet from the Delaware
4 River. It's between -- Tacony Street
5 runs next to 95. So it's between 95 and
6 the river.

7 Adjacent to this is Dietz and
8 Watson's, the meat practicing folks.
9 Newman Paper is adjacent to them. And
10 this is a piece of property that was
11 transferred from the Fish and Game
12 Commission to Newman Properties, and what
13 they're trying to do is make it
14 consistent with the rest of Newman Paper
15 so that they have one zoning
16 classification on their plant and
17 property.

18 It is, as I understand it, a
19 parking lot at this point, so it may be
20 an expansion of the business, but right
21 at the moment it's, I believe, a parking
22 lot.

23 COUNCIL PRESIDENT VERNA: Do
24 you know if there will be more jobs
25 created if we grant this?

1 12/4/08 - RULES - BILL 080837, etc.

2 MR. KRAMER: That, I don't
3 know. I can only hope that there would
4 be.

5 COUNCIL PRESIDENT VERNA: Any
6 questions from members of the Committee?

7 (No response.)

8 COUNCIL PRESIDENT VERNA: Okay.
9 Anyone else to testify on this bill?

10 (No response.)

11 COUNCIL PRESIDENT VERNA:
12 Seeing no one, I would ask Mr. McPherson
13 to please read the title of Bill No.
14 080877.

15 MR. MCPHERSON: An ordinance to
16 amend the Philadelphia Zoning Maps by
17 changing the zoning designations of
18 certain ares of land located within an
19 area bounded by Girard Avenue, Front
20 Street, Spring Garden Street and 6th
21 Street.

22 COUNCIL PRESIDENT VERNA:
23 Mr. Kramer.

24 MR. KRAMER: Good morning,
25 Council President Verna and members of

1 12/4/08 - RULES - BILL 080837, etc.
2 the Rules Committee. I am William
3 Kramer, Division Director of the
4 Development Division of the Philadelphia
5 City Planning Commission. I am here
6 today to testify on Bill No. 080877,
7 which was introduced into City Council on
8 November 13, 2008.

9 Bill No. 080877 will amend the
10 Philadelphia Zoning Maps by changing
11 certain zoning parcels bounded by Girard
12 Avenue, Front Street, Spring Garden
13 Street and 6th Street.

14 This bill addresses concerns
15 brought to the staff of the Commission
16 and to Councilperson DiCicco's office.
17 These concerns were based on the desire
18 to control the density within the
19 community by limiting the ability of
20 buildings to be used in a multi-family
21 capacity. This bill will change the
22 zoning designations of properties zoned
23 "R-10" Residential to an "R-10A"
24 Residential designation throughout the
25 Northern Liberties neighborhood. These

1 12/4/08 - RULES - BILL 080837, etc.
2 zoning designations are exactly the same
3 in every aspect, except that under the
4 "R-10A" Residential classification, the
5 use of the structure for multi-family
6 uses is not permitted.

7 The Philadelphia City Planning
8 Commission is scheduled to consider Bill
9 No. 080877 at its meeting of December 16,
10 2008. This bill will be presented with a
11 staff recommendation of approval.

12 I have also submitted a
13 technical amendment to the maps that were
14 requested by the Law Department. There
15 is a -- one of the blocks had a
16 classification missing and they wanted us
17 to make certain that it was clear, so we
18 have corrected that and submitted it to
19 the Clerk for distribution earlier this
20 morning.

21 That is the conclusion of my
22 testimony. I'd be happy to answer any
23 questions you may have.

24 COUNCIL PRESIDENT VERNA: The
25 Chair recognizes Councilman Clarke.

1 12/4/08 - RULES - BILL 080837, etc.

2 COUNCILMAN CLARKE: Thank you,
3 Madam President.

4 I think my earlier question is
5 now appropriate. On this amendment, you
6 have a map that's attached, and the map
7 is not consistent with the proposed bill.
8 The map that you have here is actually
9 within the Fifth Councilmanic District
10 and not the First Councilmanic District.

11 MR. KRAMER: The map that we
12 submitted is but one of four in this
13 particular pattern. The entire Northern
14 Liberties area -- as I understand this,
15 this has been going on for some time, and
16 the only changes that were made to the
17 area -- and it is a fairly substantial
18 one -- were to change from the "R-10"
19 classification to "10A" where that
20 existed.

21 In this particular map on
22 particular B3, the only change occurred
23 at Brown Street at 5th Street, and there
24 was a block that the classification was
25 missing on the original map that was

1 12/4/08 - RULES - BILL 080837, etc.
2 submitted with the bill, and this
3 proposed amendment changes it to "R-10A."
4 This was done at the request of the
5 Northern Liberties Civic Association.
6 And I think that both, Councilman, don't
7 you split this neighborhood? I think
8 that may be part of the problem.

9 COUNCILMAN CLARKE: Well, yeah,
10 and the map here is actually the portion
11 that I represent.

12 MR. KRAMER: I wouldn't be
13 surprised that it does. When we were
14 dealing with this --

15 COUNCILMAN CLARKE: I guess I'm
16 saying, I don't know anything about this,
17 I guess to cut to the chase.

18 COUNCILMAN DiCICCO: Madam
19 Chair?

20 COUNCIL PRESIDENT VERNA: Yes.

21 COUNCILMAN DiCICCO:
22 Mr. Kramer, when was the request made; do
23 you remember? It's a couple years now?

24 MR. KRAMER: It's been several
25 years.

1 12/4/08 - RULES - BILL 080837, etc.

2 COUNCILMAN DiCICCO: Several
3 years?

4 MR. KRAMER: Yes, because I was
5 still doing remappings at the time this
6 originally started, and there was a
7 number of different concerns trying to
8 get in touch with the community and
9 define boundaries.

10 COUNCILMAN DiCICCO: Around
11 2000?

12 MR. KRAMER: About then, yes.

13 COUNCILMAN DiCICCO: I think
14 that's maybe the problem, Councilman
15 Clarke, is, when this request was made,
16 the boundaries in my district went
17 further west. And I know we were working
18 on this, not unlike other communities
19 where they want to get some control over
20 development. It's been that long. So
21 when I looked at that map, I thought it
22 was just your portion of your district.

23 COUNCILMAN CLARKE: Well, I'm
24 not saying I'm not supportive of the
25 proposed changes. I'm just unaware of

1 12/4/08 - RULES - BILL 080837, etc.

2 what they are.

3 COUNCILMAN DiCICCO:

4 Understood.

5 COUNCILMAN CLARKE: So before
6 the passage of the bill, if someone can
7 just kind of brief me and get me up to
8 snuff, make sure that the folks that I
9 represent in this portion of Northern
10 Liberties are on board with the proposed
11 changes.

12 MR. KRAMER: Okay. We can
13 certainly have that discussion any time.

14 COUNCILMAN CLARKE: All right.

15 MR. KRAMER: Again, the only
16 change --

17 COUNCILMAN CLARKE: I just
18 don't want something changed and I catch
19 the brunt because I now represent them.

20 COUNCILMAN DiCICCO: If you'd
21 like, if we vote it out favorably, I
22 won't do the suspension, because we have
23 another week, and if you're still not
24 clear on what you need to do, the
25 Planning Commission's meeting is --

1 12/4/08 - RULES - BILL 080837, etc.

2 MR. KRAMER: Is the 16th.

3 COUNCILMAN DiCICCO: Is the
4 16th. So I don't know if there's an
5 urgency to get this done before we come
6 back.

7 COUNCILMAN CLARKE: Either way
8 I'm okay. I just need to know what it
9 is.

10 COUNCILMAN DiCICCO: That's
11 what it was, it was done prior to
12 reapportionment.

13 COUNCILMAN CLARKE: No problem.

14 COUNCILMAN DiCICCO: Thank you.

15 COUNCIL PRESIDENT VERNA: Any
16 further questions from members of the
17 Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA:
20 Seeing none, this will conclude the
21 public hearing.

22 Mr. Kramer?

23 MR. KRAMER: Yes, ma'am.

24 COUNCIL PRESIDENT VERNA: I'm
25 sorry. With the other two bills, they

1 12/4/08 - RULES - BILL 080837, etc.
2 have not gone before the City Planning
3 Commission yet, have they?

4 MR. KRAMER: That is correct.
5 Two of these bills, 080877 and 080874,
6 have not been considered by the Planning
7 Commission at this time. They are
8 scheduled for the next meeting, which is
9 the 16th of December. The likelihood is,
10 as I understand the Charter revision, if
11 it hasn't been the 30 days since
12 introduction, the Commission has to make
13 a recommendation. We've put it on the
14 next schedule that we had, which is,
15 unfortunately, scheduled after your last
16 hearing. So it may be that it may need
17 to be held until you come back in
18 January, but that's -- the Law Department
19 would have to make that ruling.

20 COUNCIL PRESIDENT VERNA: And
21 how about 377?

22 MR. KRAMER: That has been
23 considered by the Commission and approved
24 with the recommended amendment. That was
25 considered at our November 18th meeting.

1 12/4/08 - RULES - BILL 080837, etc.

2 COUNCIL PRESIDENT VERNA: And
3 did I hear you ask for a suspension of
4 the rules?

5 MR. KRAMER: You didn't hear me
6 ask for one, but if the Councilman would
7 like me to do so, I'd be happy to
8 accommodate that.

9 COUNCIL PRESIDENT VERNA: Oh,
10 good. Okay.

11 All right. This will conclude
12 our public hearing. We will now go into
13 our public meeting.

14 The Chair recognizes Councilman
15 DiCicco.

16 COUNCILMAN DiCICCO: Thank you,
17 Madam Chair. I move for the approval of
18 the amendment to Bill No. 080837.

19 (Duly seconded.)

20 COUNCIL PRESIDENT VERNA: It
21 has been moved and seconded that the
22 amendment be adopted.

23 All in favor will say aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 12/4/08 - RULES - BILL 080837, etc.

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT Verna: The

5 ayes have it. The motion carries.

6 Councilman DiCicco.

7 COUNCILMAN DiCICCO: Thank you,

8 Madam President. I move for the adoption

9 of Bill No. 080837, as amended, and that

10 the rules of Council be suspended to

11 permit first reading at our next regular

12 session of City Council.

13 (Duly seconded.)

14 COUNCIL PRESIDENT Verna: It

15 has been moved and seconded that Bill No.

16 080837 be reported out of Committee with

17 a favorable recommendation, as amended;

18 further, that the rules of Council be

19 suspended so as to permit first reading

20 at our next session of Council.

21 All in favor will say aye.

22 (Aye.)

23 COUNCIL PRESIDENT Verna: Those

24 opposed?

25 (No response.)

1 12/4/08 - RULES - BILL 080837, etc.

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

4 The Chair recognizes Councilman
5 Greenlee regarding Bill No. 080874.

6 COUNCILMAN GREENLEE: Thank
7 you, Madam President. I move that Bill
8 No. 080874 be reported out of this
9 Committee with a favorable
10 recommendation.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that Bill No.
14 080874 be reported out of Committee with
15 a favorable recommendation.

16 All in favor will say aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the motion carries.

23 Again, the Chair recognizes
24 Councilman DiCicco regarding Bill No.
25 080877.

1 12/4/08 - RULES - BILL 080837, etc.

2 COUNCILMAN DiCICCO: Thank you,
3 Madam Chair. I move that Bill No.
4 080877 --

5 COUNCIL PRESIDENT VERNA: I'm
6 sorry, Councilman. I believe there's an
7 amendment that has to be approved.

8 COUNCILMAN DiCICCO: Thank you,
9 Madam President. I move that the
10 amendment to Bill No. 080877 be approved.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that the
14 amendment as proposed by Mr. Kramer be
15 approved.

16 All in favor will say aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the motion carries.

23 Councilman DiCicco.

24 COUNCILMAN DiCICCO: Thank you,
25 Madam President. I move that Bill No.

1 12/4/08 - RULES - BILL 080837, etc.
2 080877, as amended, be reported out of
3 this Committee with a favorable
4 recommendation and that the rules --

5 COUNCIL PRESIDENT VERNA:

6 Mr. Kramer, Bill No. 080877, was that
7 already approved by the City Planning
8 Commission? I thought I understood you
9 to say that a hearing will be held on the
10 16th.

11 MR. KRAMER: That is correct,
12 it is being considered by the Commission
13 on the 16th.

14 COUNCIL PRESIDENT VERNA:

15 That's what I thought I understood.

16 COUNCILMAN DiCICCO: Okay.

17 (Duly seconded.)

18 COUNCIL PRESIDENT VERNA: It
19 has been moved and seconded that Bill No.
20 080877 be reported out of Committee with
21 a favorable recommendation, as amended.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT VERNA: Those
25 opposed?

1 12/4/08 - RULES - BILL 080837, etc.

2 (No response.)

3 COUNCIL PRESIDENT VERNA: The
4 ayes have it and the motion carries.

5 This concludes our public
6 hearing and our public meeting.

7 Thank you very much.

8 (Committee on Rules adjourned
9 at 9:30 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 on December 4, 2008, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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