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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON RULES

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 16, 2009
10:15 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

COUNCILMAN DARRELL L. CLARKE

11

COUNCILMAN FRANK DiCICCO

COUNCILMAN W. WILSON GOODE, JR.

12

COUNCILMAN WILLIAM GREENLEE

COUNCILMAN JACK KELLY

13

COUNCILMAN JAMES F. KENNEY

COUNCILWOMAN DONNA REED MILLER

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BILLS 090471, 090472, 090517 and 090571

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

5 I would ask Tom to please read
6 the title of Bill No. 090471.

7 THE CLERK: Bill 090471, an
8 ordinance to amend the Philadelphia
9 Zoning Maps by changing the zoning
10 designations of certain areas of land
11 located within area bounded by Ridge
12 Avenue, Sedgley Avenue, Diamond Street
13 and Glennwood Avenue.

14 (Witness approached witness
15 table.)

16 COUNCIL PRESIDENT VERNA: Good
17 morning.

18 MR. KRAMER: Good morning,
19 Council President Verna and members of
20 the Rules Committee. I am William
21 Kramer, Division Director of the
22 Development Planning Division of the
23 Philadelphia City Planning Commission. I
24 am here today to testify on Bill No.
25 090471, which was introduced by

1 11/16/09 - RULES - BILL 090471, etc.

2 Councilmember Clarke June 4th of 2009.

3 Bill No. 090471 amends the
4 Philadelphia Zoning Maps for an area
5 bounded by Ridge Avenue, Sedgley Avenue,
6 Diamond Street and Glennwood Avenue. The
7 bill will rezone a parcel from a zoning
8 designation of "R-10" Residential to a
9 designation of "L-4" Limited Industrial.

10 The purpose is to permit commercial
11 development at this location. The "L-4"
12 Limited Industrial designation does allow
13 for commercial use, but also allows for a
14 light industrial use for the property in
15 the event the proposed commercial
16 development is not completed for any
17 reason. The proposed development is for
18 a strip-style retail development
19 containing 22,000 square feet and
20 providing parking for approximately 64
21 cars.

22 At its meeting of October 20th,
23 2009, the Philadelphia City Planning
24 Commission considered Bill No. 090471 and
25 recommended that it be approved.

1 11/16/09 - RULES - BILL 090471, etc.

2 This concludes my testimony. I
3 appreciate the opportunity to appear and
4 will answer any questions you may have.

5 COUNCIL PRESIDENT VERNA: Thank
6 you, Mr. Kramer.

7 Do we have any indication as to
8 when the development is scheduled to
9 begin and when is it expected to be
10 completed?

11 MR. KRAMER: I have not been
12 given that information. I believe this
13 was done in the hope that this will go
14 forward, but I have not had any specific
15 plans submitted to our office at this
16 time.

17 COUNCILMAN CLARKE: I can
18 answer.

19 COUNCIL PRESIDENT VERNA: You
20 can answer that, sir? Thank you.

21 I see Councilman Clarke is
22 here.

23 COUNCILMAN CLARKE: Good
24 morning, Madam President.

25 Madam President, we actually

1 11/16/09 - RULES - BILL 090471, etc.
2 just met with the proposed developer
3 about two weeks ago, and as a number of
4 developers are experiencing some
5 financial difficulties. During the
6 course of the discussion about the
7 purchase of this land -- this land was
8 actually purchased from the City of
9 Philadelphia. Because of the City's
10 financial situation, we, frankly
11 speaking, requested that the developer
12 expedite the purchase. He was not
13 necessarily ready, because he didn't have
14 tenants lined up, but we insisted on an
15 acquisition strategy that called for him
16 to acquire it this year. But we have
17 actually arranged to have him sit down
18 with Commerce to see if they can get any
19 financing as a result of the stimulus
20 dollars that were made available. But
21 they had anticipated within the next two,
22 three months that they would hopefully
23 have some lead tenants.

24 COUNCIL PRESIDENT VERNA:

25 Great. Thank you.

1 11/16/09 - RULES - BILL 090471, etc.

2 Mr. Kramer, what types of
3 limited industrial uses might be allowed
4 if the proposed commercial use is not
5 completed for any reason?

6 MR. KRAMER: The "L-4" Limited
7 Industrial designation would allow
8 warehousing, storage. It would allow you
9 to take Part A and Part B and put them
10 together. What it doesn't allow is
11 manufacture from raw materials, outdoor
12 storage, those kinds of more impactful
13 actions.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Are there any questions from
17 members of the Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: Do we
20 have anyone else that would like to
21 testify on this bill?

22 (No response.)

23 COUNCIL PRESIDENT VERNA: Thank
24 you.

25 I would like the record to

1 11/16/09 - RULES - BILL 090471, etc.
2 reflect that we indeed have a quorum. To
3 my extreme right is Councilwoman Miller.
4 Next to her is Councilman DiCicco,
5 Councilman Kenney. To my extreme left,
6 Councilman Kelly, Councilman Goode,
7 Councilman Clarke and Councilman
8 Greenlee.

9 I would ask that Bill No.
10 090472 be read, please.

11 THE CLERK: Bill 090472, an
12 ordinance amending Bill No. 080588
13 (approved December 22, 2008), entitled
14 "An ordinance to amend the Philadelphia
15 Zoning Maps by changing the zoning
16 designations of certain areas of land
17 located within an area bounded by Arch
18 Street, 18th Street, Cuthbert Street and
19 19th Street, by amending Section 14-305
20 of the Zoning Code, entitled 'C-4'
21 Commercial and 'C-5' Commercial District
22 and by amending Section 14-1611 of the
23 Zoning Code, entitled 'Benjamin Franklin
24 Parkway Controls,' under certain terms
25 and conditions," by amending the

1 11/16/09 - RULES - BILL 090471, etc.
2 conditions set forth in that ordinance
3 for the issuance of zoning permits with
4 respect to any property rezoned by that
5 ordinance, under certain terms and
6 conditions.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Mr. Kramer.

10 MR. KRAMER: Good morning,
11 Council President Verna and members of
12 the Rules Committee. I am William
13 Kramer, Division Director of the
14 Development Planning Division of the
15 Philadelphia City Planning Commission. I
16 am here today to testify on Bill No.
17 090472, which was introduced by
18 Councilmember Clarke June 4th of 2009.

19 Bill No. 090472 amends Section
20 14-305 of the Philadelphia Zoning Code,
21 which is entitled "C-4" Commercial and
22 "C-5" Commercial by adding a provision
23 requiring that City Council approve a
24 plan of development for the proposed
25 development located on the block bounded

1 11/16/09 - RULES - BILL 090471, etc.
2 by 18th Street, Arch Street, 19th Street
3 and Cuthbert Street. The proposed
4 development was the subject of Bill No.
5 080588, which contained both Zoning Code
6 amendments and amendments of the Zoning
7 Maps.

8 It is my understanding that the
9 Law Department has recommended certain
10 technical language amendments to this
11 bill. I have read them and believe they
12 are appropriate and have no objection to
13 making the requested amendment to this
14 piece of legislation.

15 At its meeting on July 21st,
16 2009, the Philadelphia City Planning
17 Commission considered Bill No. 090472 and
18 recommended that it be approved.

19 This concludes my testimony. I
20 appreciate the opportunity to testify and
21 will answer any questions you may have.

22 COUNCIL PRESIDENT VERA: I
23 assume that you would know how close the
24 developer is to finalizing the details of
25 this project.

1 11/16/09 - RULES - BILL 090471, etc.

2 MR. KRAMER: The best I can
3 tell you is I have talked to their
4 counsel and asked about it, and I was
5 told that the project has not died at
6 this point, but with this economy,
7 getting tenants is obviously a little
8 more difficult than they had originally
9 anticipated.

10 COUNCIL PRESIDENT VERNA:
11 Councilman Clarke, it is my understanding
12 that you may be offering amendments?

13 COUNCILMAN CLARKE: Yes, Madam
14 President, but one of these amendments,
15 frankly, is from the Law Department and
16 I'd like to ask Mr. Kramer to explain, I
17 guess that would be, B.

18 MR. KRAMER: I believe what the
19 Law Department is requiring is that they
20 are setting up a -- making sure that if
21 you have a plan, that the Planning
22 Commission needs to certify that it is
23 consistent with the plan of development
24 that was approved both by the Planning
25 Commission and City Council. And I think

1 11/16/09 - RULES - BILL 090471, etc.
2 that's all he's trying to do here, is
3 making sure that somebody doesn't come in
4 with an approval or say that it's
5 approved, but that the plan of
6 development has to be consistent, both
7 what's approved by City Council and
8 what's approved by the Planning
9 Commission. It would be my
10 understanding --

11 COUNCILMAN CLARKE: After --

12 MR. KRAMER: -- that if there
13 was a difference between the two plans --
14 for example, the Planning Commission in
15 this instance has already approved a plan
16 of development. If a plan of development
17 subsequently approved by City Council
18 would be different, the differences would
19 have to be taken back to the Planning
20 Commission for their approval, not to
21 make a difference --

22 COUNCILMAN CLARKE: It sounds
23 like it's getting back to the Planning
24 Commission having final approval, which
25 this bill was --

1 11/16/09 - RULES - BILL 090471, etc.

2 MR. KRAMER: No. The purpose
3 is to make sure that the plans are
4 consistent and that somebody doesn't take
5 a plan that they had approval just from
6 the Planning Commission and take it to
7 L&I to have approval. What they're
8 trying to do is make sure that the plan
9 of development approved by City Council
10 and the plan of development approved by
11 the Planning Commission are indeed one
12 and the same. It is then my
13 responsibility, my office's
14 responsibility, to make sure that when we
15 stamp the plans, that they are consistent
16 with the plan of development that would
17 be approved by both City Council and the
18 Planning Commission.

19 COUNCILMAN CLARKE: I don't
20 think I like this amendment.

21 MR. KRAMER: This came out of
22 the Law Department. I'm just --

23 COUNCILMAN CLARKE: That's
24 inconsistent with what we were proposing,
25 because under this scenario, there's a

1 11/16/09 - RULES - BILL 090471, etc.
2 potential that City Council will have
3 approved the plan of approval, then City
4 Planning decides, Well, you know what, we
5 don't agree with that, we don't think
6 it's consistent with the earlier
7 agreed-upon proposal. So they're
8 ultimately the final determining entity.

9 MR. KRAMER: I think what
10 they're driving at here is no plan can be
11 stamped unless it's got approval from
12 both City Council and City Planning.

13 COUNCILMAN CLARKE: Yeah, but
14 the purpose of the bill -- you do recall
15 the history of the bill?

16 MR. KRAMER: Yes, sir.

17 COUNCILMAN CLARKE: And as a
18 result of the need to expedite this
19 particular project, I put language in the
20 original bill that essentially allowed
21 Planning Commission to have the final
22 approval.

23 MR. KRAMER: Yes, sir.

24 COUNCILMAN CLARKE: We then
25 introduced a bill that required that that

1 11/16/09 - RULES - BILL 090471, etc.
2 come back to City Council for final
3 approval. It sounds like to me you're
4 saying that after that final approval by
5 Council, there is another process where
6 the Planning Commission must review and
7 determine that --

8 MR. KRAMER: I don't believe
9 that that's what they're intending it to
10 be. I think what they're intending it to
11 be is to make certain that when my office
12 looks at the plans as part of the
13 permitting process, not the approval
14 process but the permitting process, that
15 the plans that are submitted for
16 permitting are indeed consistent with the
17 plans approved by the Council as well as
18 by City Planning. It should in fact
19 be -- both should be the same, and that's
20 what we're looking to do.

21 Now, of course, if City Council
22 approves a plan of development that is
23 different than the Planning Commission,
24 then --

25 COUNCILMAN CLARKE: I don't

1 11/16/09 - RULES - BILL 090471, etc.

2 understand why we would do that.

3 MR. KRAMER: I don't believe

4 that that's --

5 COUNCILMAN CLARKE: That's why

6 I don't understand the need for such

7 language. I mean, why would we --

8 MR. KRAMER: That's a question

9 we'd have to ask Mr. Feder in the Law

10 Department. I did not author this, so I

11 really don't know.

12 COUNCILMAN CLARKE: Okay.

13 COUNCIL PRESIDENT VERNA: The

14 Chair recognizes Councilman Kenney.

15 COUNCILMAN KENNEY: Thank you,

16 Madam Chair.

17 If Council approves the plan

18 and the plan comes to you for permits, do

19 you have to issue the permits? What

20 would happen if you refused to issue the

21 permit, stamp the plan for the permits?

22 MR. KRAMER: The only thing I

23 would correct is, my office simply

24 doesn't issue permits. That's the

25 department --

1 11/16/09 - RULES - BILL 090471, etc.

2 COUNCILMAN KENNEY: I'm saying
3 there's a need for your office to do
4 something in order for an applicant to
5 get a permit, correct?

6 MR. KRAMER: Correct. We would
7 have to stamp off on the plans.

8 COUNCILMAN KENNEY: You have to
9 stamp your approval?

10 MR. KRAMER: Yes, sir.

11 COUNCILMAN KENNEY: Now, if you
12 don't stamp your approval, does it get a
13 permit?

14 MR. KRAMER: That would be at
15 the discretion of L&I. I would imagine
16 that they have the opportunity to send it
17 forward if they so desire.

18 COUNCILMAN KENNEY: I think my
19 point is, I understand what the language
20 of the amendment says, but, in effect, if
21 you don't stamp them, whether we approve
22 it or not, they're not getting the
23 permit, right, unless a commissioner
24 decides or the Administration decides to
25 issue the permit anyway?

1 11/16/09 - RULES - BILL 090471, etc.

2 MR. KRAMER: Correct, but that
3 changes nothing from what already exists.

4 COUNCILMAN KENNEY: That's my
5 point. So what's the need for the
6 language? If what already exists gives
7 the Planning Commission in an extreme
8 circumstance that disagrees with
9 Council's plan of approval and fails to
10 put their stamp of approval on it, the
11 odds are the permits aren't being gotten
12 anyway, correct?

13 MR. KRAMER: That is correct.
14 In that --

15 COUNCILMAN KENNEY: Again, you
16 don't know the answer to the question
17 because you didn't write the amendment.

18 MR. KRAMER: Right.

19 COUNCILMAN KENNEY: But then
20 why the need for the amendment? I guess
21 that's the question.

22 MR. KRAMER: That would be a
23 question we'd have to ask the Law
24 Department.

25 COUNCILMAN KENNEY: Because you

1 11/16/09 - RULES - BILL 090471, etc.

2 have that safety valve as it is, right?

3 MR. KRAMER: I believe so, yes,
4 sir. I mean, the system works that the
5 plan of development that we have already
6 approved as the Planning Commission, that
7 any plan coming in has to be consistent
8 with that plan. That's the process.

9 COUNCILMAN KENNEY: And your
10 ultimate recourse is not to stamp them
11 approved?

12 MR. KRAMER: Correct.

13 COUNCILMAN KENNEY: And then
14 there creates a controversy as to whether
15 or not the permit gets issued or not?

16 MR. KRAMER: Correct.

17 COUNCILMAN KENNEY: But you
18 would think that the Administration, who
19 appoints the Planning Commission, would
20 not issue a permit around the Planning
21 Commission if they don't approve the
22 plan.

23 MR. KRAMER: Agreed.

24 COUNCILMAN KENNEY: Okay. So,
25 again, what is the need for the language?

1 11/16/09 - RULES - BILL 090471, etc.

2 I guess that's --

3 MR. KRAMER: I would question
4 that as well. I would also say to you
5 that a project of this size and this
6 scope is very unlikely to move forward
7 without the final approval of either the
8 Planning Commission or City Council.

9 COUNCILMAN KENNEY: So that's
10 inherent --

11 MR. KRAMER: It's very unlikely
12 that that would occur.

13 COUNCILMAN KENNEY: So that's
14 inherent in the code now?

15 MR. KRAMER: Yes, sir, in terms
16 of process.

17 COUNCILMAN KENNEY: Yes.

18 COUNCILMAN CLARKE: Madam
19 President, what I would actually like to
20 do, I'm going to strike B, that portion
21 of the amendment, and maintain the other
22 amendment on Page 1, Section 3 (a) and
23 No. 3.

24 COUNCIL PRESIDENT VERNA: So
25 we're proposing the deletion of?

1 11/16/09 - RULES - BILL 090471, etc.

2 COUNCILMAN CLARKE: B.

3 COUNCIL PRESIDENT VERNA: B on
4 the second page?

5 COUNCILMAN CLARKE: And that's
6 it.

7 COUNCIL PRESIDENT VERNA:
8 That's it?

9 COUNCILMAN CLARKE: Yeah. I'll
10 offer the amendment as earlier.

11 COUNCIL PRESIDENT VERNA: Okay.
12 Are there any further questions
13 or comments from members of the
14 Committee?

15 (No response.)

16 COUNCIL PRESIDENT VERNA: Thank
17 you, Mr. Kramer. You might as well stay
18 where you are.

19 Do we have anyone else that
20 would like to testify on this bill?

21 Please approach the witness
22 table.

23 (Witness approached witness
24 table.)

25 COUNCIL PRESIDENT VERNA:

1 11/16/09 - RULES - BILL 090471, etc.

2 Kindly state your name for the record.

3 MR. SPEAKER: Good morning,
4 ladies and gentlemen. My name is Tully
5 Speaker. I'm a private citizen who came
6 because I had difficulty understanding
7 what this bill intended, and now I
8 hear and was completely in agreement with
9 Councilman Clarke's earlier statements.
10 But he has now stricken B and I'm not
11 sure which other section he struck.
12 Could that be clarified for me at this
13 time?

14 COUNCIL PRESIDENT VERNA: I
15 believe that's to the amendments that
16 were being proposed. You probably don't
17 have a copy of them?

18 MR. SPEAKER: I have this
19 (indicating).

20 COUNCIL PRESIDENT VERNA: No.
21 It would be the amendments.

22 MR. KRAMER: I have it.

23 COUNCIL PRESIDENT VERNA: Oh,
24 thank you.

25 MR. SPEAKER: Bear with me a

1 11/16/09 - RULES - BILL 090471, etc.

2 moment while I get my other glasses on.

3 COUNCIL PRESIDENT VERNA:

4 Certainly.

5 (Pause.)

6 MR. SPEAKER: And I believe

7 that I heard --

8 COUNCIL PRESIDENT VERNA: I beg

9 your pardon?

10 MR. SPEAKER: I believe that I

11 heard a few moments ago this gentleman

12 say that if the Planning Commission does

13 not certify, the developer might take the

14 plans to L&I, and whether L&I issued

15 permits or not was essentially at L&I's

16 discretion.

17 Did I hear that correctly, sir?

18 MR. KRAMER: You have the

19 option in the development process to

20 specifically waive Planning Commission

21 approval if you do so in writing, and if

22 you don't have it before actual building

23 permits are issued, you'll have to obtain

24 that. People will do that occasionally

25 to go to the Zoning Board prior to. And

1 11/16/09 - RULES - BILL 090471, etc.
2 in this instance, it really is a moot
3 point, because the scale and scope of a
4 project of this size is such that it
5 would not -- no one would be willing to
6 take that level of risk on the dollars
7 that would be involved in such a project.

8 I've also spoken with counsel
9 for the applicant in this matter. I know
10 that that's not in their -- it's
11 procedural what you could do. You can
12 always walk in and say to L&I that we
13 know we need Planning Commission
14 approval, we want to waive that in order
15 to have the matter considered by the
16 Zoning Board of Adjustment and we'll go
17 get it later, is really what happens.
18 That you can do.

19 MR. SPEAKER: That certainly
20 seems evasive and I would be much happier
21 if this were in conformity with
22 Councilman Clarke's wishes, and I'm
23 certainly happy to endorse and support
24 most vigorously what Councilman Clarke
25 has proposed.

1 11/16/09 - RULES - BILL 090471, etc.

2 Thank you.

3 COUNCIL PRESIDENT VERNA: Thank
4 you. Thank you very much.

5 The Chair recognizes Councilman
6 Clarke.

7 COUNCILMAN CLARKE: Thank you,
8 Madam President.

9 Just for the record,
10 Mr. Speaker, first, thank you for your
11 endorsement of this particular process.
12 As you know, we worked very closely with
13 the Logan Square Community Association
14 and all of the other neighbors.

15 MR. SPEAKER: Indeed.

16 COUNCILMAN CLARKE: And one of
17 the things, as you know, this bill was
18 put in place because of the process
19 established by the various local
20 communities, and as a result of our
21 relationship, we don't proceed with an
22 ordinance until we made sure that
23 everybody -- there's a significant
24 consensus.

25 So my concern about this

1 11/16/09 - RULES - BILL 090471, etc.
2 particular bill, that it seems to add an
3 additional process beyond the traditional
4 Council approval. So what we're doing,
5 Mr. Speaker, we're taking out that
6 portion of the amendment recommended by
7 the Administration that requires
8 additional process with either Planning
9 Commission or L&I. So as we agreed upon
10 in our earlier discussion, the Council
11 ordinance will be the final determining
12 factor on this particular development.

13 MR. SPEAKER: Most excellent.
14 Thank you.

15 COUNCILMAN CLARKE: Thank you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Any other questions or comments
19 from members of the Committee?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: Do we
22 have anyone else that would like to
23 testify on this bill?

24 (No response.)

25 COUNCIL PRESIDENT VERNA:

1 11/16/09 - RULES - BILL 090471, etc.
2 Seeing no one, we will now consider Bill
3 No. 090517.

4 THE CLERK: Bill 090517, an
5 ordinance to amend the Philadelphia
6 Zoning Maps by changing the zoning
7 designations of certain areas of land
8 located within an area bounded by Walnut
9 Street, 42nd Street, Locust Street and
10 43rd Street.

11 COUNCIL PRESIDENT VERNA:
12 Mr. Kramer.

13 MR. KRAMER: Good morning,
14 Council President Verna and members of
15 the Rules Committee. I am William
16 Kramer, Division Director of the
17 Development Planning Division of the
18 Philadelphia City Planning Commission. I
19 am here today to testify on Bill No.
20 090517, which was introduced by
21 Councilmember Blackwell June 18th, 2009.

22 Bill No. 090517 amends the
23 Philadelphia Zoning Maps for an area
24 bounded by Walnut Street, 42nd Street,
25 Locust Street and 43rd Street. The bill

1 11/16/09 - RULES - BILL 090471, etc.
2 will rezone properties along St. Marks
3 Square from a zoning designation of "R-9"
4 Residential to a designation of "R-9A"
5 Residential. This is being done at the
6 request of the residents of this block
7 and the Spruce Hill Community Association
8 in order to preserve the historic
9 single-family character of this block.
10 The properties included in this bill are
11 all on the Philadelphia Register of
12 Historic Places.

13 At its meeting of July 21st,
14 2009, the Philadelphia City Planning
15 Commission considered Bill No. 090517 and
16 recommended that it approved.

17 This concludes my testimony. I
18 appreciate the opportunity to appear and
19 will be happy to answer any questions you
20 may have.

21 COUNCIL PRESIDENT VERNA:
22 Mr. Kramer, to the best of your
23 knowledge, are there any objections to
24 the rezoning?

25 MR. KRAMER: To the best of my

1 11/16/09 - RULES - BILL 090471, etc.
2 knowledge, no. There were no objections
3 raised at our meeting in July.

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

6 (No response.)

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Do we have anyone to testify on
10 this bill?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:
13 Seeing no one, we will now consider Bill
14 No. 090571.

15 THE CLERK: Bill No. 090571, an
16 ordinance to amend the Philadelphia
17 Zoning Maps by changing the zoning
18 designations of certain areas of land
19 located within an area bounded by Market
20 Street, Farragut Street, Chestnut Street
21 and 49th Street.

22 COUNCIL PRESIDENT VERNA:
23 Mr. Kramer.

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

1 11/16/09 - RULES - BILL 090471, etc.
2 the Rules Committee. I am William
3 Kramer, Division Director of the
4 Development Planning Division of the
5 Philadelphia City Planning Commission. I
6 am here today to testify on Bill No.
7 090571, which was introduced by
8 Councilmember Blackwell on September
9 17th, 2009.

10 Bill No. 090571 amends the
11 Philadelphia Zoning Maps for an area
12 bounded by Market Street, Farragut
13 Street, Chestnut Street and 49th Street.
14 The bill will rezone properties from a
15 zoning designation of either "G-2"
16 General Industrial or "C-2" Commercial to
17 a zoning designation of "C-3" Commercial.
18 The portions of the area currently zoned
19 "R-9" Residential will retain that
20 designation, as they represent existing
21 residential properties. The purpose of
22 the bill is to rezone the area in
23 accordance with the recommendations of
24 the "Walnut Hill Transit Oriented
25 Development Planning Study." The

1 11/16/09 - RULES - BILL 090471, etc.
2 rezoning of the existing industrially and
3 low-density commercial zoning to a
4 designation of "C-3" Commercial will be
5 consistent with the higher-density
6 mixed-use development that is to be
7 encouraged in the vicinity of mass
8 transit hubs. There is a significant
9 amount of either vacant land or vacant
10 buildings in the area, as well as some
11 low-density commercial uses, which it is
12 hoped will be redeveloped at a more
13 appropriate level of development given
14 the proximity of mass transit.

15 At its meeting of October 20th,
16 2009, the Philadelphia City Planning
17 Commission considered Bill No. 090571 and
18 recommended that it be approved.

19 This concludes my testimony. I
20 appreciate the opportunity to appear and
21 will be happy to answer any questions you
22 may have.

23 COUNCIL PRESIDENT VERNA:
24 Mr. Kramer, are you aware of any plans to
25 have this area designated as a

1 11/16/09 - RULES - BILL 090471, etc.
2 Transit-Oriented Development District in
3 accordance with provisions of Bill No.
4 080130, which I understand is scheduled
5 for a final passage this Thursday?

6 MR. KRAMER: I have heard
7 nothing along those lines at this time.
8 It is possible in the future, but right
9 now there has not been any indication
10 that that's going to happen. This was a
11 study that was done by the Planning
12 Commission for a number of blocks in that
13 area. There are a couple of -- across
14 the street, across Market Street, the
15 Kirkbride Center is currently also the
16 subject of a rezoning bill that will also
17 change the zoning designations along
18 Market Street to "C-3," as well as
19 changing the zoning designation of the
20 Kirkbride Center to IDD. They were not
21 made part of this bill because they were
22 being handled separately. But there has
23 been no discussion that I'm aware of to
24 create an overlay district for this
25 specific area.

1 11/16/09 - RULES - BILL 090471, etc.

2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Are there any questions from
5 members of the Committee?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: Do we
8 have anyone to testify on this bill?

9 (No response.)

10 COUNCIL PRESIDENT VERNA:
11 Seeing no one, this will conclude our
12 public hearing. We will now go into our
13 public meeting.

14 The Chair recognizes Councilman
15 Kenney regarding Bill No. 090471.

16 COUNCILMAN KENNEY: Thank you,
17 Madam Chair. I move that Bill No. 090471
18 be reported out of this committee with a
19 favorable recommendation and a request
20 made for rules suspension to allow first
21 reading at our next Council session.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that Bill No.
25 090471 be reported out of committee with

1 11/16/09 - RULES - BILL 090471, etc.
2 a favorable recommendation; further, that
3 the rules of Council be suspended so as
4 to permit first reading at our next
5 session of Council.

6 All in favor will say aye.

7 (Aye.)

8 COUNCIL PRESIDENT VERNA: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: The
12 ayes have it and the motion carries.

13 The Chair recognizes Councilman
14 Clarke regarding Bill No. 090472.

15 COUNCILMAN CLARKE: Thank you,
16 Madam President.

17 Madam President, I would like
18 to offer an amendment to Bill No. 090472.
19 As earlier stated in the public hearing,
20 Section B of that amendment shall be
21 deleted.

22 (Duly seconded.)

23 COUNCIL PRESIDENT VERNA: It
24 has been moved and seconded that the
25 amendment be adopted.

1 11/16/09 - RULES - BILL 090471, etc.

2 All in favor will say aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: The
8 ayes have it and the motion carries.

9 Again, the Chair recognizes
10 Councilman Clarke.

11 COUNCILMAN CLARKE: Thank you,
12 Madam President. I move that Bill No.
13 090472, as amended, be reported out of
14 committee with a favorable recommendation
15 and a request for rules suspension to
16 allow reading at the next session of
17 Council.

18 (Duly seconded.)

19 COUNCIL PRESIDENT VERNA: It
20 has been moved and seconded that Bill No.
21 090472 be reported out of committee with
22 a favorable recommendation as amended;
23 further, that the rules of Council be
24 suspended so as to permit first reading
25 at our next session of Council.

1 11/16/09 - RULES - BILL 090471, etc.

2 All in favor will say aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: The
8 ayes have it and the motion carries.

9 The Chair recognizes Councilman
10 Kenney regarding Bill No. 090517.

11 COUNCILMAN KENNEY: Thank you,
12 Madam Chair. I move that Bill No. 090517
13 be reported out of this committee
14 favorably and a request made for rules
15 suspension to allow for first reading at
16 our next Council session.

17 (Duly seconded.)

18 COUNCIL PRESIDENT VERNA: It
19 has been moved and seconded that Bill No.
20 090517 be reported out of committee with
21 a favorable recommendation; further, that
22 the rules of Council be suspended so as
23 to permit first reading at our next
24 session of Council.

25 All in favor will say aye.

1 11/16/09 - RULES - BILL 090471, etc.

2 (Aye.)

3 COUNCIL PRESIDENT VERNA: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: The
7 ayes have it and the motion carries.

8 Again, the Chair recognizes
9 Councilman Kenney.

10 COUNCILMAN KENNEY: Thank you,
11 Madam Chair. I move that Bill No. 090571
12 be reported out of this committee
13 favorably and a request made for rules
14 suspension to allow for first reading at
15 our next Council session.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that Bill No.
19 090571 be reported out of committee with
20 a favorable recommendation; further, that
21 the rules of Council be suspended so as
22 to permit first reading at our next
23 session of Council.

24 All in favor will say aye.

25 (Aye.)

1 11/16/09 - RULES - BILL 090471, etc.

2 COUNCIL PRESIDENT VERNA: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: The
6 ayes have it, the motion carries, and
7 this concludes our public meeting.

8 Thank you all very much.

9 (Committee on Rules concluded
10 at 10:45 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 November 16, 2009, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY

RPR-Notary Public

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